

- Sec.
426i-1. Repealed.
426i-2. National coastal data bank.
426j. Repealed.
426k. Five year demonstration program to temporarily increase diversion of water from Lake Michigan at Chicago, Illinois.
426l. Protection of Lake Ontario.
426m. Collection and removal of drift and debris from publicly maintained commercial boat harbors and adjacent land and water areas.
426n. Technical assistance to States and local governments; cost sharing.
426o. Great Lakes material disposal.
426o-1. Great Lakes dredging levels adjustment.
426o-2. Great Lakes navigation and protection.
426p. Corps of Engineers.
427 to 430. Repealed.

SUBCHAPTER II—OIL POLLUTION OF COASTAL WATERS

431 to 437. Repealed.

SUBCHAPTER III—NEW YORK HARBOR, HARBOR OF HAMPTON ROADS, AND HARBOR OF BALTIMORE

441. Deposit of refuse prohibited; penalty.
442. Liability of officers of towing vessel.
443. Permit for dumping; penalty for taking or towing boat or scow without permit.
444. Dumping at other place than designated dumping grounds; penalty; person liable; excuses for deviation.
445. Equipment and marking of boats or scows.
446. Inspectors; appointment, powers, and duties.
447. Bribery of inspector; penalty.
448. Return of permit; penalty for failure to return.
449. Disposition of dredged matter; persons liable; penalty.
450. Liability of vessel.
451. Supervisor of harbor; appointment and duties.
451a. Harbors subject to this subchapter.
451b. Waters included within subchapter.
452. Taking shellfish or otherwise interfering with navigation in New York Harbor channels; penalty; arrest and procedure.
453. Regulations for navigation of Ambrose Channel; exclusion of tows and sailing vessels.
454. Consent of Congress to obstruction of waters by New York City.

SUBCHAPTER IV—POTOMAC RIVER AND TRIBUTARIES IN DISTRICT OF COLUMBIA

461 to 464. Repealed.

SUBCHAPTER V—NAVIGABLE WATERS OF MARYLAND

465. Authority to dredge; riparian rights of United States.

SUBCHAPTER VI—WATER POLLUTION CONTROL

- 466 to 466g. Transferred.
466g-1. Controversies involving construction or application of interstate compacts and pollution of waters.
466h to 466n. Transferred or Repealed.

SUBCHAPTER VII—DAM INSPECTION PROGRAM

467. Definitions.
467a. Inspection of dams.
467b. Investigation reports to Governors.
467c. Determination of danger to human life and property.
467d. National dam inventory.
467e. Interagency Committee on Dam Safety.
467f. National dam safety program.
467f-1. Lock and dam security.
467f-2. Rehabilitation of high hazard potential dams.
467g. Research.

- Sec.
467g-1. Dam safety training.
467g-2. Public awareness and outreach for dam safety.
467h. Reports.
467i. Statutory construction.
467j. Authorization of appropriations.
467k to 467m. Repealed.
467n. Recovery of dam modification costs required for safety purposes.

SUBCHAPTER I—IN GENERAL

§ 400. Continuing authority programs

(1) Definition of continuing authority program project

In this section, the term “continuing authority program” means 1 of the following authorities:

- (A) Section 701s of this title.
(B) Section 426i of this title.
(C) Section 2330 of this title.
(D) Section 2309a of this title.
(E) Section 577 of this title.
(F) Section 426g of this title.
(G) Section 701r of this title.
(H) Section 103 of the River and Harbor Act of 1962 (Public Law 87-874; 76 Stat. 1178).
(I) Section 2326(e) of this title.
(J) Section 701b-8a of this title.
(K) Section 610(a) of this title.

(2) Prioritization

Not later than 1 year after June 10, 2014, the Secretary shall publish in the Federal Register and on a publicly available website, the criteria the Secretary uses for prioritizing annual funding for continuing authority program projects.

(3) Annual report

Not later than 1 year after June 10, 2014, and each year thereafter, the Secretary shall publish in the Federal Register and on a publicly available website, a report on the status of each continuing authority program, which, at a minimum, shall include—

- (A) the name and a short description of each active continuing authority program project;
(B) the cost estimate to complete each active project; and
(C) the funding available in that fiscal year for each continuing authority program.

(4) Congressional notification

On publication in the Federal Register under paragraphs (2) and (3), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of all information published under those paragraphs.

(Pub. L. 113-121, title I, §1030(a), June 10, 2014, 128 Stat. 1231.)

REFERENCES IN TEXT

Section 103 of the River and Harbor Act of 1962, referred to in par. (1)(H), is section 103 of Pub. L. 87-874, title I, Oct. 23, 1962, 76 Stat. 1178. Section 103(a)(1)-(3) of Pub. L. 87-874 amended section 426e of this title. Section 103(a)(4) of Pub. L. 87-874 amended sections 426f and 426g of this title. Section 103(b) of Pub. L. 87-874 is set out as a note under section 426 of this title. Section 103(c) of Pub. L. 87-874 is not classified to the Code.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113-121, set out as a note under section 2201 of this title.

§ 401. Construction of bridges, causeways, dams or dikes generally; exemptions

It shall not be lawful to construct or commence the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for (1) the bridge or causeway shall have been submitted to and approved by the Secretary of the department in which the Coast Guard is operating, or (2) the dam or dike shall have been submitted to and approved by the Chief of Engineers and Secretary of the Army. However, such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Secretary of the department in which the Coast Guard is operating or by the Chief of Engineers and Secretary of the Army before construction is commenced. When plans for any bridge or other structure have been approved by the Secretary of the department in which the Coast Guard is operating or by the Chief of Engineers and Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of said plans has previously been submitted to and received the approval of the Secretary of the department in which the Coast Guard is operating or the Chief of Engineers and the Secretary of the Army. The approval required by this section of the location and plans or any modification of plans of any bridge or causeway does not apply to any bridge or causeway over waters that are not subject to the ebb and flow of the tide and that are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

(Mar. 3, 1899, ch. 425, § 9, 30 Stat. 1151; Pub. L. 97-322, title I, § 107(b), Oct. 15, 1982, 96 Stat. 1582; Pub. L. 97-449, § 2(f), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 114-120, title III, § 306(b)(1)(A), Feb. 8, 2016, 130 Stat. 55.)

CODIFICATION

Section is from act Mar. 3, 1899, popularly known as the “Rivers and Harbors Appropriation Act of 1899”, and together with section 403 of this title effectively superseded act Sept. 19, 1890, ch. 907, § 7, 26 Stat. 454, as amended generally by act July 13, 1892, ch. 158, § 3, 27 Stat. 88, which prohibited the erection of obstructions to navigation, and prohibited the erection of bridges over navigable waters under State legislation before the approval of the plans by the Secretary of War, and prohibited the alteration of channels unless authorized by that Secretary.

AMENDMENTS

2016—Pub. L. 114-120 substituted “Secretary of the department in which the Coast Guard is operating” for “Secretary of Transportation” wherever appearing.

1983—Pub. L. 97-449 amended section generally to reflect transfer of certain functions, powers, and duties of Secretary of the Army under this section to Secretary of Transportation. See Transfer of Functions note below.

1982—Pub. L. 97-322 inserted sentence at end relating to exemption.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Transportation related to compliance with permits for bridges across navigable waters issued under this section with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(c), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

Functions, powers, and duties of Secretary of the Army [formerly War] and other offices and officers of Department of the Army [formerly War] under this section to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States transferred to and vested in Secretary of Transportation by Pub. L. 89-670, § 6(g)(6)(A), Oct. 15, 1966, 80 Stat. 941. Pub. L. 97-449 amended this section to reflect transfer made by section 6(g)(6)(A) of Pub. L. 89-670, and repealed section 6(g)(6)(A).

§ 402. Construction of bridges, etc., over Illinois and Mississippi Canal

The provisions of section 401 of this title are made applicable alike to the completed and uncompleted portions of the Illinois and Mississippi Canal. Whenever the Secretary of the Army shall approve plans for a bridge to be built across said canal he may, in his discretion, and subject to such terms and conditions as in his judgment are equitable, expedient, and just to the public, grant to the person or corporation building and owning such bridge a right of way across the lands of the United States on either side of and adjacent to the said canal; also the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of the bridge structure and approaches.

(June 13, 1902, ch. 1079, § 10, 32 Stat. 374; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section is from part of act June 13, 1902, popularly known as the “Rivers and Harbors Appropriation Act of 1902”.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956,