

other conditions on construction and reconstruction of public and private facilities, mapping of flooding zones, and technical assistance; and

“(4) assisting local governments in developing and implementing plans for nonstructural reduction and prevention of damages attributable to high water levels in the Great Lakes.

“(c) TECHNICAL ASSISTANCE.—The Director may provide technical assistance to Great Lakes States for carrying out any activity carried out with assistance under this section.

“(d) STATE MATCHING.—A State which receives a grant under this section shall match the grant with an amount of funds from non-Federal sources equal to 25 percent of the amount of the grant.

“(e) AUTHORIZATION.—There are authorized to be appropriated for making grants under this section not more than \$2,000,000 for fiscal years beginning after September 30, 1988.”

GREAT LAKES DAMAGE ASSISTANCE AND PREVENTION;
DEFINITIONS

Pub. L. 100-707, title II, §205, Nov. 23, 1988, 102 Stat. 4715, as amended by Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410, provided that: “For purposes of this title [see Short Title note above]—

“(1) DIRECTOR.—The term ‘Director’ means the Administrator of the Federal Emergency Management Agency.

“(2) HIGH WATER LEVELS.—The term ‘high water levels’ means water levels above the long-term average of water levels from 1900.

“(3) LOCAL GOVERNMENT.—The term ‘local government’ means a county, city, village, town, district, or other political subdivision of a Great Lakes State and an Indian tribe or authorized tribal organization.

“(4) GREAT LAKES STATE.—The term ‘Great Lakes State’ means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.”

§§ 427 to 430. Repealed. July 31, 1945, ch. 334, § 5,
59 Stat. 508

Section 427, act June 26, 1936, ch. 849, §1, 49 Stat. 1982, related to improvement and protection of beaches and defined “beach”.

Section 428, act June 26, 1936, ch. 849, §2, 49 Stat. 1982, related to investigations by Beach Erosion Board and duties of Board. See section 426-1 of this title.

Section 429, act June 26, 1936, ch. 849, §3, 49 Stat. 1983, related to investigative reports by Beach Erosion Board. See section 426-1 of this title.

Section 430, act June 26, 1936, ch. 849, §4, 49 Stat. 1983, related to payment of expenses incident to investigations by Board. See section 426-1 of this title.

SUBCHAPTER II—OIL POLLUTION OF
COASTAL WATERS

§§ 431 to 437. Repealed. Pub. L. 91-224, title I,
§ 108, Apr. 3, 1970, 84 Stat. 113

Section 431, acts June 7, 1924, ch. 316, §1, 43 Stat. 604; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1252, related to the short title for this subchapter.

Section 432, acts June 7, 1924, ch. 316, §2, 43 Stat. 604; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1252, defined “oil,” “person,” “coastal navigable waters of the United States”, and “Secretary”.

Section 433, acts June 7, 1924, ch. 316, §3, 43 Stat. 605; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1253, related to prohibition against discharge of oil generally.

Section 434, acts June 7, 1924, ch. 316, §4, 43 Stat. 605; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1253, related to penalties for violation of oil discharge prohibition and liability of vessel.

Section 435, act June 7, 1924, ch. 316, §5, 43 Stat. 605; 1946 Reorg. Plan No. 3, §§101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; act Nov. 3, 1966, Pub. L. 89-753,

title II, §211(a), 80 Stat. 1254, related to revocation or suspension of licenses of officers of offending vessels.

Section 436, acts June 7, 1924, ch. 316, §7, 43 Stat. 605; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1254, related to authorization of use of certain personnel in enforcement of this subchapter and arrest of offenders.

Section 437, acts June 7, 1924, ch. 316, §8, 43 Stat. 606; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1254, related to affect of this subchapter on preexisting laws for preservation and protection of navigable waters.

See section 1251 et seq. of this title.

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

§ 441. Deposit of refuse prohibited; penalty

The placing, discharging, or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the waters of any harbor subject to this subchapter, within the limits which shall be prescribed by the supervisor of the harbor, is strictly forbidden, and every such act is made a misdemeanor, and every person engaged in or who shall aid, abet, authorize, or instigate a violation of this section, shall, upon conviction, be punishable by fine or imprisonment, or both, such fine to be not less than \$250 nor more than \$2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor.

(June 29, 1888, ch. 496, §1, 25 Stat. 209; Pub. L. 85-802, §1(1), Aug. 28, 1958, 72 Stat. 970.)

PRIOR PROVISIONS

Section 1 of act June 29, 1888, superseded act Aug. 5, 1886, ch. 929, §3, 24 Stat. 329, which provided that: “It shall not be lawful to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, lighter, barge, boat, or other craft, or from the shore, pier, wharf, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, slack, rubbish, wreck, filth, slabs, edgings, sawdust, slag or cinders or other refuse or mill-waste of any kind, into New York Harbor: *Provided*, That nothing herein contained shall extend, or be construed to extend, to the casting out, unloading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, bricks, lime, or other materials used, or to be used, in or toward the building, repairing, or keeping in repair any quay, pier, wharf, weir, bridge, building, or other work lawfully erected or to be erected on the banks or sides of said harbor, or to the casting out, unloading or depositing of any material excavated for the improvement of navigable waters, into such places and in such manner as may be deemed by the United States officer supervising the improvement of said harbor most judicious and practicable and for the best interests of such improvement.”

AMENDMENTS

1958—Pub. L. 85-802 substituted “waters of any harbor subject to this subchapter,” for “tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of long Island Sound.”

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-802, §2, Aug. 28, 1958, 72 Stat. 971, provided that: “This Act [amending this section and sections

442, 446, 447, 449, 451, and 451a of this title and enacting section 451b of this title] shall take effect on the sixtieth day after the date of its enactment [Aug. 28, 1958].”

§ 442. Liability of officers of towing vessel

Any and every master and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel, who shall knowingly engage in towing any scow, boat, or vessel loaded with any such prohibited matter to any point or place of deposit, or discharge in the waters of any harbor subject to this subchapter, or to any point or place elsewhere than within the limits defined and permitted by the supervisor of the harbor, shall be deemed guilty of a violation of section 441 of this title, and shall, upon conviction, be punishable as provided for offenses in violation of section 441 of this title, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

(June 29, 1888, ch. 496, §2, 25 Stat. 209; Pub. L. 85-802, §1(2), Aug. 28, 1958, 72 Stat. 970.)

AMENDMENTS

1958—Pub. L. 85-802 substituted “any harbor subject to this subchapter” for “the harbor of New York, or in its adjacent or tributary waters, or in those of Long Island Sound”, and struck out “hereinafter mentioned” after “supervisor of the harbor”.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-802 effective on sixtieth day after Aug. 28, 1958, see section 2 of Pub. L. 85-802, set out as a note under section 441 of this title.

§ 443. Permit for dumping; penalty for taking or towing boat or scow without permit

In all cases of receiving on board of any scows or boats such forbidden matter or substance as described in section 441 of this title, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed, as provided in section 451 of this title, a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$1,000 nor less than \$500, and in addition thereto the master of any tug or towboat so offending shall have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

(June 29, 1888, ch. 496, §3, 25 Stat. 209; Aug. 18, 1894, ch. 299, §3, 28 Stat. 360; May 28, 1908, ch. 212, §8, 35 Stat. 426.)

CODIFICATION

Section was enacted as part of section 3 of act June 29, 1888. Said section 3 of act June 29, 1888, enacted sections 443 to 448 of this title.

Section 3 of act June 29, 1888, as originally enacted, provided as follows:

“In all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, it shall be the duty of the owner or master, or person acting in such capacity, on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, to apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor within the meaning of this act; and the master and engineer, or person or persons acting in such capacity, on board of any towboat towing such scows or boats, shall be equally guilty of such offense with the master or person acting in the capacity of master of the scow, and be liable to equal punishment.”

Section 3 was amended by act Aug. 18, 1894, to read as follows:

“In all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand nor less than five hundred dollars, and in addition thereto the master of any tug or towboat so offending shall have his license revoked, or suspended for a term to be fixed by the judge before whom tried and convicted. And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section one of the said Act of June twenty-ninth, eighteen hundred and eighty-eight [section 441 of this title]; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this Act or of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or boats of any kind whatsoever, shall operate to release the owners and masters and employees of scows and towboats from the penalties hereinbefore mentioned. Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least fourteen inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material. The supervisor of the harbor of New York, designated as provided in sec-