

CHAPTER 9—PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER IMPROVEMENTS GENERALLY

SUBCHAPTER I—IN GENERAL

- Sec. 400. Continuing authority programs.
- 401. Construction of bridges, causeways, dams or dikes generally; exemptions.
- 402. Construction of bridges, etc., over Illinois and Mississippi Canal.
- 403. Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in.
- 403a. Creation or continuance of obstruction of navigable waters.
- 403b. Lighting at docks and boat launching facilities.
- 404. Establishment of harbor lines; conditions to grants for extension of piers, etc.
- 405. Establishment and modification of harbor lines on Potomac and Anacostia Rivers.
- 406. Penalty for wrongful construction of bridges, piers, etc.; removal of structures.
- 407. Deposit of refuse in navigable waters generally.
- 407a. Deposit of debris of mines and stamp works.
- 408. Taking possession of, use of, or injury to harbor or river improvements.
- 408a. Expediting approval of modifications and alterations of projects by non-Federal interests.
- 409. Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels.
- 410. Exception as to floating loose timber, sack rafts, etc.; violation of regulations; penalty.
- 411. Penalty for wrongful deposit of refuse; use of or injury to harbor improvements, and obstruction of navigable waters generally.
- 412. Liability of masters, pilots, etc., and of vessels engaged in violations.
- 413. Duty of United States attorneys and other Federal officers in enforcement of provisions; arrest of offenders.
- 414. Removal by Secretary of the Army of sunken water craft generally; liability of owner, lessee, or operator.
- 415. Summary removal of water craft obstructing navigation; liability of owner, lessee, or operator.
- 416. Appropriations for removal of sunken water craft.
- 417. Expenses of investigations by Department of the Army.
- 418. Provisions for protection of New York Harbor unaffected.
- 419. Regulation by Secretary governing transportation and dumping of dredgings, refuse, etc., into navigable waters; oyster lands; appropriations.
- 419a. Management practices to extend capacity and useful life of dredged material disposal areas.
- 420. Piers and cribs on Mississippi and St. Croix Rivers.
- 421. Deposit of refuse, etc., in Lake Michigan near Chicago.
- 422. Modification and extension of harbor lines at Chicago.
- 423. Establishment of pierhead and bulkhead lines in Wilmington Harbor, California.
- 424. Establishment of pierhead or bulkhead lines in Newport Harbor, California.
- 424a. Modification of harbor lines in Newport Harbor, California.
- 425. Omitted.
- 426. Investigations concerning erosion of shores of coastal and lake waters.

- Sec. 426-1. Coastal Engineering Research Center; establishment; powers and functions.
- 426-2. Board on Coastal Engineering Research.
- 426-3. Transfer of functions of Beach Erosion Board.
- 426a. Additional investigations concerning erosion of shores of coastal and lake waters; payment of costs; "shores" defined.
- 426b. Applicability of existing laws; projects referred to Board of Engineers for Rivers and Harbors.
- 426c. Report by Coastal Engineering Research Center.
- 426d. Payment of expenses.
- 426e. Federal aid in protection of shores.
- 426e-1. Shore protection projects.
- 426e-2. Clarification of munition disposal authorities.
- 426e-3. Coastal storm damage reduction contracts.
- 426f. Reimbursements.
- 426g. Storm and hurricane restoration and impact minimization program.
- 426g-1. State and regional plans.
- 426h. Repealed.
- 426h-1. Definitions.
- 426i. Shore damage prevention or mitigation.
- 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.

Sec.

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.

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

“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