

such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

(Aug. 2, 1946, ch. 753, title V, § 509, 60 Stat. 849.)

§ 533. Penalties for violations

(a) Criminal penalties for violation

Any person who willfully fails or refuses to comply with any lawful order of the Secretary of the department in which the Coast Guard is operating or the Chief of Engineers issued under the provisions of this subchapter, or who willfully fails to comply with any specific condition imposed by the Chief of Engineers and the Secretary of the department in which the Coast Guard is operating relating to the maintenance and operation of bridges, or who willfully refuses to produce books, papers, or documents in obedience to a subpoena or other lawful requirement under this subchapter, or who otherwise willfully violates any provisions of this subchapter, shall, upon conviction thereof, be punished by a fine of not to exceed \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) Civil penalties for violation; separate offenses; notice and hearing; assessment, collection, and remission; civil actions

Whoever violates any provision of this subchapter, or any order issued under this subchapter, shall be liable to a civil penalty of not more than \$5,000 for a violation occurring in 2004; \$10,000 for a violation occurring in 2005; \$15,000 for a violation occurring in 2006; \$20,000 for a violation occurring in 2007; and \$25,000 for a violation occurring in 2008 and any year thereafter. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of the department in which the Coast Guard is operating may assess and collect any civil penalty incurred under this subsection and, in his discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

(Aug. 2, 1946, ch. 753, title V, § 510, 60 Stat. 849; Pub. L. 97-322, title I, § 108(d), Oct. 15, 1982, 96 Stat. 1584; Pub. L. 97-449, § 2(d)(1), Jan. 12, 1983, 96 Stat. 2440; Pub. L. 108-293, title VI, § 601(d), Aug. 9, 2004, 118 Stat. 1050; Pub. L. 114-120, title III, § 306(b)(5)(B), Feb. 8, 2016, 130 Stat. 56.)

Editorial Notes

AMENDMENTS

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

2004—Subsec. (b). Pub. L. 108-293 substituted “\$5,000 for a violation occurring in 2004; \$10,000 for a violation occurring in 2005; \$15,000 for a violation occurring in 2006; \$20,000 for a violation occurring in 2007; and \$25,000 for a violation occurring in 2008 and any year thereafter” for “\$1,000”.

1983—Subsec. (a). Pub. L. 97-449 substituted “Secretary of Transportation” for “Secretary of War” wherever appearing. See Transfer of Functions note below.

1982—Pub. L. 97-322 designated existing provisions as subsec. (a), made willfulness an element of the described offenses, and added subsec. (b).

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Section 6(g)(6)(C) of Pub. L. 89-670 transferred 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 subchapter to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States to Secretary of Transportation. Pub. L. 97-449 amended this section to reflect transfer made by section 6(g)(6)(C) of Pub. L. 89-670, and repealed section 6(g)(6)(C).

§ 534. Conveyance of right, title, and interest of United States in bridges transferred to States or political subdivisions; terms and conditions

The Secretary of the Army is authorized to transfer or convey to State authorities or political subdivisions thereof all right, title, and interest of the United States, in and to any and all bridges heretofore or hereafter constructed or acquired in connection with the improvement of canals, rivers and harbors, or works of flood control, together with the necessary lands, easements, or rights-of-way, upon such terms and conditions and with or without consideration, as may be determined to be in the best interest of the United States by the Chief of Engineers: *Provided*, That such transferred bridges shall be toll-free.

(May 17, 1950, ch. 188, title I, § 109, 64 Stat. 168.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the General Bridge Act of 1946 which comprises this subchapter.

SUBCHAPTER IV—INTERNATIONAL BRIDGES

§ 535. Congressional consent to construction, maintenance, and operation of international bridges; conditions of consent

The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this subchapter referred to as an “international bridge”) and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be

subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of sections 491 to 494 and 495 to 498 of this title, except section 496 of this title, whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) of the provisions of this subchapter.

(Pub. L. 92-434, §2, Sept. 26, 1972, 86 Stat. 731.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 92-434, §1, Sept. 26, 1972, 86 Stat. 731, provided: "That this Act [enacting this subchapter and amending section 129 of Title 23, Highways] may be cited as the 'International Bridge Act of 1972'."

§ 535a. Congressional consent to State agreements with Canada and Mexico; Secretary of State's approval of agreements

The consent of Congress is hereby granted for a State or a subdivision or instrumentality thereof to enter into agreements—

- (1) with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Canada, or
- (2) with the Government of Mexico, a Mexican State, or a subdivision or instrumentality of either, in the case of a bridge connecting the United States and Mexico,

for the construction, operation, and maintenance of such bridge in accordance with the applicable provisions of this subchapter. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State.

(Pub. L. 92-434, §3, Sept. 26, 1972, 86 Stat. 731.)

§ 535b. Presidential approval; recommendations of Federal officials

No bridge may be constructed, maintained, and operated as provided in section 535 of this title unless the President has given his approval thereto. In the course of determining whether to grant such approval, the President shall secure the advice and recommendations of (1) the United States section of the International Boundary and Water Commission, United States and Mexico, in the case of a bridge connecting the United States and Mexico, and (2) the heads of such departments and agencies of the Federal Government as he deems appropriate to determine the necessity for such bridge.

(Pub. L. 92-434, §4, Sept. 26, 1972, 86 Stat. 731.)

§ 535c. Approval of Secretary; commencement and completion requirements; extension of time limits

The approval of the Secretary of the department in which the Coast Guard is operating, as required by section 491 of this title, shall be given only subsequent to the President's approval, as provided for in section 535b of this title, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however,* That the Secretary, for good cause shown,

may extend for a reasonable time either or both of the time limits herein provided.

(Pub. L. 92-434, §5, Sept. 26, 1972, 86 Stat. 732; Pub. L. 114-120, title III, §306(b)(6)(A), Feb. 8, 2016, 130 Stat. 56.)

Editorial Notes

AMENDMENTS

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

§ 535d. Permitting for international bridges

(a) Definitions

In this section:

(1) Eligible applicant

The term "eligible applicant" means an entity that has submitted an application for a Presidential permit during the period beginning on December 1, 2020, and ending on December 31, 2024, for any of the following:

- (A) 1 or more international bridges in Webb County, Texas.
- (B) An international bridge in Cameron County, Texas.
- (C) An international bridge in Maverick County, Texas.

(2) Presidential permit

(A) In general

The term "Presidential permit" means—

- (i) an approval by the President to construct, maintain, and operate an international bridge under section 535b of this title; or
- (ii) an approval by the President to construct, maintain, and operate an international bridge pursuant to a process described in Executive Order 13867 (84 Fed. Reg. 15491; relating to Issuance of Permits With Respect to Facilities and Land Transportation Crossings at the International Boundaries of the United States) (or any successor Executive Order).

(B) Inclusion

The term "Presidential permit" includes an amendment to an approval described in clause (i) or (ii) of subparagraph (A).

(3) Secretary

The term "Secretary" means the Secretary of State.

(b) Application

An eligible applicant for a Presidential permit to construct, maintain, and operate an international bridge shall submit an application for the permit to the Secretary.

(c) Recommendation

(1) In general

Not later than 60 days after the date on which the Secretary receives an application under subsection (b), the Secretary shall make a recommendation to the President—

- (A) to grant the Presidential permit; or
- (B) to deny the Presidential permit.

(2) Consideration

The basis for a recommendation under paragraph (1) shall be whether the international