

bridge is in the foreign policy interests of the United States.

(d) Presidential action

(1) In general

The President shall grant or deny the Presidential permit for an application under subsection (b) by not later than 60 days after the earlier of—

(A) the date on which the Secretary makes a recommendation under subsection (c)(1); and

(B) the date on which the Secretary is required to make a recommendation under subsection (c)(1).

(2) No action

(A) In general

Subject to subparagraph (B), if the President does not grant or deny the Presidential permit for an application under subsection (b) by the deadline described in paragraph (1), the Presidential permit shall be considered to have been granted as of that deadline.

(B) Requirement

As a condition on a Presidential permit considered to be granted under subparagraph (A), the eligible applicant shall complete all applicable environmental documents required pursuant to Public Law 91-190 (42 U.S.C. 4321 et seq.).

(e) Document requirements

Notwithstanding any other provision of law, the Secretary shall not require an eligible applicant for a Presidential permit—

(1) to include in the application under subsection (b) environmental documents prepared pursuant to Public Law 91-190 (42 U.S.C. 4321 et seq.); or

(2) to have completed any environmental review under Public Law 91-190 (42 U.S.C. 4321 et seq.) prior to the President granting a Presidential permit under subsection (d).

(f) Rules of construction

Nothing in this section—

(1) prohibits the President from granting a Presidential permit conditioned on the eligible applicant completing all environmental documents pursuant to Public Law 91-190 (42 U.S.C. 4321 et seq.) and complying with relevant laws;

(2) prohibits the Secretary from requesting a list of all permits and approvals from Federal, State, and local agencies that the eligible applicant believes are required in connection with the international bridge, or a brief description of how those permits and approvals will be acquired prior to making a recommendation to the President;

(3) exempts an eligible applicant from the requirement to complete all environmental documents pursuant to Public Law 91-190 (42 U.S.C. 4321 et seq.) prior to construction of an international bridge; or

(4) exempts an eligible applicant from complying with Public Law 91-190 (42 U.S.C. 4321 et seq.) or any other law.

(Pub. L. 92-434, § 6, as added Pub. L. 118-31, div. E, title LIV, § 5414, Dec. 22, 2023, 137 Stat. 954.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13867, referred to in subsec. (a)(2)(A)(ii), is Ex. Ord. No. 13867, Apr. 10, 2019, 84 F.R. 15491, which is set out as a note under section 301 of Title 3, The President.

Public Law 91-190, referred to in subsecs. (d)(2)(B), (e), and (f), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, known as the National Environmental Policy Act of 1969, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 535d, Pub. L. 92-434, § 6, Sept. 26, 1972, 86 Stat. 732, directed that tolls charged for use of an international bridge constructed or acquired under this subchapter by private individual, company, or other private entity be collected for a reasonable period for amortization of construction or acquisition costs, plus interest and reasonable return, that at end of such period the United States portion of bridge become the property of the State having jurisdiction over such United States portion, and that accurate records on expenditures and tolls collected be kept and annually reported to Secretary of Transportation, with authority for Secretary to conduct audits, prior to repeal by Pub. L. 100-17, title I, § 135(g), Apr. 2, 1987, 101 Stat. 174.

§ 535e. Ownership

(a) Sale, assignment, or transfer; approval of Secretary

Nothing in this subchapter shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this subchapter, authorization has been given to construct, operate, and maintain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this subchapter: *Provided*, That such sale, assignment, or transfer shall be subject to approval by the Secretary of the department in which the Coast Guard is operating.

(b) State status of original applicant upon acquisition of right, title, and interest after termination of private entity licenses, contracts, or orders

Upon the acquisition by a State or States, or by a subdivision or instrumentality thereof, of the right, title, and interest of a private individual, corporation, or other private entity, in and to an international bridge, any license, contract, or order issued or entered into by the Secretary of the department in which the Coast Guard is operating, to or with such private individual, corporation, or other private entity, shall be deemed terminated forthwith. Thereafter, the State, subdivision, or instrumentality so acquiring shall operate and maintain such bridge in the same manner as if it had been the original applicant, and the provisions of section 535d¹ of this title shall not apply.

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

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Section 535d of this title, referred to in subsec. (b), was repealed by Pub. L. 100-17, title I, § 135(g), Apr. 2, 1987, 101 Stat. 174.

AMENDMENTS

2016—Subsecs. (a), (b). Pub. L. 114-120 substituted “Secretary of the department in which the Coast Guard is operating” for “Secretary of Transportation”.

§ 535f. Applicability of provisions

This subchapter shall apply to all international bridges constructed under the authority of this subchapter. Section 535a of this title and section 129(a)(3) of title 23, shall apply to all international bridges the construction of which has been heretofore approved by Congress, notwithstanding any conflicting provision in any Act authorizing the construction of such a bridge or in any agreement entered into by the Federal Government and a State.

(Pub. L. 92-434, § 9, Sept. 26, 1972, 86 Stat. 733.)

§ 535g. Federal navigable waters and commerce jurisdiction unaffected

Nothing in this subchapter shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable water or any interstate or foreign commerce.

(Pub. L. 92-434, § 10, Sept. 26, 1972, 86 Stat. 733.)

§ 535h. Repealed. Pub. L. 114-120, title III, § 306(b)(6)(C), Feb. 8, 2016, 130 Stat. 56

Section, Pub. L. 92-434, § 11, Sept. 26, 1972, 86 Stat. 733, related to report of Secretary of Transportation’s approvals granted during fiscal year pursuant to section 535c of this title.

§ 535i. Reservation of right to alter or repeal

The right to alter, amend, or repeal this subchapter is expressly reserved.

(Pub. L. 92-434, § 12, Sept. 26, 1972, 86 Stat. 733.)

CHAPTER 12—RIVER AND HARBOR IMPROVEMENTS GENERALLY

SUBCHAPTER I—GENERAL PROVISIONS

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- 566. Improvement by or under authority of State of New Jersey.
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