

(Aug. 15, 1914, ch. 253, § 3, 38 Stat. 692.)

§ 784. Jurisdiction of prosecutions

Any violation of the provisions of this chapter shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

(Aug. 15, 1914, ch. 253, § 4, 38 Stat. 692.)

§ 785. Enforcement of law prohibiting taking of sponges of specified sizes; employment of Coast Guard vessels and Customs Service employees

The Secretary of Commerce shall enforce the provisions of this chapter, and he is authorized to empower such officers and employees of the Department of Commerce as he may designate, or such officers and employees of other departments as may be detailed for the purpose, to make arrests and seize vessels and sponges, and upon his request the Secretary of the Treasury may employ the vessels of the Coast Guard or the employees of the Customs Service to that end.

(Aug. 15, 1914, ch. 253, § 5, 38 Stat. 692; Jan. 28, 1915, ch. 20, § 1, 38 Stat. 800; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1431; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 495, 561; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(l), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“Secretary of Commerce” and “Department of Commerce” substituted in text for “Secretary of the Interior” and “Department of the Interior” in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-

tain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5.

“Coast Guard” substituted in text for “Revenue Cutter Service” on authority of act Jan. 28, 1915, which combined Revenue Cutter Service and Life-Saving Service to form Coast Guard. That act was repealed by section 20 of act Aug. 4, 1949, section 1 of which reestablished Coast Guard by enacting Title 14, Coast Guard.

Coast Guard transferred to Department of Transportation and all functions, powers, and duties, relating to Coast Guard, of Secretary of the Treasury and of other offices and officers of Department of the Treasury transferred to Secretary of Transportation by section 6(b)(1) of Pub. L. 89-670, Oct. 15, 1966, 80 Stat. 938. See section 108 of Title 49, Transportation.

Functions of all officers of Department of the Treasury, and functions of all agencies and employees of such Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5. Customs Service, referred to in this section, was a service under Department of the Treasury, and Coast Guard, also referred to in this section, was generally a service under such Department, but such Plan excepted, from transfer, functions of Coast Guard, and of Commandant thereof, when Coast Guard was operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

Reorg. Plan No. III of 1940, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated Bureau of Fisheries and Bureau of Biological Survey with their respective functions into one agency in Department of the Interior to be known as Fish and Wildlife Service, and provided that functions of the consolidated agency shall be administered under direction and supervision of Secretary of the Interior.

Reorg. Plan No. II of 1930, set out in the Appendix to Title 5, transferred Bureau of Fisheries in Department of Commerce and its functions to Department of the Interior, to be administered under direction and supervision of Secretary of the Interior.

CHAPTER 12—FEDERAL REGULATION AND DEVELOPMENT OF POWER

SUBCHAPTER I—REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES

Sec.	
791.	Repealed.
791a.	Short title.
792.	Federal Power Commission; creation; number; appointment; term; qualifications; vacancies; quorum; chairman; salary; place of holding sessions.
793.	Appointment of officers and employees of Commission; duties, and salaries; detail of officers and employees from other departments; expenditures authorized.
793a to 795.	Repealed or Omitted.
796.	Definitions.
797.	General powers of Commission.
797a.	Congressional authorization for permits, licenses, leases, or authorizations for dams, conduits, reservoirs, etc., within national parks or monuments.
797b.	Duty to keep Congress fully and currently informed.
797c.	Dams in National Park System units.
797d.	Third party contracting by FERC.
798.	Purpose and scope of preliminary permits; transfer and cancellation.
799.	License; duration, conditions, revocation, alteration, or surrender.

Sec.		Sec.	
800.	Issuance of preliminary permits or licenses.	824k.	Orders requiring interconnection or wheeling.
801.	Transfer of license; obligations of transferee.	824l.	Information requirements.
802.	Information to accompany application for license; landowner notification.	824m.	Sales by exempt wholesale generators.
803.	Conditions of license generally.	824n.	Repealed.
804.	Project works affecting navigable waters; requirements insertable in license.	824o.	Electric reliability.
805.	Participation by Government in costs of locks, etc.	824p.	Siting of interstate electric transmission facilities.
806.	Time limit for construction of project works; extension of time; termination or revocation of licenses for delay.	824q.	Native load service obligation.
807.	Right of Government to take over project works.	824r.	Protection of transmission contracts in the Pacific Northwest.
808.	New licenses and renewals.	824s.	Transmission infrastructure investment.
809.	Temporary use by Government of project works for national safety; compensation for use.	824t.	Electricity market transparency rules.
810.	Disposition of charges arising from licenses.	824u.	Prohibition on filing false information.
811.	Operation of navigation facilities; rules and regulations; penalties.	824v.	Prohibition of energy market manipulation.
812.	Public-service licensee; regulations by State or by commission as to service, rates, charges, etc.	824w.	Joint boards on economic dispatch.
813.	Power entering into interstate commerce; regulation of rates, charges, etc.	SUBCHAPTER III—LICENSEES AND PUBLIC UTILITIES; PROCEDURAL AND ADMINISTRATIVE PROVISIONS	
814.	Exercise by licensee of power of eminent domain.	825.	Accounts and records.
815.	Contract to furnish power extending beyond period of license; obligations of new licensee.	825a.	Rates of depreciation; notice to State authorities before fixing.
816.	Preservation of rights vested prior to June 10, 1920.	825b.	Requirements applicable to agencies of United States.
817.	Projects not affecting navigable waters; necessity for Federal license, permit or right-of-way; unauthorized activities.	825c.	Periodic and special reports; obstructing filing reports or keeping accounts, etc.
818.	Public lands included in project; reservation of lands from entry.	825d.	Officials dealing in securities.
819.	Repealed.	825e.	Complaints.
820.	Proceedings for revocation of license or to prevent violations of license.	825f.	Investigations by Commission.
821.	State laws and water rights unaffected.	825g.	Hearings; rules of procedure.
822.	Reservation of right to alter or repeal chapter.	825h.	Administrative powers of Commission; rules, regulations, and orders.
823.	Repeal of inconsistent laws.	825i.	Appointment of officers and employees; compensation.
823a.	Conduit hydroelectric facilities.	825j.	Investigations relating to electric energy; reports to Congress.
823b.	Enforcement.	825k.	Publication and sale of reports.
823c.	Alaska State jurisdiction over small hydroelectric projects.	825l.	Review of orders.
823d.	Alternative conditions and prescriptions.	825m.	Enforcement provisions.
SUBCHAPTER II—REGULATION OF ELECTRIC UTILITY COMPANIES ENGAGED IN INTERSTATE COMMERCE		825n.	Forfeiture for violations; recovery; applicability.
824.	Declaration of policy; application of subchapter.	825o.	Penalties for violations; applicability of section.
824a.	Interconnection and coordination of facilities; emergencies; transmission to foreign countries.	825o-1.	Enforcement of certain provisions.
824a-1.	Pooling.	825p.	Jurisdiction of offenses; enforcement of liabilities and duties.
824a-2.	Reliability.	825q.	Repealed.
824a-3.	Cogeneration and small power production.	825q-1.	Office of Public Participation.
824a-4.	Seasonal diversity electricity exchange.	825r.	Separability.
824b.	Disposition of property; consolidations; purchase of securities.	825s.	Sale of electric power from reservoir projects; rate schedules; preference in sale; construction of transmission lines; disposition of moneys.
824c.	Issuance of securities; assumption of liabilities.	825s-1.	Southwestern area sale and transmission of electric power; disposition of receipts; creation of continuing fund; use of fund.
824d.	Rates and charges; schedules; suspension of new rates; automatic adjustment clauses.	825s-2.	Southeastern area sale and transmission of electric power; disposition of receipts; creation of continuing fund; use of fund.
824e.	Power of Commission to fix rates and charges; determination of cost of production or transmission.	825s-3.	Southwestern area sale at uniform system-wide rates of electric power over transmission lines constructed with appropriated funds or used under contractual arrangements.
824f.	Ordering furnishing of adequate service.	825s-4.	Southwestern Power Administration; deposit and availability of advance payments.
824g.	Ascertainment of cost of property and depreciation.	825s-5.	Southeastern Power Administration; deposit and availability of advance payments.
824h.	References to State boards by Commission.	825s-6.	Southeastern Power Administration; deposit and availability of discretionary offsetting collections.
824i.	Interconnection authority.	825s-7.	Southwestern Power Administration; deposit and availability of discretionary offsetting collections.
824j.	Wheeling authority.	825t.	Utilization of power revenues.
824j-1.	Open access by unregulated transmitting utilities.	825u.	Interest rate on power bonds held by Administrator of General Services.
		SUBCHAPTER IV—STATE AND MUNICIPAL WATER CONSERVATION FACILITIES	
		828.	Facilitation of development and construction of water conservation facilities; exemption from certain Federal requirements.

Sec.	
828a.	Definitions.
828b.	Exemption from formula, books and records, and project cost statement requirements; annual charges.
828c.	Applicability of this subchapter.

FINDINGS

Pub. L. 113-23, § 2, Aug. 9, 2013, 127 Stat. 493, provided that: “Congress finds that—

“(1) the hydropower industry currently employs approximately 300,000 workers across the United States; “(2) hydropower is the largest source of clean, renewable electricity in the United States;

“(3) as of the date of enactment of this Act [Aug. 9, 2013], hydropower resources, including pumped storage facilities, provide—

“(A) nearly 7 percent of the electricity generated in the United States; and

“(B) approximately 100,000 megawatts of electric capacity in the United States;

“(4) only 3 percent of the 80,000 dams in the United States generate electricity, so there is substantial potential for adding hydropower generation to non-powered dams; and

“(5) according to one study, by utilizing currently untapped resources, the United States could add approximately 60,000 megawatts of new hydropower capacity by 2025, which could create 700,000 new jobs over the next 13 years.”

SUBCHAPTER I—REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES

CODIFICATION

Section 212 of act of Aug. 26, 1935, ch. 687, 49 Stat. 847, provided that sections 1 to 29 of the Federal Water Power Act, as amended (sections 792, 793, 794 to 797, 798 to 818, 819, and 820 to 823 of this title) shall constitute part I of the act. Said section 212 also repealed sections 25 and 30 of the act (sections 819, 791 of this title). It also contained a proviso as follows: “That nothing in that Act, as amended, shall be construed to repeal or amend the provisions of the amendment to the Federal Water Power Act approved March 3, 1921 (41 Stat. 1353 [section 797a of this title]), or the provisions of any other Act relating to national parks and national monuments.”

§ 791. Repealed. Aug. 26, 1935, ch. 687, title II, § 212, 49 Stat. 847

Section, act June 10, 1920, ch. 285, § 30, 41 Stat. 1077, designated the act as The Federal Water Power Act.

§ 791a. Short title

This chapter may be cited as the “Federal Power Act”.

(June 10, 1920, ch. 285, pt. III, § 321, formerly § 320, as added Aug. 26, 1935, ch. 687, title II, § 213, 49 Stat. 863; renumbered Pub. L. 95-617, title II, § 212, Nov. 9, 1978, 92 Stat. 3148.)

CODIFICATION

Section was enacted as part of part III of the Federal Power Act, and not as part of part I of that Act which comprises this subchapter.

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 113-23, § 1(a), Aug. 9, 2013, 127 Stat. 493, provided that: “This Act [amending sections 798, 823a, and 2705 of this title and enacting provisions set out as notes preceding section 791 and under section 797 of this title] may be cited as the ‘Hydropower Regulatory Efficiency Act of 2013.’”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-575, § 1, Nov. 15, 1990, 104 Stat. 2834, provided that: “This Act [enacting section 2243 of Title 42,

The Public Health and Welfare, amending sections 796 and 824a-3 of this title and sections 2014, 2061, 2201, and 2284 of Title 42, and enacting provisions set out as a note under section 796 of this title] may be cited as the ‘Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.’”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-473, § 1, Oct. 6, 1988, 102 Stat. 2299, provided that: “This Act [amending section 824e of this title and enacting provisions set out as notes under section 824e of this title] may be cited as the ‘Regulatory Fairness Act.’”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-495, § 1(a), Oct. 16, 1986, 100 Stat. 1243, provided that: “This Act [enacting sections 797b and 823b of this title, amending sections 797, 800, 802, 803, 807, 808, 817, 823a, 824a-3, and 824j of this title, and enacting provisions set out as notes under sections 797, 803, 823a, 824a-3, and 825h of this title] may be cited as the ‘Electric Consumers Protection Act of 1986.’”

§ 792. Federal Power Commission; creation; number; appointment; term; qualifications; vacancies; quorum; chairman; salary; place of holding sessions

A commission is created and established to be known as the Federal Power Commission (hereinafter referred to as the “commission”) which shall be composed of five commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman and shall be the principal executive officer of the commission. Each chairman, when so designated, shall act as such until the expiration of his term of office.

The commissioners first appointed under this section, as amended, shall continue in office for terms of one, two, three, four, and five years, respectively, from June 23, 1930, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of commissioner. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. Three members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal of which judicial notice shall be taken. The