

approved by the Secretary. The expenditure of funds authorized by this chapter shall be applied only to approved projects, and if otherwise applied they shall be replaced by the State before it may participate in any further assistance under this chapter.

(b) Approval; notice; allocation of appropriations; limitation on amount.

If the Secretary approves the plans, specifications, and estimates for the project, he shall promptly notify the State agency and immediately set aside so much of the appropriation made available under section 779b(a) of this title as represents the Federal share payable under this chapter on account of the project, which sum shall not exceed 75 per centum of the total estimated cost of the project.

(c) Payment to proper authority; progress payments.

When the Secretary determines that a project approved by him had been completed, he shall cause to be paid to the proper authority of the State, the Federal share of the project. The Secretary may, if he determines that the project is being conducted in compliance with the approved plans and specifications, make periodic payments on the project as it progresses, but these payments together with previous payments, shall not exceed the United States share of the project in conformity with the plans and specifications. The Secretary and each State agency may determine jointly at what time and in what amounts progress payments are made. All payments shall be made to the official or depository, as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State. (Pub. L. 88-309, § 6, May 20, 1964, 78 Stat. 198.)

§ 779e. Working conditions.

(a) Laws governing; supervision by State agency; regulations of the Secretary; title to property.

All work, including the furnishing of labor and materials, needed to complete any project approved by the Secretary shall be performed in accordance with applicable Federal and State laws under the direct supervision of the State agency, and in accordance with regulations as the Secretary may prescribe. Title to all property, real and personal, acquired for the purposes of completing any project approved by the Secretary, vests in the State.

(b) Pay rates.

All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, and shall receive overtime pay in accordance with and subject to the provisions of the Contract Work Hours Standards Act. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 276c of Title 40.

(c) Property disposal.

If a State disposes of any real or personal property acquired under this chapter, the State shall pay into

the Treasury of the United States the amount of any proceeds resulting from the property disposal to the extent of and in the same ratio that funds provided by this chapter were used in the acquisition of the property. In no case shall the amount paid into the Treasury of the United States under this section exceed the amount of funds provided by this chapter for the acquisition of the property involved. (Pub. L. 88-309, § 7, May 20, 1964, 78 Stat. 199.)

REFERENCES IN TEXT

The Davis-Bacon Act, as amended, referred to in subsec. (b), is classified to sections 276a to 276a-5 of Title 40, Public Buildings, Property, and Works.

The Contract Work Hours Standards Act, referred to in subsec. (b), is classified to sections 327-332 of Title 40, Public Buildings, Property, and Works.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (b), is set out as a note under section 133z-15 of Title 5, Executive Departments and Government Officers and Employees.

§ 779f. Rules and regulations.

The Secretary is authorized to make such rules and regulations as he determines necessary to carry out the purposes of this chapter. (Pub. L. 88-309, § 8, May 20, 1964, 78 Stat. 199.)

Chapter 11.—REGULATION OF LANDING, CURING, AND SALE OF SPONGES TAKEN FROM GULF OF MEXICO AND STRAITS OF FLORIDA

Sec.

- 781. Taking or catching, in waters of Gulf or Straits of Florida, commercial sponges of less than prescribed size, and landing or possession of same.
- 782. Same; possession prima facie evidence.
- 783. Punishment for violations of law; liability of vessels.
- 784. Jurisdiction of prosecutions.
- 785. Enforcement of law prohibiting taking of sponges of specified sizes; employment of Coast Guard vessels and Customs Service employees.

§ 781. Taking or catching, in waters of Gulf or Straits of Florida, commercial sponges of less than prescribed size, and landing or possession of same.

It is unlawful for any citizen of the United States, or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, any commercial sponges measuring when wet less than five inches in their maximum diameter, or for any person or vessel to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States, or on any boat or vessel of the United States, any such commercial sponges. (Aug. 15, 1914, ch. 253, § 1, 38 Stat. 692.)

§ 782. Same; possession prima facie evidence.

The presence of sponges of a diameter of less than five inches on any vessel or boat of the United States engaged in sponging in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels, shall be prima facie evidence of a violation of the provisions of this chapter. (Aug. 15, 1914, ch. 253, § 2, 38 Stat. 692.)

§ 783. Punishment for violations of law; liability of vessels.

Every person, partnership, or association guilty of a violation of the provisions of this chapter shall be liable to a fine of not more than \$500, and in addition such fine shall be a lien against the vessel or boat on which the offense is committed, and said vessel or boat shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense. (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 the Interior shall enforce the provisions of this chapter, and he is authorized to empower such officers and employees of the Department of the Interior 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; 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.)

AMENDMENTS

1949—Act Aug. 4, 1949, reestablished the Coast Guard and repealed act Jan. 28, 1915, ch. 20, § 1, 58 Stat. 800.

EFFECTIVE DATE OF 1949 AMENDMENT

Amendment of section by act Aug. 4, 1949, effective the first day of the third month after the month of approval, August 1949, see note set out preceding chapter 1 of Title 14, Coast Guard.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Customs Service, referred to in this section, is a service under the Treasury Department, and the Coast Guard, also referred to in this section, is generally a service under such Department, but such Plan excepted, from the transfer, functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under sections 1 and 3 of Title 14, Coast Guard.

1939 Reorg. Plan No. II, which is set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees, transferred the Bureau of Fisheries in the Department of Commerce and its functions to the Department of the Interior, to be administered under the direction and supervision of the Secretary of the Interior.

1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, also set out in note under section 133t, of Title 5, Executive Departments and Government Officers and Employees, consolidated the Bureau of Fisheries and the Bureau of Biological Survey with their respective functions into one agency in the Department of the Interior to be known as the Fish and Wildlife Service, and provided that the functions of the consolidated agency shall be administered under the direction and supervision of the 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. Same; officers and employees; appointment, duties, and salaries; detail of officers and employees from other departments; expenditures authorized.
- 793a. Repealed.
- 794. Performance of work of commission generally.
- 795. Expenses of commission generally; subsistence allowance to employees on field work.
- 796. Definitions.
- 797. General powers of commission.
 - (a) Investigations and data.
 - (b) Statements as to investment of licenses in projects; access to projects, maps and so forth.
 - (c) Cooperation with executive departments; information and aid furnished commission.
 - (d) Publication of information, and so forth; reports to Congress.
 - (e) Issue of licenses for construction, and so forth, of dams, conduits, reservoirs, and so forth.
 - (f) Preliminary permits; notice of application.
 - (g) Investigation of occupancy for developing power; orders.
- 797a. Congressional authorization for permits, licenses, leases, or authorizations for dams, conduits, reservoirs, etc., within national parks or monuments.
- 798. Purpose and scope of preliminary permits; transfer and cancellation.
- 799. License; duration, conditions, revocation, alteration, or surrender.
- 800. Preferences in issuance of preliminary permits or licenses.
- 801. Transfer of license; obligations of transferee.
- 802. Information to accompany application for license.
- 803. Conditions of license generally.
 - (a) Modification of plans, etc., to secure adaptability of project.
 - (b) Alterations in project works.
 - (c) Maintenance and repair of project works; liability of licensee for damages.
 - (d) Amortization reserves.
 - (e) Annual charges payable by licensees.
 - (f) Reimbursement by licensee of other licensees, and so forth.
 - (g) Conditions in discretion of commission.
 - (h) Monopolistic combinations prohibited.
 - (i) Waiver of conditions.
- 804. Project works affecting navigable waters; requirements insertable in license.
- 805. Participation by Government in costs of locks, and so forth.