



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON 25

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B-104463

JUL 23 1951

The Honorable

The Secretary of the Interior

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My dear Mr. Secretary:

Reference is made to letter of July 3, 1951, from the Administrative Assistant Secretary, requesting to be advised whether funds appropriated to the Bonneville Power Administration are available for the purposes set forth in a copy of the proposed contract enclosed with such letter.

Under the terms of the proposed contract the contractor would conduct a survey to determine the feasibility of assuring, through artificial nucleation and cloud modification, precipitation in quantities which will yield amounts of run-off during the period September through March each year greater than the minimum of record in the United States portion of the Columbia River drainage basin above Grand Coulee.

It is explained that, at the present time, the amount of "firm power" which can be marketed for future delivery is based upon critical streamflow conditions which prevailed during the period October 1936 through April 15, 1937, rather than on flows sufficient to satisfy optimum water requirements of the system of generating facilities now existing or that authorized for the future. Also,

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it is stated that with approximately historical median run-off or better in the Columbia River drainage basin above Grand Coulee, Washington, the Administrator could meet the anticipated power loads and alleviate the power shortage expected in the 1951-1952 and 1952-1953 operating years and also increase the average capabilities of the Bonneville Power Administration system in the ensuing years. In other words, the amount of usable electric energy available for sale may be increased if the results of such survey were to disclose that the run-off in the United States portion of the Columbia River drainage basin above Grand Coulee could be increased by artificial means above the minimum amounts recorded in the past.

Funds appropriated to the Bonneville Power Administration are available to carry out all the duties imposed upon the Administrator pursuant to law. See the Interior Department Appropriation Act, 1951, 64 Stat. 681. Under the provisions of the act of August 20, 1937, 50 Stat. 731, <sup>732</sup> 16 U.S. Code 832-832L, and Executive Order 8526, dated August 26, 1940, the Administrator is required to make all arrangements for the sale and disposition of electric energy generated at the Bonneville and Grand Coulee dams and to prepare schedules of rates and charges therefor. Such rate schedules are required to be drawn having regard to the recovery of the cost of producing and transmitting such electric energy including the amortization of the capital investment over a reasonable period of years. Also, the administrator is authorized to enter into such contracts as he may

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deem necessary and to make such expenditures for other facilities and services as he may find necessary for the proper administration of the act.

In view of the above broad provisions of law and the fact that the Administrator has determined that the survey in question would aid in accomplishing the purposes of such law, you are advised that this Office would not be required to object to the expenditure of funds to defray the cost of the survey.

There is to be considered also the statement contained in the record that the contract will be negotiated with the Water Resources ABU09463  
Development Corporation without resort to advertising for competitive bidding under the authority found in the act of August 2, 1946, 60 Stat. 810, and section 108 of the Interior Department Appropriation Act, 1951, 64 Stat. 679  
67 Stat. 679 The latter act provides that appropriations made therein shall be available for services authorized by section 15 of the act of August 2, 1946, which provides as follows:

"Sec. 15. The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this Act."

In view of the foregoing provisions of law it appears that the services of the corporation may be obtained by contract, with-

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out regard to the advertising requirements of section 3709, Revised Statutes, as amended, provided the corporation is an organization of experts or consultants as contemplated by the said section 15. In this connection the corporation is described as being experienced in making surveys of the nature considered herein and as having available, as part of its integral organization, the services of the American Institute of Aerological Research and of Dr. Irving P. Krick, consulting meteorologist, as well as the services of other agents and facilities of the corporation competent in, and necessary to, the making of such surveys. If on the basis of these facts the corporation is considered to be an organization of experts and consultants within the meaning of the above statute, this Office would not object to negotiation of the contract as proposed, provided the survey will not extend beyond one year.

Sincerely yours,

Frank M. Yates

Acting Comptroller General  
of the United States