

cases such purchase of supplies or procurement of services may be made in the open market in the manner common among businessmen. In comparing bids and in making awards, the Bureau or the Secretary of the Army, as the case may be, may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, and ability to furnish repairs and maintenance services, the time of delivery or performance offered, and whether the bidder has complied with the specifications.

(May 18, 1938, ch. 250, §7, 52 Stat. 406; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

#### TRANSFER OF FUNCTIONS

Power marketing functions of Bureau of Reclamation, including construction, operation, and maintenance of transmission lines and attendant facilities, transferred to Secretary of Energy by section 7152(a)(1)(E), (3) of Title 42, The Public Health and Welfare, and are to be exercised by Secretary through a separate Administration within Department of Energy.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain 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, Government Organization and Employees.

### § 833g. Miscellaneous administrative provisions

#### (a) Accounts

The Bureau, subject to the requirements of the Federal Power Act [16 U.S.C. 791a et seq.], shall keep complete and accurate accounts of operations, including all funds expended and received in connection with transmission and sale of electric energy generated at the Fort Peck project.

#### (b) Expenditures

The Bureau may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for attendance at meetings; and for such other facilities and services as it may find necessary for the proper administration of this chapter.

(May 18, 1938, ch. 250, §8, 52 Stat. 406; Aug. 30, 1954, ch. 1076, §1(23), 68 Stat. 968.)

#### REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (a), was in the original the "Federal Water Power Act", and was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

#### AMENDMENTS

1954—Subsec. (c). Act Aug. 30, 1954, repealed subsec. (c) which required the Secretary of the Interior to submit an annual financial statement and report to Congress concerning the transmission and sale of electric energy generated at the Fort Peck project.

#### TRANSFER OF FUNCTIONS

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### § 833h. Personnel; appointment and compensation

The Secretary of the Interior, the Secretary of the Army, and the Secretary of Energy, respectively, shall appoint such attorneys, engineers, and other experts as may be necessary for carrying out the functions entrusted to them under this chapter, and shall fix the compensation of each of such attorneys, engineers, and other experts; and they may, subject to the civil-service laws, appoint such other officers and employees as may be necessary to carry out such functions and fix their salaries in accordance with chapter 51 and subchapter III of chapter 53 of title 5. In the administration of this chapter the services of regular employees in the Bureau may be utilized and an equitable part of the salaries of such employees whose services are thus utilized may be charged by the Bureau to the operating costs of the power features of the Fort Peck project. The Bureau similarly may utilize and charge for facilities of the Bureau which economically can be used in connection with the administration of this chapter.

(May 18, 1938, ch. 250, §9, 52 Stat. 406; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; Pub. L. 95-91, title III, §301(b), Aug. 4, 1977, 91 Stat. 578.)

#### CODIFICATION

Provisions which authorized the Secretary of the Interior, the Secretary of the Army, and the Secretary of Energy to appoint such attorneys, engineers, and other experts as may be necessary for carrying out the functions entrusted to them under this chapter "without regard to the provisions of the civil-service laws", and to fix their compensation "at not to exceed \$7,500 per annum", have been omitted as obsolete and superseded.

Such appointments are subject to the civil service laws unless specifically excepted by those laws or by laws enacted subsequent to Executive Order No. 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, §1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

As to the compensation of such personnel, sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all