IN THE HOUSE OF REPRESENTATIVES
January 29, 1953

Mr. Saylor introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for closer supervision of the costs of constructing irrigation and reclamation projects, and projects in the Territories and possessions of the United States.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That for the purposes of this Act—

(1) The Term "reclamation project" means any irrigation or reclamation project, and any project in any Territory or possession of the United States, which the Secretary or the Interior or any of his subordinates is authorized to construct.

(2) Where a river basin program approved or authorized by law includes the construction, by the Secretary of the Interior or any of his subordinates, of a number of integral physical units, each of which can be used independently for irrigation or reclamation even though planned for ultimate use in conjunction with other units, and a specific amount of money is authorized by law to be appropriated for the partial accomplishment of the program but no limit has been fixed by law on the amount which may be appropriated to accomplish the entire program, each such integral unit shall be considered a separate reclamation project.

SEC. 2. Where a reclamation project is authorized by law to be constructed substantially in accordance with plans and recommendations filed with
one or more committees of Congress, and a limit is fixed by law on the amount of money which may be appropriated for the construction of the project, the Secretary of the Interior shall determine—

(1) whether the total cost of constructing the project can reasonably be expected to exceed the limit so fixed; and

(2) whether the total cost of constructing any major part of the project can reasonably be expected to exceed by more than 10 per centum the last estimate furnished a committee of Congress before the date of enactment of the law authorizing construction of the project; as used in this paragraph, the term "major part of the project" means any part of the project the estimated cost of construction of which equals or exceeds 20 per centum of the estimated cost of construction of the whole project.

Such determinations shall be made during the ninety-day period immediately preceding the date scheduled for awarding the first construction contract for the project, and during the first ninety days of each Congress which begins after the first construction contract for the project has been awarded and before the project is completed.

SEC. 3. In the case of a river basin program referred to in paragraph (2) of the first section, the Secretary of the Interior shall make the following determinations (in addition to any other determinations he is required to make under Section 2 with respect to reclamation projects within the program):

(1) During the first ninety days of each Congress which begins after the first construction contract for any reclamation project within the program has been awarded, he shall determine whether the total cost of constructing all projects within the program for which construction contracts have been awarded can reasonably be expected to exceed the amount authorized to be appropriated, at the time of such determination, for the partial accomplishment of the program.
(2) During the ninety-day period immediately preceding the date scheduled for awarding the first construction contract for each reclamation project within the program, he shall determine whether the total cost of constructing that project, when added to the total cost of constructing all projects within the program for which construction contracts have been awarded, can reasonably be expected to exceed the amount authorized to be appropriated, at the time of such determination, for the partial accomplishment of the program.

Where such a program includes the construction of one or more projects by any officer of the United States other than the Secretary of the Interior, that officer, at the request of the Secretary, shall furnish the Secretary with a current estimate of the total cost of constructing each such project for which a construction contract has been awarded, for use in making the determinations required by this section.

SEC. 4. If the Secretary of the Interior determines that either of the conditions referred to in section 2 exists with respect to a reclamation project, or that either of the conditions referred to in section 3 exists with respect to a river basin program, he shall immediately notify each of the members of the Committees on Interior and Insular Affairs of the Senate and the House of Representatives, and each officer or employee of the United States who is authorized to award a construction contract for that project, or for any reclamation project within that program.

SEC. 5. No officer or employee of the United States shall award any construction contract for any reclamation project after he is notified under section 4 of a determination that the total cost of constructing the project can reasonably be expected to exceed the maximum amount authorized to be appropriated for construction of the project. No officer of employee of the United States shall award any construction contract for any reclamation project within a river basin
program after he is notified under section 4 of a determination that either of the conditions referred to in section 3 exists with respect to the program. If any officer or employee awards a contract in violation of this section he shall be suspended from his office or position for one year, and while suspended shall be ineligible to hold any other office or position in the Government.

SEC. 6. (a) Chapter 93 of title 18 of the United States Code is hereby amended by adding at the end thereof the following new section:

"§ 1916. Unauthorized construction contracts

"Whoever, being an officer or employee of the United States, makes a contract on behalf of the United States for the construction of the whole or any part of an irrigation or reclamation project, or a project in any Territory or possession of the United States, knowing that the contract is not authorized by law, and is not under an appropriation adequate to its fulfillment, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

(b) The table of contents of chapter 93 of title 18 of the United States Code is hereby amended by adding at the end thereof the following:

"1916. Unauthorized construction contracts."