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APPROVED
DEC 22 1974

ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: December 27

Filed in Colorado
12/23

To ARCHIVES
12/24

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE *C*
SUBJECT: H.R. 7072 - Advance Payment of
Subscription Charges

Attached for your consideration is H.R. 7072 sponsored by Representative Pettis, which allows the Federal Government and the Government of the District of Columbia to make advance payment for subscriptions of audio-visual and printed materials.

OMB recommends approval and provides you with additional background information in its enrolled bill report (Tab A)

Max Friedersdorf and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign H.R. 7072 (Tab B).



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 18 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7072 - Advance payment of sub-
scription charges
Sponsor - Rep. Pettis (R) California

Last Day for Action

December 27, 1974 - Friday

Purpose

Allows the Federal Government and the Government of the District of Columbia to make advance payment for subscriptions of audio-visual and printed materials.

Agency Recommendations

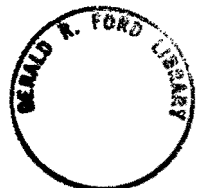
Office of Management and Budget	Approval
General Services Administration	Approval

Discussion

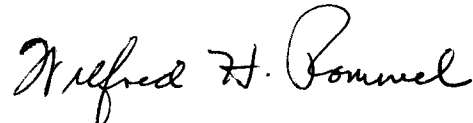
At present, advance subscription payments by Federal and D.C. Government agencies are generally prohibited by law except for newspapers, magazines, periodicals and "other publications."

The Comptroller General has ruled that certain audio-visual materials are not to be considered "other publications" within the meaning of Federal law.

In the last few years, technological developments have greatly increased the use of these audio-visual materials by Government agencies. However, the agencies are not able to realize the savings which advance subscription payments make possible.



The enrolled bill would amend the definition of "other publications" to include any publication printed, microfilmed, photocopied or magnetically or otherwise recorded for auditory or visual usage. This amendment would allow advance subscription payments to be made by the Federal and D.C. Governments and would result in "savings in costs," according to GSA in its views letter on the enrolled bill.



Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 793

Date: December 18, 1974

Time: 9:00 p.m.

FOR ACTION:

Andre Buckles *oh*Bill Timmons *oh*Geoff Shepard *oh*Phil Areeda *oh*cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, December 20

Time: 10:00 a.m.

SUBJECT:

Enrolled Bill H.R. 7072 - Advance payment of subscription charges

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 793

Date: December 18, 1974

Time: 8:00 p.m.

FOR ACTION: Andre Buckles
Bill Timmons
Geoff Shepard
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, December 20

Time: 10:00 a.m.

SUBJECT:

Enrolled Bill H.R. 7072 - Advance payment of subscription charges

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

No objection - AHUB


PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE
WASHINGTON

December 20, 1974

MEMORANDUM FOR: WARREN HENDRIKS
FROM: MAX L. FRIEDERSDORF 
SUBJECT: Action Memorandum - Log No.
Enrolled Bill H. R. 7072 - Advance Payment of
subscription charges

The Office of Legislative Affairs concurs in the attached proposal
and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 793

Date: December 18, 1974

Time: 8:00 p.m.

FOR ACTION: Andre Buckles
Bill Timmons
Geoff Shepard ✓
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, December 20

Time: 10:00 a.m.

SUBJECT:

Enrolled Bill H.R. 7072 - Advance payment of subscription charges

ACTION REQUESTED:

_____ For Necessary Action

~~___~~ ~~x~~ For Your Recommendations

_____ Prepare Agenda and Brief

_____ Draft Reply

~~___~~ ~~x~~ For Your Comments

_____ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

No objection

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

766

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 793

Date: December 18, 1974

Time: 8:00 p.m.

FOR ACTION: Andre Buckles
Bill Timmons
Geoff Shepard
Phil Areeda ✓

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Friday, December 20

Time: 10:00 a.m.

SUBJECT:

Enrolled Bill H.R. 7072 - Advance payment of subscription charges

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

*Sign
of Areeda*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



DEC 17 1974

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Ash:

By referral dated December 13, 1974, from the Assistant Director for Legislative Reference, your office requested the views of the General Services Administration on enrolled bill H.R. 7072, 93rd Congress, an act "To allow advance payment of subscription charges for publication for official use prepared for auditory as well as visual usage."

Advance subscription payments by Government agencies are generally prohibited by section 3648, Revised Statutes (31 U.S.C. 529), except for "newspapers, magazines, periodicals, and other publications" (31 U.S.C. 530a). Under H.R. 7072, any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage would be included in the term "other publications".

The use of microfilm, microfiche, and audio tape for published materials has greatly increased in recent years. Such materials are being purchased by Government agencies for official use. H.R. 7072 would give agencies the advantages of purchasing them by advance subscription, thereby effecting savings in costs.

GSA favors Presidential approval of the enrolled bill.

Sincerely,


ARTHUR F. SAMPSON
ADMINISTRATOR



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 18 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7072 - Advance payment of sub-
scription charges
Sponsor - Rep. Pettis (R) California

Last Day for Action

December 27, 1974 - Friday

Purpose

Allows the Federal Government and the Government of the District of Columbia to make advance payment for subscriptions of audio-visual and printed materials.

Agency Recommendations

Office of Management and Budget	Approval
General Services Administration	Approval

Discussion

At present, advance subscription payments by Federal and D.C. Government agencies are generally prohibited by law except for newspapers, magazines, periodicals and "other publications."

The Comptroller General has ruled that certain audio-visual materials are not to be considered "other publications" within the meaning of Federal law.

In the last few years, technological developments have greatly increased the use of these audio-visual materials by Government agencies. However, the agencies are not able to realize the savings which advance subscription payments make possible.



To
Harrison Hendrickson
12-18-74
5:45 p.m.

The enrolled bill would amend the definition of "other publications" to include any publication printed, microfilmed, photocopied or magnetically or otherwise recorded for auditory or visual usage. This amendment would allow advance subscription payments to be made by the Federal and D.C. Governments and would result in "savings in costs," according to GSA in its views letter on the enrolled bill.

(signed) Wilfred H. Rummel

Assistant Director for
Legislative Reference

Enclosures

ADVANCE PAYMENT OF SUBSCRIPTION CHARGES FOR AUDIO PUBLICATIONS

AUGUST 23, 1974.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HOLIFIELD, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany H.R. 7072]

The Committee on Government Operations, to whom was referred the bill (H.R. 7072) to allow advance payment of subscription charges for publication for official use prepared for auditory as well as visual usage, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

HEARING

On July 16, 1974, the committee, through its Government Activities Subcommittee, conducted a public hearing on H.R. 7072, which was introduced by Congressman Jerry L. Pettis.

PURPOSE OF THE BILL

This proposed amendment to the act of June 12, 1930 (46 Stat. 580, 31 U.S.C. 530a), as amended, would define the term "other publications" as used in the act to allow the Federal Government to make advance subscription payments for audio-visual as well as printed materials.

COMMITTEE VOTE

H.R. 7072 was unanimously approved by voice vote at a meeting of the full committee on August 15, 1974, a quorum being present.

BACKGROUND

Advance payments by Government agencies are generally prohibited by the provisions of section 3648, Revised Statutes, 31 U.S.C. 529. An exception to that prohibition is contained in the act of June 12, 1930.

It permits advance payments for subscription charges for newspapers, magazines and other periodicals for official use of any office under the Government of the United States or the municipal government of the District of Columbia.

The Comptroller General has ruled on at least two occasions that magnetic tapes and other audiovisual materials cannot be considered to be "publications" within the meaning of that term as used in 31 U.S.C. 531. Consequently, payments for subscriptions to such publications cannot be made in advance at this time.

DISCUSSION

In 1930, when the above-mentioned exception to the general prohibition against advance payments was enacted, audiovisual publications were not in existence. The drafters of that provision did not intentionally exclude such publications, but merely failed to perceive the development and growth of this form of information dissemination now in common use in the United States.

In the past few years, technological developments within the information dissemination industry have greatly accelerated. One of the most significant innovations in this field has been the use of microfilm, microfiche, and audio tape for published materials, especially in educational, scientific, and medical areas. Among the many advantages these audiovisual records hold over their more conventional counterparts are: speedier retrieval times, more efficient use of storage space, and simpler filing procedures.

Many Government agencies have begun purchasing such audiovisual periodicals for agency use. Despite the obvious advantages inherent in purchasing these audiovisual materials by subscription, the restrictive interpretations of the law (31 U.S.C. 530) have resulted in greater purchasing costs as well as delays in obtaining the publications.

The Comptroller General's contention that such tapes are not considered "publications" within the meaning of that term as used in 31 U.S.C. 530a, has meant that subscription payments could not be made in advance. Since the usual subscription purchase price is considerably less on a per unit basis than individual purchases, it would be advantageous to allow Federal agencies to buy these publications using subscription procedures.

H.R. 7072 would extend the definition of the term "other publications" to include any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage. With enactment of this legislation, the significant savings that are available through the use of subscription purchases of such material could be realized by Government agencies.

The effect of this legislation is not insignificant. For example, the Library of Congress now receives 1,400 subscriptions on microfilm and a number of others on magnetic tapes. For the past 20 years, the Library has been receiving these magnetic tapes and microfilm subscriptions under a special House rule allowing the Library to pay for subscriptions in advance.

The Library is certainly not alone in its use of such materials. Such agencies as the Veterans' Administration and the Department of Health, Education, and Welfare depend heavily upon the audiovisual materials and the trend toward these periodicals is increasing rapidly.

Because of the expense of processing individual orders and billings on a per-copy basis, some of these publications are not available except by subscription. Government agencies that may have a well-justified need for these publications are therefore precluded from access to them because of the present limitations of the law.

ESTIMATED COST AND SAVINGS

This bill would require no authorizations or appropriations for additional funds. On the contrary, implementation of the authority extended herein can be expected to result in a reduction in expenditures as well as improved services available to Government agencies. It has been estimated that a 10 percent savings results from purchasing such publications by utilizing advance subscription payments:

AGENCY REPORTS

Reports on H.R. 7072 have been furnished by (1) the General Services Administration, (2) the General Accounting Office, (3) the Office of Management and Budget. The reports are as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., December 14, 1973.

HON. CHET HOLIFIELD,
Chairman, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of April 19, 1973, requested the views of the General Services Administration on H.R. 7072, 93d Congress, a bill "To allow advance payment of subscription charges for publication for official use prepared for auditory as well as visual usage."

Under 31 U.S.C. 530a, advance payment may now be made for subscription or other charges for newspapers, magazines, periodicals, and "other publications" for official Government use. H.R. 7072 would include any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage within the term "other publications."

The proposed amendment is the logical result of the rapidly increasing availability of information in the form of microfilm, microfiche, and audio tape. GSA supports enactment of H.R. 7072.

The Office of Management and Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this report to your committee.

Sincerely,

ALLAN G. KAUPINEN,
Assistant Administrator.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 5, 1973.

HON. CHET HOLIFIELD,
*Chairman, Committee on Government Operations,
 House of Representatives.*

DEAR MR. CHAIRMAN: By letter of April 19, 1973, you requested our views on H.R. 7072, 93d Congress, a bill which would amend the act of June 12, 1930, 46 Stat. 580, 31 U.S.C. 530a, to allow advance payment of subscription charges for publications for official use prepared for auditory as well as visual usage.

Advance payments generally are prohibited by the provisions of section 3648, Revised Statutes, 31 U.S.C. 329. However, exceptions to such prohibition are contained in the act of June 12, 1930, 46 Stat. 580, as amended by Public Law 87-91, approved July 20, 1961, 75 Stat. 211, set forth in 31 U.S.C. 530a, as follows:

Subscription or other charges for newspapers, magazines, periodicals, and other publications for official use of any office under the Government of the United States or the municipal government of the District of Columbia may be paid in advance from appropriations available therefor, notwithstanding the provisions of section 529 of this title.

We have held that certain types of magnetic tapes could not be considered to be "publications" within the meaning of that term as used in 31 U.S.C. 530a and, consequently, payments therefor could not be made in advance. See B-137516, October 28, 1958, and 46 Comp. Gen. 394 (1966).

Enactment of the instant bill would permit advance payments now precluded by out cited decisions. However, we recognize that savings apparently would accrue to the Government if payments could be made in advance for tape-recorded material and therefore we would have no objection to enactment H.R. 7072 which would authorize such action.

Sincerely yours,

PAUL G. DEMBLING,
*For the Comptroller General
 of the United States.*

EXECUTIVE OFFICE OF THE PRESIDENT,
 OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 7, 1973.

HON. CHET HOLIFIELD,
*Chairman, Committee on Government Operations, House of Rep-
 resentatives, Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Office of Management and Budget on H.R. 7072, a bill "To allow advance payment of subscription charges for publication for official use prepared for auditory as well as visual usage."

For the reason stated by the General Services Administration in its report to you on the bill, the Office of Management and Budget would have no objection to enactment of H.R. 7072.

Sincerely,

WILFRED H. ROMMEL,
*Assistant Director for
Legislative Reference.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF JUNE 12, 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subscription or other charges for newspapers, magazines, periodicals, and other publications for official use of any office under the Government of the United States or the municipal government of the District of Columbia may be paid in advance from appropriations available therefor, notwithstanding the provisions of section 3648 of the Revised Statutes (United States Code, title 31, section 529).

SEC. 2. For the purposes of this Act, the term "other publications" shall include any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage.

○

ADVANCE PAYMENT OF SUBSCRIPTION CHARGES FOR AUDIO PUBLICATIONS

DECEMBER 11, 1974.—Ordered to be printed

Mr. ERVIN, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany H.R. 7072]

The Committee on Government Operations, to which was referred the bill (H.R. 7072) to allow advance payment of subscription charges for publication for official use prepared for auditory as well as visual usage, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 7072 is to define the term "other publications" as used in the act of June 12, 1930 (46 Stat. 580; 31 U.S.C. 530a), as amended, to allow the Federal Government to make advance subscription payments for audio-visual as well as printed materials.

BACKGROUND

Advance subscription payments by Government agencies are generally prohibited by the provisions of section 3648, Revised Statutes, 31 U.S.C. 529, with the exception of advance payments for newspapers, magazines and other periodicals for official use. The Comptroller General twice has ruled that magnetic tapes and other audio-visual materials cannot be considered to be "publications" within the meaning of that term as used in 31 U.S.C. 531. Consequently, advance subscription payments for such items cannot be made at this time.

In the past few years, technological developments in the information dissemination industry have greatly increased the use of microfilm, microfiche, and audio tape for published materials, especially in educational, scientific, and medical areas. Many Government agencies have begun purchasing such audio-visual periodicals for agency use.

However, they are not able to take advantage of the obvious benefits of purchasing these items by advance subscription, including greatly decreased costs.

H.R. 7072 would extend the definition of the term "other publications" to include any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage. The significant savings that are available through the use of subscription purchases of such material will be realized by Government agencies with the enactment of this legislation.

ESTIMATED COST

H.R. 7072 will not result in additional costs to the Government; to the contrary, it can be expected to result in a reduction in expenditures as well as improved services available to Government agencies. It has been estimated that a 10 percent savings results from purchasing publications by advance subscription payments.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (matter omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman) :

ACT OF JUNE 12, 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subscription or other charges for newspapers, magazines, periodicals, and other publications for official use of any office under the Government of the United States or the municipal government of the District of Columbia may be paid in advance from appropriations available therefor, notwithstanding the provisions of section 3648 of the Revised Statutes (United States Code, title 31, section 529).

SEC. 2. For the purposes of this Act, the term "other publications" shall include any publication printed, microfilmed, or photocopied, or magnetically or otherwise recorded for auditory or visual usage.

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To allow advance payment of subscription charges for publication for official use prepared for auditory as well as visual usage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 12, 1930 (46 Stat. 580, 31 U.S.C. 530a), as amended, is hereby amended by adding at the end thereof the following new section:

"SEC. 2. For the purposes of this Act, the term 'other publications' shall include any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 16, 1974

Dear Mr. Director:

The following bills were received at the White House on December 16th:

✓ S.J. Res. 263	✓ H.R. 1434
✓ H.R. 1355	✓ H.R. 15067
✓ H.R. 5056	✓ H.R. 15818
✓ H.R. 7072	✓ H.R. 16006
✓ H.R. 7077	✓ H.R. 16024
✓ H.R. 11013	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.