

**The original documents are located in Box 54, folder “8/19/76 HR9965 Relief of the Boulder Daily Camera Boulder Colorado” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library**

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**APPROVED**  
AUG 19 1976

8/19/76

THE WHITE HOUSE  
WASHINGTON  
August 14, 1976

ACTION

Last Day: August 23

Posted  
8/21/76

MEMORANDUM FOR THE PRESIDENT

FROM:

JIM CANNON *J.C.*

SUBJECT:

H.R. 9965 - Relief of the Boulder Daily Camera, Boulder, Colorado

Archives  
8/23/76

Attached for your consideration is H.R. 9965, sponsored by Representative Flowers, which directs the Comptroller General to settle a \$57.12 claim of the Boulder Daily Camera for University of Colorado Army ROTC recruiting advertisements.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 9965 at Tab B.





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

AUG 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9965 - Relief of the Boulder  
Daily Camera, Boulder, Colorado  
Sponsor - Rep. Flowers (D) Alabama

Last Day for Action

August 23, 1976 - Monday

Purpose

Directs the Comptroller General to settle a \$57.12 claim of the Boulder Daily Camera for University of Colorado Army ROTC recruiting advertisements.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Army	Approval (Informally)
Department of Justice	Defers to Army

Discussion

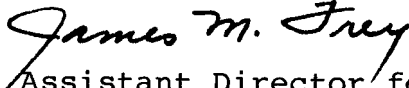
Under existing law as interpreted by the General Accounting Office (GAO), compensation for advertisements placed by an executive department of the government may not be paid unless there is prior written authorization for such advertisements. GAO believes that this statutory requirement unduly complicates government contracting procedures, and accordingly, it has recommended to the Congress that the requirement be repealed.

However, until Congress repeals this measure, GAO has ruled that there can be no payment to a publisher who has furnished advertising to the government where the government agent, through error or oversight, has not complied

with the requirement for advance written authorization. As a consequence, a publisher's only relief is pursuant to the Meritorious Claims Act or enactment of a private relief bill.

In September 1972, the publisher of the Boulder (Colorado) Daily Camera furnished advertising for the University of Colorado Army ROTC. Subsequently, the newspaper submitted a claim for \$57.12, but GAO has determined that the claim cannot be settled since the advertisements were placed without prior written authorization. Because GAO was of the opinion that the publisher of the Boulder Daily Camera acted in good faith in furnishing advertising which benefited the government, it recommended that the claim be authorized for payment and submitted draft legislation to the Congress to accomplish this purpose.

The enrolled bill is identical to the legislation recommended by GAO. It would direct the Comptroller General to settle the claim of the Boulder Daily Camera in the amount of \$57.12 payable from Department of the Army funds.

  
Assistant Director for  
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Ken Lazarus *oh* cc (for information):  
Max Friedersdorf *oh*

Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 14

Time: 1100am

SUBJECT:

H.R. 9965-relief of the Boulder Daily Camera,  
Boulder, Colo.

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action         | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief     | <input type="checkbox"/> Draft Reply              |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks            |

REMARKS:

please return to judy johston, 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

**Department of Justice**  
**Washington, D.C. 20530**

August 13, 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill, H.R. 9965, a bill "For the relief of Boulder Daily Camera, Boulder, Colorado."

This bill would authorize the Comptroller General of the United States to settle the claim of the Boulder Daily Camera, Boulder, Colorado, for the Army Reserve Officer's Training Corps, University of Colorado, Boulder, Colorado, recruiting advertisement published in September 1972 and to allow in full and final settlement of such claim the sum of \$57.12. The amount would be payable from the applicable appropriation of the Department of the Army.

The Department of Justice has no facts on the background of this private relief bill other than that which is contained in House Report No. 94-936 which accompanied H.R. 9965. It appears that the Comptroller General recommended that Congress enact this bill pursuant to the meritorious claims' provisions of the Act of April 10, 1928. (31 U.S.C. 236)

In spite of the findings of merit, this claim could not be settled by the General Accounting Office since the advertisements were placed without prior authorization of the head of the department in violation of 44 U.S.C. 3702 which reads as follows:

Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority.

In view of the lack of any further information concerning this bill, the Department of Justice defers to the Department of the Army as to whether this bill should receive Executive approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael M. Uhlmann". The signature is written in dark ink and is positioned above the typed name.

MICHAEL M. UHMANN  
Assistant Attorney General



DEPARTMENT OF THE ARMY  
WASHINGTON, D.C. 20310

13 AUG 1976

Honorable James T. Lynn  
Director, Office of Management and Budget  
Washington, DC 20403

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of the Army on enrolled enactment H. R. 9965, 94th Congress, a bill "For the relief of Boulder Daily Camera, Boulder, Colorado."

The Department of the Army is not opposed to the enrolled enactment.

The purpose of the act is to settle and adjust the claim of the Boulder Daily Camera, Boulder, Colorado, for the Army Reserve Officer's Training Corps, University of Colorado, Boulder, Colorado, recruiting advertisement published in September 1972, and to allow in full and final settlement of such claim the sum of \$57.12.

Approval of the enactment will cost \$57.12.

Sincerely,

A handwritten signature in black ink, appearing to read "R. McCall".

Robert A. McCall  
Assistant Secretary (Army)  
(Financial Management)



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Ken Lazarus  
Max Friedersdorf *RKW* cc (for information):

Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

---

DUE: Date: August 14

Time: 1100am

---

SUBJECT:

H.R. 9965-relief of the Boulder Daily Camera,  
Boulder, Colo.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johston, 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

James M. Cannon

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Ken Lazarus  
Max Friedersdorf

cc (for information):

Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 14

Time: 1100am

SUBJECT:

H.R. 9965-relief of the Boulder Daily Camera,  
Boulder, Colo.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johston, ground floor west wing

*B/13  
no objection*

*RK/p/KL*

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

James M. Cannon



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9965 - Relief of the Boulder  
Daily Camera, Boulder, Colorado  
Sponsor - Rep. Flowers (D) Alabama

Last Day for Action

August 23, 1976 - Monday

Purpose

Directs the Comptroller General to settle a \$57.12 claim of the Boulder Daily Camera for University of Colorado Army ROTC recruiting advertisements.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Army

Approval (Informally)

Department of Justice

Defers to Army

Discussion

Under existing law as interpreted by the General Accounting Office (GAO), compensation for advertisements placed by an executive department of the government may not be paid unless there is prior written authorization for such advertisements. GAO believes that this statutory requirement unduly complicates government contracting procedures, and accordingly, it has recommended to the Congress that the requirement be repealed.

However, until Congress repeals this measure, GAO has ruled that there can be no payment to a publisher who has furnished advertising to the government where the government agent, through error or oversight, has not complied

with the requirement for advance written authorization. As a consequence, a publisher's only relief is pursuant to the Meritorious Claims Act or enactment of a private relief bill.

In September 1972, the publisher of the Boulder (Colorado) Daily Camera furnished advertising for the University of Colorado Army ROTC. Subsequently, the newspaper submitted a claim for \$57.12, but GAO has determined that the claim cannot be settled since the advertisements were placed without prior written authorization. Because GAO was of the opinion that the publisher of the Boulder Daily Camera acted in good faith in furnishing advertising which benefited the government, it recommended that the claim be authorized for payment and submitted draft legislation to the Congress to accomplish this purpose.

The enrolled bill is identical to the legislation recommended by GAO. It would direct the Comptroller General to settle the claim of the Boulder Daily Camera in the amount of \$57.12 payable from Department of the Army funds.

*James M. Frey*  
Assistant Director for  
Legislative Reference

Enclosures

## BOULDER DAILY CAMERA, BOULDER, COLO.

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MARCH 22, 1976.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. DANIELSON, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H.R. 9965]

The Committee on the Judiciary, to whom was referred the bill (H.R. 9965) for the relief of Boulder Daily Camera, Boulder, Colo., having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE

The purpose of the proposed legislation is to authorize the Comptroller General of the United States to settle the claim of the Boulder Daily Camera, Boulder, Colo., for the Army Reserve Officer's Training Corps, University of Colorado, Boulder, Colo., recruiting advertisement published in September 1972, and to allow in full and final settlement of such claim the sum of \$57.12. The amount would be payable from the applicable appropriation of the Department of the Army.

#### STATEMENT

The bill H.R. 9965 was introduced as recommended by the Comptroller General in a communication to the Congress transmitted under the meritorious claims provisions of the Act of April 10, 1928 (45 Stat. 413, 31 U.S.C. § 236).

In the communication the Comptroller General stated that the General Accounting Office in the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1970), it was making the following report and recommendation on the claim of the Boulder Daily Camera, P.O. Box 591, Boulder, Colorado 80302 for \$57.12. The claim originated as a result of newspaper advertising furnished by the named publisher for the Army ROTC at the University of Colorado, Boulder, Colo., a recruiting advertisement published in September 1972. The General Accounting Office stated that although it was found to be meritorious since the

advertisements were placed without prior authorization in violation of 44 U.S.C. § 3702 (1970) which reads as follows:

Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority.

The General Accounting Office stated that ordinarily it does not report to the Congress under the Act of April 10, 1928, claims which cannot be paid by reason of a prohibitory statute. In the instant case, however, the provisions of 44 U.S.C. § 3702 do not actually prohibit advertising in newspapers but, instead, prohibit payment thereof unless written authority for such advertising is issued in advance. In other words the primary purpose of the statute appears to be to prescribe the contracting procedure to be followed before a contract for advertising may be awarded rather than to prohibit the making of such contract.

The General Accounting Office stated that by letter dated November 25, 1974, B-181337, recommended to the Congress that 44 U.S.C. § 3702 be repealed. However, until it is repealed the provisions thereof require the denial of any payment to a publisher who has furnished advertising to the Government where the Government agent, through error or oversight has not complied with the statute in procuring the advertising. As a consequence, a publisher's only relief is pursuant to the Meritorious Claims Act or enactment of a private relief bill.

In view of the fact that the publisher acted in good faith in furnishing advertising which benefited the Government, the General Accounting Office recommended that the claim be authorized for payment.

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., September 25, 1975.

B-184667.

HON. CARL ALBERT,  
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Pursuant to the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1970), we have the honor to transmit our report and recommendation to the Congress concerning the claim of the Boulder Daily Camera against the United States. We request that you please present the same to the United States House of Representatives.

An identical report is being transmitted to the President of the Senate.

Sincerely yours,

ROBERT F. KELLER,  
Deputy Comptroller General  
of the United States.

Enclosure.

To the Congress of the United States: In accordance with the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1970), we make the following report and recommendation on the claim of the Boulder Daily

Camera, P. O. Box 591, Boulder, Colorado 80302 for \$57.12. This claim originates as a result of newspaper advertising furnished by the named publisher for the Army ROTC at the University of Colorado, Boulder, Colorado, a recruiting advertisement published in September 1972. This claim cannot be settled by the General Accounting Office since the advertisements were placed without prior authorization in violation of 44 U.S.C. § 3702 (1970) which reads as follows:

Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority.

Ordinarily, we do not report to the Congress under the Act of April 10, 1928, claims which cannot be paid by reason of a prohibitory statute. In the instant case, however, the provisions of 44 U.S.C. § 3702 do not actually prohibit advertising in newspapers but, instead, prohibit payment thereof unless written authority for such advertising is issued in advance. In other words the primary purpose of the statute appears to be to prescribe the contracting procedure to be followed before a contract for advertising may be awarded rather than to prohibit the making of such contract.

Our Office, by letter dated November 25, 1974, B-181337, recommended to the Congress that 44 U.S.C. § 3702 be repealed. However, until it is repealed the provisions thereof require the denial of any payment to a publisher who has furnished advertising to the Government where the Government agent, through error or oversight has not complied with the statute in procuring the advertising. As a consequence, a publisher's only relief is pursuant to the Meritorious Claims Act or enactment of a private relief bill.

In view of the fact that the publisher acted in good faith in furnishing advertising which benefited the Government, we recommend that the claim be authorized for payment.

If the Congress agrees with our recommendation in this matter, it is suggested that enactment of a statute in substantially the following form will accomplish the desired purpose:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the Boulder Daily Camera, Boulder, Colorado, for the Army ROTC, University of Colorado, Boulder, Colorado, recruiting advertisement published in September 1972, and to allow in full and final settlement of such claim the sum of \$57.12. Such amount shall be payable from the applicable appropriation of the Department of the Army."*

ROBERT F. KELLER,  
Deputy Comptroller General  
of the United States.

○

## BOULDER DAILY CAMERA, BOULDER, COLO.

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AUGUST 5, 1976.—Ordered to be printed

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Mr. HRUSKA, from the Committee on the Judiciary,  
submitted the following

## REPORT

[To accompany H.R. 9965]

The Committee on the Judiciary, to which was referred the bill, (H.R. 9965), for the relief of Boulder Daily Camera, Boulder, Colorado, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

## PURPOSE

The purpose of the bill is to authorize the Comptroller General of the United States to settle the claim of the Boulder Daily Camera, Boulder, Colo., for the Army Reserve Officer's Training Corps, University of Colorado, Boulder, Colo., recruiting advertisement published in September 1972, and to allow in full and final settlement of such claim the sum of \$57.12. The amount would be payable from the applicable appropriation of the Department of the Army.

## STATEMENT

The facts of the case are contained in the House report as follows:

The bill H.R. 9965 was introduced as recommended by the Comptroller General in a communication to the Congress transmitted under the meritorious claims provisions of the Act of April 10, 1928 (45 Stat. 413, 31 U.S.C. § 236).

In the communication the Comptroller General stated that the General Accounting Office in the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1970), it was making the following report and recommendation on the claim of the Boulder Daily Camera, P.O. Box 591, Boulder, Colorado 80302 for \$57.12. The claim originated as a result of newspaper advertising

furnished by the named publisher for the Army ROTC at the University of Colorado, Boulder, Colo., a recruiting advertisement published in September 1972. The General Accounting Office stated that although it was found to be meritorious since the advertisements were placed without prior authorization in violation of 44 U.S.C. § 3702 (1970) which reads as follows:

"Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority."

The General Accounting Office stated that ordinarily it does not report to the Congress under the Act of April 10, 1928, claims which cannot be paid by reason of a prohibitory statute. In the instant case, however, the provisions of 44 U.S.C. § 3702 do not actually prohibit advertising in newspapers but, instead, prohibit payment thereof unless written authority for such advertising is issued in advance. In other words the primary purpose of the statute appears to be to prescribe the contracting procedure to be followed before a contract for advertising may be awarded rather than to prohibit the making of such contract.

The General Accounting Office stated that by letter dated November 25, 1974, B-181337, recommended to the Congress that 44 U.S.C. § 3702 be repealed. However, until it is repealed the provisions thereof require the denial of any payment to a publisher who has furnished advertising to the Government where the Government agent, through error or oversight has not complied with the statute in procuring the advertising. As a consequence, a publisher's only relief is pursuant to the Meritorious Claims Act or enactment of a private relief bill.

In view of the fact that the publisher acted in good faith in furnishing advertising which benefited the Government, the General Accounting Office recommended that the claim be authorized for payment.

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., September 25, 1975.

B-184667.

HON. CARL ALBERT,  
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Pursuant to the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1970), we have the honor to transmit our report and recommendation to the Congress concerning the claim of the Boulder Daily Camera against the United States. We request that you please present the same to the United States House of Representatives.

An identical report is being transmitted to the President of the Senate.

Sincerely yours,

ROBERT F. KELLER,  
Deputy Comptroller General  
of the United States.

Enclosure.

*To the Congress of the United States:* In accordance with the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1970), we make the following report and recommendation on the claim of the Boulder Daily Camera, P.O. Box 591, Boulder, Colorado 80302 for \$57.12. This claim originates as a result of newspaper advertising furnished by the named publisher for the Army ROTC at the University of Colorado, Boulder, Colorado, a recruiting advertisement published in September 1972. This claim cannot be settled by the General Accounting Office since the advertisements were placed without prior authorization in violation of 44 U.S.C. § 3702 (1970) which reads as follows:

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Ordinarily, we do not report to the Congress under the Act of April 10, 1928, claims which cannot be paid by reason of a prohibitory statute. In the instant case, however, the provisions of 44 U.S.C. § 3702 do not actually prohibit advertising in newspapers but, instead, prohibit payment thereof unless written authority for such advertising is issued in advance. In other words the primary purpose of the statute appears to be to prescribe the contracting procedure to be followed before a contract for advertising may be awarded rather than to prohibit the making of such contract.

Our Office, by letter dated November 25, 1974, B-181337, recommended to the Congress that 44 U.S.C. § 3702 be repealed. However, until it is repealed the provisions thereof require the denial of any payment to a publisher who has furnished advertising to the Government where the Government agent, through error or oversight has not complied with the statute in procuring the advertising. As a consequence, a publisher's only relief is pursuant to the Meritorious Claims Act or enactment of a private relief bill.

In view of the fact that the publisher acted in good faith in furnishing advertising which benefited the Government, we recommend that the claim be authorized for payment.

If the Congress agrees with our recommendation in this matter, it is suggested that enactment of a statute in sub-



stantially the following form will accomplish the desired purpose:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the Boulder Daily Camera, Boulder, Colorado, for the Army ROTC, University of Colorado, Boulder Colorado, recruiting advertisement published in September 1972, and to allow in full and final settlement of such claim the sum of \$57.12. Such amount shall be payable from the applicable appropriation of the Department of the Army."*

ROBERT F. KELLER,  
*Deputy Comptroller General  
of the United States.*

The Committee believes the bill is meritorious and recommends it favorably.

○

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

## An Act

For the relief of Boulder Daily Camera, Boulder, Colorado.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the Boulder Daily Camera, Boulder, Colorado, for the Army Reserve Officer's Training Corps, University of Colorado, Boulder, Colorado, recruiting advertisement published in September 1972, and to allow in full and final settlement of such claim the sum of \$57.12. Such amount shall be payable from the applicable appropriation of the Department of the Army.*

*Speaker of the House of Representatives.*

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