

The original documents are located in Box 54, folder “8/19/76 HR9414 Relief of TV Facts Rochester NY” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED
AUG 19 1976

88/19/76

THE WHITE HOUSE
WASHINGTON
August 14, 1976

ACTION
Last Day: August 23

Posted
8/21/76

Archives
8/23/76

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *J. Cannon*
SUBJECT: H.R. 9414 - Relief of TV Facts, Rochester, N.Y.

Attached for your consideration is H.R. 9414, sponsored by Representative Flowers, which directs the Comptroller General to settle a \$392 claim of TV Facts for advertising furnished for the Department of the Navy.

Additional information regarding the enrolled bill 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. 9414 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. 9414 - Relief of TV Facts,
Rochester, New York
Sponsor - Rep. Flowers (D) Alabama

Last Day for Action

August 23, 1976 - Monday

Purpose

Directs the Comptroller General to settle a \$392 claim of TV Facts for advertising furnished for the Department of the Navy.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Navy	No objection (Informally)
Department of Justice	Defers to Navy

Discussion

Under existing law as interpreted by the General Accounting Office (GAO), 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.

During the period from September 29, 1974, through December 29, 1974, the publisher of TV Facts furnished newspaper advertising for the Department of the Navy. Subsequently, the newspaper submitted a claim for \$392, 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 TV Facts 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 TV Facts in the amount of \$392 payable from Department of the Navy funds.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Max Friederick *mf*
Ken Lazarus *kl* cc (for information):

Jack Marsh
Jim Cavanaugh
Ed Schmultz

FROM THE STAFF SECRETARY

DUE: Date: August 14

Time: 1100am

SUBJECT:

H.R. 9414-relief of TV Facts, Rochester, N.Y.

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 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

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. 9414, a bill "For the relief of TV Facts, Rochester, New York."

This bill would direct the Comptroller General of the United States to settle for the sum of \$392.00, the claim of TV Facts, Rochester, New York for advertisements published during the period September 29, 1974 through December 29, 1974 for the Department of the Navy. The settlement would be paid from the Department of the Navy's appropriations.

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. 94-935 which accompanied H.R. 9414. It appears that the Comptroller 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 Navy 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. UHLMANN
Assistant Attorney General

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Max Friedersdorf *RKW* cc (for information): Jack Marsh
Ken Lazarus Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 14 Time: 1100am

SUBJECT:
H.R. 9414-relief of TV Facts, Rochester, N.Y.

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 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.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmultz

FROM THE STAFF SECRETARY

DUE: Date: August 14

Time: 1100am

SUBJECT:

H.R. 9414-relief of TV Facts, Rochester, N.Y.

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

8/13
no objection

BR/for 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
For the President



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20350

August 13, 1976

Dear Mr. Lynn:

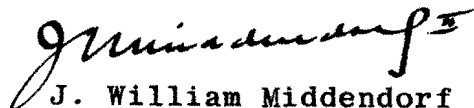
Your transmittal sheet dated August 11, 1976, enclosing a facsimile of an enrolled bill of Congress, H.R. 9414, "For the relief of TV Facts, Rochester, New York," and requesting the comments of the Department of Defense, has been received. The Department of the Navy has been assigned the responsibility for the preparation of a report expressing the views of the Department of Defense.

The purpose of H.R. 9414 is to authorize the Comptroller General of the United States to settle the claim of TV Facts, Rochester, New York in the amount of \$392 for newspaper advertisements published during the period September 29, 1974 through December 29, 1974 for the Department of the Navy. The bill, H.R. 9414, was recommended to the Congress by the Comptroller General based on a determination pursuant to the provisions of 31 USC § 236 that the claim of TV Facts was meritorious. Although the General Accounting Office found that the publisher acted in good faith in furnishing advertising which benefited the government, the Comptroller General is prohibited by statute (44 USC § 3702) from paying the claim because, through error or oversight, the advertising was contracted without written authority from the Secretary of the Navy.

Approval of this legislation would result in no increase in the budgetary requirements of the Department of Defense.

The Department of the Navy, on behalf of the Department of Defense, has no objection to the approval of H.R. 9414.

Sincerely yours,


J. William Middendorf II
Secretary of the Navy

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



10-
J. Cavanaugh
8-13-76
5:00 p.m.



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. 9414 - Relief of TV Facts,
Rochester, New York
Sponsor - Rep. Flowers (D) Alabama

Last Day for Action

August 23, 1976 - Monday

Purpose

Directs the Comptroller General to settle a \$392 claim of TV Facts for advertising furnished for the Department of the Navy.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Navy

No objection (Informally)

Department of Justice

Defers to Navy

Discussion

Under existing law as interpreted by the General Accounting Office (GAO), 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.

During the period from September 29, 1974, through December 29, 1974, the publisher of TV Facts furnished newspaper advertising for the Department of the Navy. Subsequently, the newspaper submitted a claim for \$392, 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 TV Facts 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 TV Facts in the amount of \$392 payable from Department of the Navy funds.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

TV FACTS, ROCHESTER, N.Y.

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

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

REPORT

[To accompany H.R. 9414]

The Committee on the Judiciary, to whom was referred the bill (H.R. 9414) for the relief of TV Facts, Rochester, N.Y., 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 TV Facts, Rochester, New York for \$392.00 for advertisements published during the period September 29, 1974, through December 29, 1974, for the Department of the Navy. The amount found due shall be payable from the applicable appropriation of the Department of the Navy.

STATEMENT

The bill H.R. 9414 was introduced as recommended by the Comptroller General in a communication to the Congress. The Comptroller General recommended that the claim be authorized for payment on the basis of a favorable determination 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 accordance with the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1970) was making a report and recommendation on the claim of TV Facts, 42 Beckwith Road, Rochester, New York 14623, for \$392. This claim originates as a result of newspaper advertising furnished by the publisher for the Department of the Navy during the period September 29, 1974, through December 29, 1974. In spite of the finding of merit, 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.

The General Accounting Office stated that ordinarily it did 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 further stated that by a letter dated November 25, 1974, B-181337, it had 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.

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 27, 1975.

B-183675

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, we have the honor to transmit our report and recommendation to the Congress concerning the claim of TV Facts 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 pro tempore of the United States Senate.

Sincerely yours,

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

Enclosure.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 27, 1975.

B-183657

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 TV Facts, 42 Beckwith Road, Rochester, New York 14623, for \$392. This claim originates as a result of newspaper advertising furnished by the named publisher for the Department of the Navy during the period September 29, 1974, through December 29, 1974. 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 TV Facts, Rochester, New York for advertisements published during the period September 29, 1974, through De-

cember 29, 1974, for the Department of the Navy, and to allow in full and final settlement of such claim the sum of \$392. Such amount shall be payable from the application appropriation of the Department of the Navy.

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

○

TV FACTS, ROCHESTER, N.Y.

AUGUST 5, 1976.—Ordered to be printed

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

REPORT

[To accompany H. R. 9414]

The Committee on the Judiciary, to which was referred the bill (H.R. 9414), for the relief of TV Facts, Rochester, New York, 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 TV Facts, Rochester, New York for \$392.00 for advertisements published during the period September 29, 1974, through December 29, 1974, for the Department of the Navy. The amount found due shall be payable from the applicable appropriation of the Department of the Navy.

STATEMENT

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

The bill H.R. 9414 was introduced as recommended by the Comptroller General in a communication to the Congress. The Comptroller General recommended that the claim be authorized for payment on the basis of a favorable determination 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 accordance with the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1970) was making a report and recommendation on the claim of TV Facts,

42 Beckwith Road, Rochester, New York 14623, for \$392. This claim originates as a result of newspaper advertising furnished by the publisher for the Department of the Navy during the period September 29, 1974, through December 29, 1974. In spite of the finding of merit, 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 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 did 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 further stated that by a letter dated November 25, 1974, B-181337, it had 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.

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 27, 1975.

B-183675

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, we have the honor to transmit our report and recommendation to the Congress concerning the claim of TV FACTS 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 pro tempore of the United States Senate.

Sincerely yours,

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

Enclosure.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 27, 1975.

B-183657

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 TV Facts, 42 Beckwith Road, Rochester New York 14623, for \$392. This claim originates as a result of newspaper advertising furnished by the named publisher for the Department of the Navy during the period September 29, 1974, through December 29, 1974. 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 TV Facts, Rochester, New York for advertisements published during the period September 29, 1974, through December 29, 1974, for the Department of the Navy, and to allow in full and final settlement of such claim the sum of \$392. Such amount shall be payable from the application appropriation of the Department of the Navy."

ROBERT F. KELLER,
*Acting 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 TV Facts, Rochester, New York.

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 TV Facts, Rochester, New York for advertisements published during the period September 29, 1974, through December 29, 1974, for the Department of the Navy, and to allow in full and final settlement of such claim the sum of \$392. Such amount shall be payable from the applicable appropriation of the Department of the Navy.

Speaker of the House of Representatives.

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