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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

N. Staff
P. 1001

FILE: B-192093

DATE: July 3, 1978

MATTER OF: Advance Payment for Lease/Rental of
Microfilm Library to Information
Handling Services

DIGEST:

Advance payment authority for subscriptions to newspapers, periodicals and other publications contained in 31 U.S.C. § 530a and b extends to rental of microfilm library.

By letter of March 9, 1978, the Accounting & Finance Officer, Laughlin Air Force Base, requested a decision concerning the propriety of certifying for advance payment an invoice from Information Handling Services (IHS), Englewood, Colorado, for an annual lease/rental of a microfilm library. Doubt is expressed as to the validity of advance payment because there is no actual sale of the microfilm, since title to it is retained by IHS. Our decision is requested as to whether under 31 U.S.C. § 530a (1970), permitting advance payments for "subscriptions or other charges for * * * publications," the rental/leasing of a microfilm library is a "subscription or other charge" for which advance payments may be made to IHS.

The act of July 20, 1961, Pub. L. 97-91, 75 Stat. 211 (1970), amended 31 U.S.C. § 530a (1970) to extend its coverage to subscriptions "or other charges." The purpose of the amendment was to provide uniform authority for all agencies of the Government to make advance payments for any publications for official use and not just those which come within the technically narrow category of "subscriptions." See H.R. Rep. No. 560, 87th Cong., 1st Sess. 1 (1961). In view of the act as amended, it is only necessary for the purposes of this decision to determine whether the lease/rental of the microfilm library constitutes a "subscription or other charge" within the meaning of the act.

A further review of the amendment's legislative history reveals the additional purposes of "eliminating the added costs of premium charges" and allowing "greater flexibility in the procurement of materials needed to maintain an adequate library service." H.R. Rep. No. 560, 87th Cong., 1st Sess. 2 (1961). In this regard, it should be noted that under the instant contract, failure to make advance payment results in a 5-percent surcharge. Moreover, this appears to be the prevailing practice today.

In 41 Comp. Gen. 211 (1961), where our Office recognized microfilm products as constituting "publications" for which advance payments can be made (later affirmed by Congress in the addition to the act of § 530b, Dec. 22, 1974, Pub. L. No. 93-534, 88 Stat. 1731), we referred to publications sold on a subscription basis. We do not, however, view this decision as necessarily limiting the application of 31 U.S.C. § 530a (1970) to publications which are purchased outright. In the absence of statutory language or legislative intent to the contrary, we find no meaningful difference between the purchase and rental of publications needed by the Government. Accordingly, we conclude that the rental/leasing of a microfilm library for official Government use is within the purview of 31 U.S.C. § 530a (1970).

The invoice submitted is returned and may be certified for payment if otherwise correct.


Deputy Comptroller General
of the United States