

DOCUMENT RESUME

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Advance Payments for Equipment Rental. B-188166. June 3, 1977. 2 pp.

Decision by Robert F. Keller, Deputy Comptroller General.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law II.
Budget Function: General Government: Other General Government (806).

Organization Concerned: Veterans Administration.

Authority: (P.L. 93-534; 08 Stat 1731; 31 U.S.C. 530(b)). 31 U.S.C. 530(a). 31 U.S.C. 529. 46 Comp. Gen. 394. B-125979 (1957). United States v. Chase, 135 U.S. 255. S. Rept. 93-1330.

The Veterans Administration requested a decision on the legality of making advance payment for microphotographic equipment rented in conjunction with subscriptions for microfilmed library systems. The advance payment authority for subscriptions to newspapers, magazines, periodicals, and other publications does not extend to items of rented equipment used in conjunction with subscriptions for microfilmed library systems. (Author/SC)

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DECISION



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

FILE: B-188166 **DATE: June 3, 1977**
MATTER OF: Advance Payments for Equipment Rental

DIGEST:

Advance payment authority for subscriptions to newspapers, magazines, periodicals and other publications contained in 31 U.S.C. 530(a) and (b) does not extend to items of rented equipment used in conjunction with subscriptions for microfilmed library systems.

The Veterans Administration has requested our decision on the legality of making advance payment for microphotographic equipment rented in conjunction with subscriptions for microfilmed library systems under authority of 31 U.S.C. 530(a) and (b). The question arises because some of the contractor price lists for such systems and equipment leased in conjunction therewith under General Services Administration Federal Supply Schedule contracts provide that "all contracts are annual, payment in advance is authorized."

Advance payments of public moneys are generally prohibited by 31 U.S.C. 529 (1970) with limited exceptions. Certain exceptions to the prohibition are stated in 31 U.S.C. 530(a) which permits advance payments for "[s]ubscription or other charges for newspapers, magazines, periodicals and other publications." (emphasis added).

In 46 Comp. Gen. 394 (1966), we held that tape recordings were not publications within the meaning of 31 U.S.C. 530(a) stating:

"In reaching the conclusion that tape recordings were not publications we referred to an earlier decision, B-125979, dated June 14, 1957, where, in considering the term 'publication' we stated that-

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'* * * There is nothing in the legislative history of that provision to suggest that the Congress thereby intended to authorize advance payment other than for publications in the customary and usually understood sense of the word, that is, as encompassing books, pamphlets, newspapers, periodicals or prints, etc. See United States v. Chase, 135 U.S. 255. * * *'

However, Public Law 93-534, approved December 22, 1974, 88 Stat. 1731, set forth in 31 U.S.C. 530(b), further defined the term "other publications" to include "any publication printed, microfilmed, photocopied, or magnetically or otherwise recorded for auditory or visual usage." A review of the legislative history of this latter Act does not indicate any intent to authorize advance payments for items of equipment necessary for use in conjunction with the "other publications." S. Rep. No. 93-1330, 93d Cong., 2nd Sess. (1974), reprinted in 1974 U.S. Code Cong. & Ad News 6574.

Therefore, advance payment may not be made for the rental of the microphotographic equipment in question.


Deputy Comptroller General
of the United States