



Office of the General Counsel

B-241730.2

February 14, 1991

Anthony J. Zagami, General Counsel
U.S. Government Printing Office
Washington, D.C. 20401

Dear Mr. Zagami:

This is in response to your letter of December 10, 1990. You asked our opinion as to whether or not the operations of the Government Printing Office (GPO) funded by its revolving fund and the GPO sales of publication program would be affected by a funding lapse such as the one experienced on Columbus Day weekend 1990 (October 6-8).

You pointed out in your letter that a substantial portion of GPO's activities are funded by the revolving fund. GPO's position has consistently been that an actual funding lapse would necessitate a general closing of the GPO, with the exception of certain essential activities, in accordance with the provisions of the Antideficiency Act and GPO's annual appropriations language. However, your office is now questioning the necessity of a general shutdown because of a statement in a recent GAO report summarizing the effects of the 1990 Columbus Day weekend shutdown. The report stated:

"You should also consider that not all agencies rely on annual appropriation acts for all of their operating funds. Examples include certain activities in . . . the Government Printing Office. Employees in those agencies whose programs are funded by means other than annual appropriations acts were not subject to the funding lapses."

GAO, Government Shutdown: Data on Effects of 1990 Columbus Day Weekend Funding Lapse at 3 (GAO/GGD-91-17FS, B-241730, Oct. 19, 1990).

Our October 19 fact sheet was intended to report only what agencies reported to GAO concerning their funding situation. GPO was inadvertently included in this section of the fact sheet as one of four examples of agencies that reported sources of funding other than annual appropriations as a basis for continued operations during the funding lapse. We agree with GPO's historic view that if Congress fails to authorize the use of the GPO revolving fund a funding lapse would occur

thus forcing a general shutdown of GPO operations funded by the revolving fund.

ANALYSIS

The GPO revolving fund was created in 1954 to place GPO on a business-type financial and accounting basis thus simplifying the budget process and also matching costs with revenues.^{1/} Pub. L. No. 83-178, 67 Stat. 330 (1953), codified at 44 U.S.C. § 309; H.R. Rep. No. 598, 83rd Cong., 1st Sess. 3 (1953). Currently, the revolving fund consists of two major elements: printing and binding operations and sales of publications operations.^{2/} Since fiscal year 1969, the law has provided that GPO's ". . . budget program shall be considered and enacted as prescribed by section 9104 of title 31." 44 U.S.C. § 309(c) (emphasis added); B-216943, Mar. 21, 1985. The legislative history of the provision clearly sets out Congress's intent:

"GPO WORKING CAPITAL FUND

The 1953 statute creating the GPO working capital revolving fund provided that the Public Printer prepare a business-type budget for the fund and that it be submitted to Congress annually. This has been done every year. The law was silent, however, on what the procedure from there on should be, though obviously it was intended that there be such annual review as considered necessary. But no affirmative legislative action such as is required in respect to Government corporation-budgets and a number of non-corporate revolving fund budgets was prescribed.

In order to standardize the matter, the Committee bill includes language calling for annual review and requiring affirmative legislative action on the

1/ Prior to 1954, GPO received an annual working capital appropriation to cover the costs of departmental printing until agencies paid GPO for its services. The appropriation was essentially an annual loan from Treasury to GPO. At the close of each fiscal year, GPO returned the appropriated amount to the Treasury.

2/ Two other GPO functions are supported by direct annual appropriations: "Congressional Printing and Binding" and "Office of the Superintendent of Documents: Salaries and Expenses". Legislative Branch Appropriations for 1990, Hearings Before the Subcommittee on Legislative Branch Appropriations of the House Committee on Appropriations 101st Cong., 1st Sess. 1090-1091, 1101 (1989).

revolving fund budget annually. It is the same procedure that now applies, for example, to the Small Business Administration revolving funds, and to all Government corporations."

H.R. Rep. No. 323, 90th Cong., 1st Sess. 16 (1967) (emphasis added).

Accordingly, every GPO Appropriation Act since fiscal year 1969 has contained the same authorizing language:

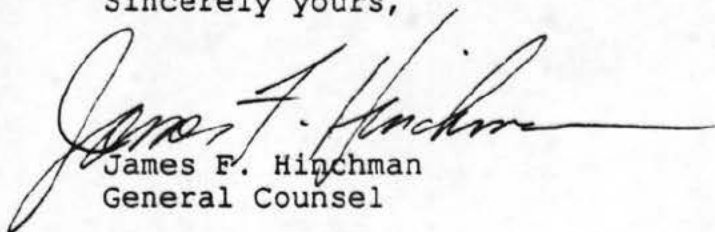
"GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with law . . . as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund."

See, e.g., Pub. L. No. 90-417, 82 Stat. 412 (1968) (emphasis added); Pub. L. No. 95-94, 91 Stat. 680 (1977); Pub. L. No. 101-163, 103 Stat. 1061 (1989); see also, H.R. Rep. No. 179, 101st Cong., 1st Sess. 34 (1989). (Committee recommends "the usual language authorizing the operation of the revolving fund").

Thus, it is clear that without annual congressional action authorizing the use of the GPO revolving fund, the operations and programs financed by the fund would be subject to a funding lapse such as the one experienced on Columbus Day weekend 1990. I trust the foregoing is helpful to you.

Sincerely yours,


James F. Hinchman
General Counsel