Text as published on gao.gov, https://www.gao.gov/products/B-123964, archived 2020-11-01. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-123964, Nov. 27, 1956

Number: B-123964

Date: 1956-11-27

B-123964, NOV. 27, 1956

TO THE HONORABLE RAYMOND BLATTENBERGER, PUBLIC PRINTER:

REFERENCE IS MADE TO YOUR LETTER OF OCTOBER 19, 1956, REFERRING TO OUR LETTER DATED AUGUST 23, 1955, WHEREIN THERE WERE CONSIDERED CERTAIN QUESTIONS ARISING IN REGARD TO THE APPLICATION OF SECTION 1311 OF THE SUPPLEMENTAL APPROPRIATION ACT, 1955, 68 STAT. 830, TO THE APPROPRIATION FOR PRINTING AND BINDING FOR THE CONGRESS.

YOU REFER PARTICULARLY TO THE STATEMENTS CONTAINED IN OUR LETTER TO THE EFFECT THAT ESTIMATED BILLINGS SHOULD BE INVENTORIED AS OF THE CLOSE OF THE FISCAL YEAR AS A MEANS OF DETERMINING THE BALANCE OF OBLIGATIONS THAT SHOULD BE RECORDED TO COVER WORK INITIATED BUT NOT COMPLETED BY JUNE 30 OF EACH YEAR. WITH REFERENCE THERETO, YOU STATE THAT THIS METHOD WAS FOLLOWED IN DETERMINING OBLIGATIONS RECORDED AGAINST THE 1955 APPROPRIATION, AND THAT THE RESULTS THEREOF WERE AUDITED BY THE GENERAL ACCOUNTING OFFICE AND FOUND TO BE IN ORDER. YOU FURTHER STATE THAT---

"WE ALSO FOLLOWED THE SAME METHOD FOR FISCAL YEAR 1956. HOWEVER, A SITUATION, WHICH COULD VERY WELL HAPPEN IN ANY FISCAL YEAR, HAS DEVELOPED IN THAT OBLIGATIONS DETERMINED ON THIS BASIS EXCEED THE 1956 APPROPRIATION BY SOME $750,000. THIS AMOUNT PERTAINS IN ITS ENTIRETY TO WORK WHICH IS REQUIRED TO BE PERFORMED BY LAW. THERE ARE, AS IS SELF EVIDENT, TWO CONDITIONS WHICH CONTRIBUTED TO THIS RESULT: (1) THE FACT THAT, WHILE THE GOVERNMENT PRINTING OFFICE HAS CUSTODY OF THE APPROPRIATION AND PERFORMS THE WORK, WE HAVE NO CONTROL OVER THE VOLUME OF PRINTING AND BINDING WHICH IS REQUIRED BY LAW TO BE PERFORMED AND (2) IT IS ALSO A FACT THAT THE NATURE OF THE WORK AND THE MANNER IN WHICH IT ORIGINATES IS SUCH THAT EVEN BY THE CLOSE OF A PARTICULAR YEAR WE STILL DO NOT HAVE A WORKLOAD PICTURE SUFFICIENTLY COMPLETE AS TO PROVIDE A BASIS FOR ACCURATE MEASUREMENT OF THAT WHICH IS STILL TO BE PERFORMED AND PAYABLE FROM FUNDS OF THE YEAR THAT HAS THEN ENDED. THESE CONDITIONS VIRTUALLY PRECLUDE REALISTIC FORECASTING OF FUND REQUIREMENTS--- IT BEING INCUMBENT UPON US TO FORECAST FOR THE PURPOSE OF ASCERTAINING OBLIGATIONS AT YEAR END AS WELL AS IN THE PRIOR PROCESS OF JUSTIFYING THE ANNUAL APPROPRIATIONS.'

YOU EXPRESS THE VIEW THAT REMEDIAL ACTION IS NECESSARY IN ORDER TO AVOID A RECURRENCE OF THE PROBLEM ENCOUNTERED CONCERNING THE 1956 APPROPRIATION, AND SUGGEST THAT SOME OTHER TYPE OF APPROPRIATION, SUCH AS AN INDEFINITE APPROPRIATION, WOULD BE MORE ADAPTABLE TO THIS PROGRAM. SPECIFICALLY, YOU REQUEST OUR OPINION (1) AS TO WHETHER SUCH OBLIGATIONS SHOULD REMAIN ON THE 1956 BOOKS AND A SUPPLEMENTAL APPROPRIATION BE REQUESTED FOR THE FISCAL YEAR 1956; OR, (2) INASMUCH AS THE 1957 APPROPRIATION IS USED FOR THE SAME PURPOSE, SHOULD

SUCH OBLIGATIONS BE TRANSFERRED TO THAT APPROPRIATION FOR LIQUIDATION.

THE APPROPRIATION FOR CONGRESSIONAL PRINTING AND BINDING AS SET FORTH IN THE LEGISLATIVE APPROPRIATION ACT, 1956, PUBLIC LAW 242, APPROVED AUGUST 5, 1955, 69 STAT. 519, READS AS FOLLOWS:

"FOR AUTHORIZED PRINTING AND BINDING FOR THE CONGRESS; NOT TO EXCEED $7,500 FOR PRINTING AND BINDING FOR THE ARCHITECT OF THE CAPITOL; EXPENSES NECESSARY FOR PREPARING THE SEMIMONTHLY AND SESSION INDEX TO THE CONGRESSIONAL RECORD, AS AUTHORIZED BY LAW (44 U.S.C. 182); PRINTING, BINDING, AND DISTRIBUTION OF THE FEDERAL REGISTER (INCLUDING THE CODE OF FEDERAL REGULATIONS), AS AUTHORIZED BY LAW (44 U.S.C. 309, 311, 311A); AND PRINTING AND BINDING OF GOVERNMENT PUBLICATIONS AUTHORIZED BY LAW TO BE DISTRIBUTED WITHOUT CHARGE TO THE RECIPIENTS; $8,800,000: PROVIDED, THAT THIS APPROPRIATION SHALL NOT BE AVAILABLE FOR PRINTING AND BINDING PART 2 OF THE ANNUAL REPORT OF THE SECRETARY OF AGRICULTURE (KNOWN AS THE YEARBOOK OF AGRICULTURE).'

IT IS EVIDENT FROM THE TERMS OF THE ABOVE-QUOTED APPROPRIATION THAT THE GOVERNMENT PRINTING OFFICE EXERCISES NO CONTROL OVER THE VOLUME OF PRINTING AND BINDING THAT IS REQUIRED BY LAW TO BE PERFORMED FOR THE CONGRESS. ALSO, SEE 44 U.S.C. 154, 183. THIS CIRCUMSTANCE, AS YOU POINT OUT, MAKES IT VIRTUALLY IMPOSSIBLE IN ANY FISCAL YEAR TO ASSURE THAT THE COST OF WORK SO UNDERTAKEN WILL NOT EXCEED THE AMOUNT OF FUNDS APPROPRIATED THEREFOR. HOWEVER THAT MAY BE, THERE CAN BE NO QUESTION THAT THE AMOUNT ANNUALLY APPROPRIATED FOR SUCH PURPOSES OPERATES AS A CEILING UPON EXPENDITURES FOR CONGRESSIONAL PRINTING AND BINDING. HENCE, YOUR CONCERN IN THIS MATTER APPEARS TO RELATE MAINLY TO THE LACK OF SUFFICIENT FUNDS WITH WHICH TO LIQUIDATE PROMPTLY THE COST OF PRINTING AND BINDING IN EXCESS OF THE FUNDS PROVIDED THEREFOR.

IT SEEMS REASONABLY CLEAR THAT THE INADEQUACY OF FUNDS TO PAY THE CHARGES AGAINST THE 1956 APPROPRIATION RESULTED FROM WORK ORIGINATING IN OR EMANATING FROM THE CONGRESS AND REQUIRED BY IT TO BE DONE. IT MUST BE ASSUMED IN SUCH CIRCUMSTANCE THAT THE CONGRESS INTENDED TO AUTHORIZE THE PUBLIC PRINTER TO EXCEED THE APPROPRIATION AND THAT IT WILL APPROPRIATE IN DEFICIENCY OR SUPPLEMENTAL ACTS, IF NEED BE, THE FUNDS NECESSARY TO MEET THE OVEROBLIGATION SO INCURRED. MANIFESTLY, THE OVEROBLIGATION HAVING BEEN INCURRED AGAINST THE 1956 APPROPRIATION, THIS LIABILITY MAY NOT BE TRANSFERRED TO THE RELATED 1957 APPROPRIATION FOR LIQUIDATION PURPOSES WITHOUT SPECIFIC STATUTORY SANCTION. WHERE, AS HERE, AN APPROPRIATION HAS BEEN EXHAUSTED AND A DEFICIENCY INCURRED ON AMOUNT OF OBLIGATIONS LEGALLY CREATED THEREUNDER, THE USUAL PROCEDURE IS TO SUBMIT TO THE CONGRESS A REQUEST FOR A DEFICIENCY APPROPRIATION TO COVER THE AMOUNT OF OBLIGATIONS THAT ARE CHARGEABLE TO THE EXHAUSTED APPROPRIATION. THIS PROCEDURE, IN EFFECT, WAS FOLLOWED WITH REFERENCE TO THE CONGRESSIONAL PRINTING AND BINDING APPROPRIATION FOR THE FISCAL YEAR 1957, ESTABLISHED BY PUBLIC LAW 624, APPROVED JUNE 27, 1956, 70 STAT. 369. IT IS OBSERVED THAT, IN ADDITION TO THE APPROPRIATION MADE FOR THAT FISCAL YEAR, THERE WAS PROVIDED IN THAT ACT A SUPPLEMENTAL APPROPRIATION OF $400,000 FOR THE FISCAL YEAR 1956. REGARDING THE LATTER FUNDS IT HAS BEEN INFORMALLY LEARNED THAT THEY WERE REQUESTED TO MEET OBLIGATIONS OTHER THAN THE REFERRED-TO OVEROBLIGATION OF APPROXIMATELY $750,000, BUT THAT SITUATION MERELY ADDS EMPHASIS TO THE IMPROPRIETY OF UTILIZING 1957 FUNDS TO LIQUIDATE OBLIGATIONS INCURRED DURING THE FISCAL YEAR 1956.

THUS, THE USUAL PROCEDURE TO ADJUST THE 1956 OVEROBLIGATION WOULD BE TO REQUEST A DEFICIENCY APPROPRIATION FROM THE CONGRESS. INSTEAD, AND WITH THE VIEW OF OBVIATING ANY DELAY IN THE PROCUREMENT OF AVAILABLE FUNDS, YOU MAY PREFER ASKING

THE CONGRESS FOR AUTHORITY TO USE A CURRENT APPROPRIATION IN THE LIQUIDATION OF SUCH OBLIGATIONS. THIS COULD BE ACCOMPLISHED BY INSERTING IN A PENDING APPROPRIATION BILL A PROVISION TO THE EFFECT THAT THE CURRENT APPROPRIATION SHALL BE AVAILABLE, ALSO, FOR THE PAYMENT OF OBLIGATIONS LEGALLY INCURRED UNDER THE APPROPRIATION FOR SIMILAR PURPOSES FOR PRECEDING FISCAL YEARS. SUCH A PROCEDURE WOULD ENABLE YOU TO EFFECT PROMPT PAYMENT FROM CURRENT FUNDS OF ALL VALID OBLIGATIONS WHICH AROSE UNDER PRIOR APPROPRIATIONS.

REGARDING THE SUGGESTION IN YOUR LETTER THAT SOME OTHER TYPE OF APPROPRIATION MIGHT BE MORE ADAPTABLE TO CARRY OUT CONGRESSIONAL PRINTING AND BINDING OPERATIONS, THIS APPEARS TO BE A MATTER FOR CONSIDERATION BY THE CONGRESS ITSELF. HOWEVER, IT WOULD APPEAR THAT THE INCLUSION IN THE ANNUAL APPROPRIATION FOR EACH SUCCEEDING FISCAL YEAR OF A PROVISION SUCH AS THAT REFERRED TO IN THE PRECEDING PARAGRAPH--- MAKING THE CURRENT APPROPRIATION AVAILABLE FOR OBLIGATIONS INCURRED DURING PRIOR FISCAL YEARS --- WOULD PROVIDE A POSSIBLE SOLUTION TO THE PROBLEM.