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BOOKS PURCHASED THROUGH BOOK CLUBS - ADVANCE PAYMENT PROHIBITION EXCEPTION ALTHOUGH BOOKS WHICH ARE PURCHASED CHEAPER ON A SUBSCRIPTION BASIS THAN ON AN INDIVIDUAL BASIS ARE NOT WITHIN THE TERM "PERIODICALS" AS USED IN THE ADVANCE PAYMENT PROHIBITION EXCEPTION IN 31 U.S.C. 530, THEY ARE WITHIN THE TERM "PUBLICATIONS" AS USED IN THAT PROVISION ALLOWING THE VETERANS ADMINISTRATION TO SUBSCRIBE FOR PUBLICATIONS.

TO THE ADMINISTRATOR, VETERANS ADMINISTRATION, JANUARY 17, 1956:

REFERENCE IS MADE TO LETTER DATED NOVEMBER 3, 1955, FROM THE DEPUTY ADMINISTRATOR, REQUESTING A DECISION AS TO WHETHER BOOKS FOR USE IN VETERANS HOSPITALS MAY BE PROCURED BY SUBSCRIPTION THROUGH SO-CALLED "BOOK CLUBS" AT A PRICE ADVANTAGE OVER THE PURCHASE OF BOOKS ON AN INDIVIDUAL BASIS.

THE LETTER REFERS TO THAT PORTION OF SECTION 3648, REVISED STATUTES, 31 U.S.C. 529, WHICH PROVIDES THAT " NO ADVANCE OF PUBLIC MONEY SHALL BE MADE IN ANY CASE UNLESS AUTHORIZED BY THE APPROPRIATION CONCERNED OR OTHER LAW" AND POINTS OUT THAT AN EXCEPTION HAS BEEN MADE TO PERMIT THE ADVANCE PAYMENT FOR SUBSCRIPTIONS TO NEWSPAPERS, MAGAZINES, AND OTHER PERIODICALS. IT IS STATED THAT A QUESTION HAS ARISEN AS TO WHETHER THE WORD "PERIODICALS" EMBRACES BOOKS PUBLISHED ON A MONTHLY OR PERIODIC BASIS.

THE EXCEPTION REFERRED TO IS BASED UPON SECTION 530, TITLE 31, U.S.C.WHICH READS AS FOLLOWS:

SUBSCRIPTIONS FOR PUBLICATIONS FOR THE DEPARTMENT OF AGRICULTURE, TO BE PAID FOR BY THE SECRETARY OF AGRICULTURE; SUBSCRIPTIONS TO NEWSPAPERS, MAGAZINES, PERIODICALS, AND OTHER PUBLICATIONS, PURCHASED FROM FUNDS OF THE BRANCH, OFFICE, OR OFFICERS OF THE ARMY THE SECRETARY OF THE ARMY MAY FROM TIME TO TIME DESIGNATE; SUBSCRIPTIONS FOR PUBLICATIONS FOR THE VETERANS' ADMINISTRATION, TO BE PAID FOR BY THE DIRECTOR; SUBSCRIPTIONS FOR NEWSPAPERS AND PERIODICALS FOR THE NAVAL SERVICE; SUBSCRIPTIONS CHARGES NEWSPAPERS, MAGAZINES, AND OTHER PERIODICALS FOR OFFICIAL USE OF ANY OFFICE UNDER THE GOVERNMENT OF THE UNITED STATES OR THE MUNICIPAL GOVERNMENT OF THE DISTRICT OF COLUMBIA, TO BE PAID FROM APPROPRIATIONS AVAILABLE THEREFOR, MAY BE PAID IN ADVANCE. (ITALICS SUPPLIED.)

THE SUPREME COURT OF THE UNITED STATES IN HOUGHTON V. PAYNE, 194 U.S. 88, PAGE 97, CLEARLY DISTINGUISHES A BOOK, WHICH IS COMPLETE IN ITSELF, GENERALLY DEALS WITH A SINGLE SUBJECT, NEEDS NO CONTINUATION, FROM A PERIODICAL, NO SINGLE ISSUE OF WHICH IS A COMPLETE BOOK IN ITSELF, AND INDICATED THAT THE PUBLICATION OF BOOKS AT REGULAR INTERVALS WOULD NOT IN ITSELF CONSTITUTE SUCH BOOKS AS

PERIODICALS. SEE, ALSO, SMITH V. HITCHCOCK, 226 U.S. 53. ACCORDINGLY, YOU ARE ADVISED THAT THE TERM "PERIODICALS" AS USED IN SECTION 530, TITLE 31, U.S.C. ABOVE QUOTED, MAY NOT BE REGARDED AS EMBRACING BOOKS PUBLISHED ON A MONTHLY OR PERIODIC BASIS.

HOWEVER, AN EXAMINATION OF SECTION 530 OF TITLE 31 SHOWS THAT SPECIFIC AUTHORIZATION FOR ADVANCE PAYMENT IS ALSO MADE FOR "SUBSCRIPTIONS FOR PUBLICATIONS FOR THE VETERANS' ADMINISTRATION.' THE WORD "PUBLICATION" IS DEFINED IN WEBSTER'S INTERNATIONAL DICTIONARY AS "ANY PRINTED WORK PLACED ON SALE, OR OTHERWISE DISTRIBUTED OR OFFERED FOR DISTRIBUTION.' IN VIEW OF SUCH DEFINITION, IT APPEARS CLEAR THAT A BOOK FALLS WITHIN THE MEANING OF THE BROAD TERM "PUBLICATION.' SEE UNITED STATES V. WILLIAMS, 3 FED. 484. 3 COMP. GEN. 562; 23 ID. 326. ACCORDINGLY, IT IS OUR VIEW THAT THE PROCUREMENT OF BOOKS THROUGH "BOOK CLUB" FACILITIES BY THE ADVANCE PAYMENT FOR A SUBSCRIPTION MAY BE ACCOMPLISHED BY THE VETERANS' ADMINISTRATION UNDER THE SPECIFIC AUTHORIZATION CONTAINED IN THAT PART OF SECTION 530, TITLE 31, U.S.C. REFERRING TO SUBSCRIPTIONS FOR PUBLICATIONS FOR YOUR ADMINISTRATION.