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B-154277, Jun. 5, 1964

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B-154277, JUN. 5, 1964

TO THE CHAIRMAN SUBVERSIVE ACTIVITIES CONTROL BOARD:

REFERENCE IS MADE TO YOUR LETTER OF MAY 25, 1964, REQUESTING AN OPINION WHETHER THE 1964 FISCAL YEAR APPROPRIATION FOR "SALARIES AND EXPENSES, SUBVERSIVE ACTIVITIES CONTROL BOARD" IS AVAILABLE FOR THE PRINTING AND BINDING OF DECISIONS OF THE BOARD FROM ITS INCEPTION IN 1950 THROUGH DECEMBER 31, 1963, AND AN INDEX-DIGEST THEREOF. THE REQUISITION FOR THE WORK WOULD BE ISSUED TO THE GOVERNMENT PRINTING OFFICE BEFORE THE CLOSE OF THE CURRENT FISCAL YEAR WITH DELIVERY OF THE BOUND VOLUMES TO BE MADE IN FOUR OR MORE MONTHS, THE TIME ESTIMATED FOR COMPLETION OF THE PRINTING AND BINDING.

IT IS STATED IN YOUR LETTER THAT THE SUBVERSIVE ACTIVITIES CONTROL BOARD HAS DETERMINED THAT IN ORDER TO CARRY OUT THE BOARD'S FUNCTIONS IT IS NECESSARY THAT ITS DECISIONS BE PRINTED AND BOUND IN VOLUMES INCLUDING AN INDEX-DIGEST THEREOF. IN JUSTIFICATION OF THE NEED IT IS REPORTED THAT THE DECISIONS OF THE BOARD HAVING POSSIBLE VALUE AS PRECEDENT ARE PRESENTLY CONTAINED IN OVER 3,000 PAGES OF TYPEWRITTEN OR MIMEOGRAPHED DOCUMENTS; THAT THE INDEX-DIGEST IS CONTAINED ON THOUSANDS OF CARDS FROM WHICH HAVE BEEN COMPILED OVER 350 MIMEOGRAPHED PAGES; AND THAT SUPPLIES OF COPIES OF THE MORE IMPORTANT DECISIONS AND REPORTS OF THE BOARD HAVE BECOME ALMOST EXHAUSTED DURING THE FISCAL YEAR. IT IS ALSO REPORTED THAT THE NEED FOR THE PRINTED MATERIAL HAS DEFINITELY ARISEN; THAT PREPARATORY WORK IN WRITING HEADNOTES AND COMPILING INDEX TOPICS HAS JUST RECENTLY BEEN COMPLETED; AND THAT IT WOULD NOT HAVE BEEN POSSIBLE TO PLACE AN ORDER FOR THE PRINTING JOB AT AN EARLIER DATE.

THE BOARD FUNCTIONS, UNDER AUTHORITY OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950, AS AMENDED, 50 U.S.C. 781 ET. SEQ., IN A QUASI JUDICIAL CAPACITY AND IS EMPOWERED, IN CASES BROUGHT BEFORE IT BY THE ATTORNEY GENERAL, TO HOLD HEARINGS AND MAKE DETERMINATIONS RELEVANT TO THE MATTER UNDER INQUIRY. IT IS REQUIRED TO ISSUE WRITTED OPINIONS AND APPROPRIATE ORDERS, AND DECISIONS OF THE BOARD MAY BE APPEALED DIRECTLY TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT AND, UPON GRANT OF CERTIORARI, TO THE SUPREME COURT. THE BOARD IS AUTHORIZED TO HOLD HEARINGS AT ANY PLACE IN THE UNITED STATES.

THE CORRECT APPROPRIATION FOR THE SUBVERSIVE ACTIVITIES CONTROL BOARD IS AVAILABLE FOR ,NECESSARY EXPENSES.' SINCE IT HAS BEEN DETERMINED BY THE BOARD THAT THE ABOVE-DESCRIBED PRINTING AND BINDING IS NECESSARY FOR CARRYING OUT ITS FUNCTIONS, AND IN THE ABSENCE OF A SPECIFIC LIMITATION OR PROHIBITION IN THE APPROPRIATION AGAINST SUCH PURPOSE, WE ARE OF THE VIEW THAT THE APPROPRIATION IS LEGALLY AVAILABLE FOR THE PURPOSE IN QUESTION. CF. 35 COMP. GEN. 687. YOUR ATTENTION IS INVITED HOWEVER, TO CIRCULAR LETTER OF SEPTEMBER 3, 1941, A-44006,

21 COMP. GEN. 1159, CONCERNING REQUISITIONS FOR PRINTING TRANSMITTED TO THE GOVERNMENT PRINTING OFFICE NEAR THE CLOSE OF THE FISCAL YEAR, AND THE NECESSITY THAT SUCH REQUISITION BE COMPLETE AND PROPERLY ISSUED IN ORDER TO CREATE A VALID OBLIGATION OF A CURRENT FISCAL YEAR APPROPRIATION. ANY REQUISITION PLACED FOR THE SUBJECT PRINTING MUST MEET THESE REQUIREMENTS.

INCIDENT TO CONSIDERATION OF YOUR LETTER IT WAS NOTED THAT FUNDS HAD BEEN REQUESTED FOR FISCAL YEAR 1965 FOR THE PRINTING AND BINDING YOU NOW WISH TO UNDERTAKE. THIS REQUEST WAS DENIED BY THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS SHOWN IN HOUSE REPORT NO. 1374, PAGE 25, 88TH CONGRESS, 2D SESSION, AND ALTHOUGH WE DO NOT VIEW SUCH DENIAL AS A LEGAL IMPEDIMENT AGAINST THE USE OF YOUR 1964 APPROPRIATION FOR THIS PURPOSE, WE FEEL YOU SHOULD ADVISE THE APPROPRIATION COMMITTEES OF THE CONGRESS AS TO YOUR CONTEMPLATED ACTION.