



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

B-199465

October 9, 1980

To the Congress of the United States:

In accordance with the Meritorious Claims Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236, we make the following report and recommendation on the [claim of Seattle Post-Intelligencer] 521 Wall Street, Seattle, Washington 98121 for \$76.48. The claim arises from recruitment advertisements placed by the Department of the Army without prior written approval by proper authorities.

The claim for services rendered without a formal contract was examined by the U.S. Army Finance and Accounting Center and forwarded to our Claims Group for settlement. The claim could not be certified for payment since the advertisements were placed without prior written authorization in violation of 44 U.S.C. § 3702 which states as follows:

"Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority."

We have held in 35 Comp. Gen. 235 (1955) that these provisions do not preclude advertising in newspapers per se but only payment for the advertisement unless the proper procedures are followed. Ratification after the services have been rendered does not comply with the terms of the statute.

Although we do not generally report to the Congress, under the Act of April 10, 1928, claims which cannot be paid by reason of a prohibitory statute, we determined that because the agency had the advertisements published in good faith and the Government received benefits from them, the equities warrant reporting the claim to the Congress under the Meritorious Claims Act, with a recommendation that payment be authorized.

[Handwritten signature]

012512

COMBINED
with 15116

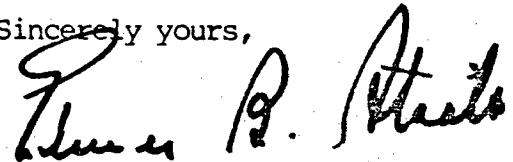
15129
Rogers
GGM

B-199453

If the Congress agrees with our recommendation, it is suggested that enactment of a statute in substantially the following form will accomplish the desired result:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Comptroller General of the United States be, and hereby is, authorized and directed to settle and adjust the claim of Seattle Post-Intelligencer, for advertisements published for the Department of the Army, and to allow in full and final settlement of such claim the sum of \$76.48. Such amount shall be payable from the applicable appropriation of the Department of the Army."

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Thomas B. Stewart".

Comptroller General
of the United States



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

B-199465

October 9, 1980

The Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives

Dear Mr. Speaker:

Pursuant to the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236, we are transmitting our report and recommendations to the Congress concerning the claim of Seattle Post-Intelligencer, for advertising services provided to the United States. We request that you present the same to the United States House of Representatives.

An identical report is being transmitted to the President of the Senate.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Luther G. Staitz".

Comptroller General
of the United States

Enclosure



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

B-199465

October 9, 1980

The Honorable Walter F. Mondale
President of the Senate

Dear Mr. President:

Pursuant to the Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236, we are transmitting our report and recommendations to the Congress concerning the claim of Seattle Post-Intelligencer, for advertising services provided to the United States. We request that you present the same to the United States Senate.

An identical report is being transmitted to the Speaker of the House of Representatives.

Sincerely yours,

A handwritten signature in cursive script that reads "James B. Stacks".

Comptroller General
of the United States

Enclosure



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

B-199465

October 9, 1980

Ms. Mary Katica
Credit Secretary
Seattle Post-Intelligencer
521 Wall Street
Seattle, Washington 98121

Dear Ms. Katica:

This is in reference to your claim in the amount of \$76.48 (accountno. CI-9672131-1) for two classified advertisements (#102820330 and #116740420) published at the request of the Department of the Army Civilian Personnel Office, Fort Lewis, Washington. The advertisements were procured in violation of section 3702 of Title 44, United States Code, which provides that:

"Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority."

Regretfully, our Office must therefore disallow your claim. You published the advertisements in good faith, however, and we feel that the equities in the matter warrant reporting your claim to the Congress of the United States under the Meritorious Claims Act of April 10, 1928, 31 U.S.C. § 236 (1976). Enclosed is a copy of our report of today to the Congress recommending that payment of the claim be authorized.

No further action on your claim can be taken by our Office unless and until Congress enacts legislation pursuant to our recommendation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas B. Atchefs".

Comptroller General
of the United States

15116

UNITED STATES GOVERNMENT

GENERAL ACCOUNTING OFFICE

Memorandum

October 9, 1980

TO : Associate Director, FGMSD/Claims Group - Daniel P. Leary

Rogers
66M

FROM : Comptroller General *AS*

SUBJECT: [Claim of Seattle Post-Intelligencer] (Z-2822660)
B-199465-O.M.]

We are returning the subject claim file, together with a copy of our letter of today, B-199465, to Seattle Post-Intelligencer advising that while we have no authority to pay its claim, we are submitting it to the Congress pursuant to the Meritorious Claims Act. In addition, we are including copies of our letters to the Congress, the President of the Senate and the Speaker of the House of Representatives, recommending that the claim be authorized.

Attachments

Combine with
15129