

Calendar No. 261

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
115-184 }

FEDERAL REGISTER PRINTING SAVINGS
ACT OF 2017

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 195

TO AMEND TITLE 44, UNITED STATES CODE, TO RESTRICT THE
DISTRIBUTION OF FREE PRINTED COPIES OF THE FEDERAL
REGISTER TO MEMBERS OF CONGRESS AND OTHER OFFICERS
AND EMPLOYEES OF THE UNITED STATES, AND FOR OTHER
PURPOSES



NOVEMBER 8, 2017.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

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FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017

NOVEMBER 8, 2017.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 195]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 195) to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

H.R. 195, the Federal Register Printing Savings Act of 2017, ends daily distribution of the printed *Federal Register* to Members of Congress or any other office of the United States Government, unless the office specifically requests a subscription. The Act also establishes a maximum subscription length of one year before it would have to be renewed.

II. BACKGROUND AND THE NEED FOR LEGISLATION

The *Federal Register* was first published in 1936 to ensure Executive Branch actions such as executive orders and regulations were properly recorded and made publicly available.¹ Early editions of the *Federal Register* were short in length. For example, the first issue was only 16 pages.² According to the Congressional Budget Office, today the average *Federal Register* is around 300 pages and costs \$4.50 to produce and distribute.³

Since June 8, 1994, the *Federal Register* has been available to the public online.⁴ The online version of the *Federal Register* is updated daily and has navigational features that make it more user-friendly than the paper copy.⁵

Despite the electronic availability of the digital *Federal Register*, Federal offices and members of Congress still receive automatic, daily deliveries of physical copies of the *Federal Register*.⁶

After declaring “no one reads this thing,”⁷ President Obama sought to end automatic printing of the *Federal Register*.⁸ Although the Obama Administration could not fully do so without legislation, it was successful in reducing the number of Federal agencies that automatically receive the *Federal Register* by 85 percent.⁹ Congressional action is necessary to cease all automatic printing and distribution of the *Federal Register* to Government offices. The CBO estimates that doing so would save about one million dollars each year.¹⁰

The Federal Register Printing Savings Act of 2017 would halt the wasteful automatic printing and distribution of the *Federal Register* to Members of Congress and Government offices. The Act requires offices that want hard copies to actively subscribe to the *Federal Register* and if they do so, it will be available to them free of charge. The Act also requires the office to renew its subscription each year. This provision ensures that a subscription will not be continually and unnecessarily delivered to an office, unless specifically requested.

III. LEGISLATIVE HISTORY

On January 3, 2017, Representative Steve Russell (R–OK) introduced H.R. 195, the Federal Register Printing Savings Act of 2017. H.R. 195 passed the House by voice vote on May 17, 2017.

¹ Office of the Fed. Register, *A Brief History Commemorating the 70th Anniversary of the Publication of the First Issue of the Federal Register March 14, 1936*, National Archives and Records Administration, 2, <https://www.archives.gov/files/federal-register/the-federal-register/history.pdf> [hereinafter *Brief History*].

²*Id.* at 3.

³ Cong. Budget Office, *Cost Estimate: H.R. 194 Federal Register Printing Savings Act of 2017 (2017)*, available at <https://www.cbo.gov/sites/default/files/115th-congress-2017-2018/costestimate/hr195.pdf>.

⁴*Brief History*, *supra* note 1, at 14.

⁵ Office of the Fed. Register, *About This Site*, <https://www.federalregister.gov/reader-aids/government-policy-and-ofr-procedures/about-this-site> (last visited Oct. 16, 2017).

⁶Nat'l. Archives & Records Admin., *About the Federal Register*, <https://www.archives.gov/federal-register/the-federal-register/about.html> (last visited Oct. 16, 2017).

⁷ Robert Jackel, *Federal Register Will No Longer Be Printed, Obama Says*, *The Regulatory Review* (June 22, 2011), <https://www.theregview.org/2011/06/22/federal-register-will-no-longer-be-printed-obama-says/>.

⁸*Id.*

⁹ Press Release, Office of Mgmt. & Budget, *We Can't Wait: President Obama to Sign Executive Order to Cut Waste and Promote Efficient Spending; White House to Announce 2011 SAVE Award Finalists* (Nov. 09, 2011) available at <https://obamawhitehouse.archives.gov/the-press-office/2011/11/09/we-cant-wait-president-obama-sign-executive-order-cut-waste-and-promote->

¹⁰ Cong. Budget Office, *supra* note 3.

H.R. 195 was referred to the Senate Homeland Security and Governmental Affairs Committee. The Committee considered H.R. 195 at a business meeting on July 26, 2017. The Act was ordered reported favorably *en bloc* by voice vote. Senators present for the vote were Johnson, Portman, Lankford, Daines, McCaskill, Tester, Heitkamp, Hassan and Harris.

IV. SECTION-BY-SECTION ANALYSIS OF THE ACT, AS REPORTED

Section 1. Short title

This section establishes the short title of the Act as the “Federal Register Printing Savings Act of 2017.”

Sec. 2. Restrictions on distribution of free printed copies of Federal Register to members of Congress and federal employees

Subsection (a) prohibits members of Congress and any office of the United States Government from receiving printed copies of the *Federal Register* unless they request a copy of a specific issue or opt for a subscription no longer than one year. Subsection (b) establishes an effective date for the amendments made by this Act of January 1, 2018.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this Act and determined that the Act will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the Act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 4, 2017.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 195, the Federal Register Printing Savings Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 195—Federal Register Printing Savings Act of 2017

H.R. 195 would amend federal law to prohibit the Government Publishing Office (GPO) from furnishing a printed copy of the *Federal Register* without charge to a Member of Congress or any employee of the U.S. government unless specifically requested. The *Federal Register* compiles and organizes thousands of rules, regula-

tions, executive orders, presidential documents, and notices generated by federal departments and agencies.

Using information from the National Archives and Records Administration and GPO, CBO expects that implementing the bill would end the distribution of about 1,000 copies of the *Federal Register* that are distributed daily for free. The average *Federal Register* has 300 pages and costs \$4.50 to produce and distribute. CBO estimates that eliminating those free copies of the *Federal Register* would reduce spending that is subject to appropriation by \$1 million annually. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 195 would not increase direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 195 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On February 22, 2017, CBO transmitted a cost estimate for H.R. 195 as ordered reported by the House Committee on Oversight and Government Reform on February 14, 2017. The two versions of legislation are identical, and CBO's estimates of the budgetary effects are the same.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE ACT, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

* * * * *

CHAPTER 15—FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

* * * * *

SEC. 1506. ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER; ESTABLISHMENT AND COMPOSITION; POWERS AND DUTIES.

[The Administrative Committee] (a) *COMPOSITION; DUTIES.*—*The Administrative Committee* of the Federal Register shall consist of the Archivist of the United States or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Director of the Government Publishing Office or Acting Director of the Government Publishing Of-

ficie. The Director of the Federal Register shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out this chapter. The regulations shall provide, among other things—

(1) * * *

(2) * * *

(3) * * *

(4) **[the number of copies]** *subject to subsection (b), the number of copies* of the Federal Register, which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or Federal agency, for official use, and the number which shall be available for distribution to the public; and

(5) * * *

(b) RESTRICTIONS ON DISTRIBUTION OF FREE PRINTED COPIES TO MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE UNITED STATES.—

(1) PROHIBIT SUBSCRIPTION TO PRINTED COPIES WITHOUT REQUEST.—*Under the regulations prescribed to carry out subsection (a)(4), the Director of the Government Publishing Office may not provide a printed copy of the Federal Register without charge to any Member of Congress or any other office of the United States during a year unless—*

(A) the Member or office requests a printed copy of a specific issue of the Federal Register; or

(B) during that year or during the previous year, the Member or office requested a subscription to printed copies of the Federal Register for that year, as described in paragraph (2).

(2) ADMINISTRATION OF SUBSCRIPTIONS.—*The regulations prescribed to carry out subsection (a)(4) shall include—*

(A) provisions regarding notifications to offices of Members of Congress and other offices of the United States of the restrictions of paragraph (1);

(B) provisions describing the process by which Members and other offices may request a specific issue of the Federal Register for purposes of paragraph (1)(A); and

(C) provisions describing the process by which Members and other offices may request a subscription to the Federal Register for purposes of paragraph (1)(B), except that such regulations shall limit the period for such a subscription to not longer than 1 year.

* * * * *