

FEDERAL REGISTER PRINTING SAVINGS ACT OF 2016

NOVEMBER 30, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 5384]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 5384) 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, report favorably thereon without amendment and recommend that the bill do pass.

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COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 5384, the Federal Register Printing Savings Act of 2016, would prohibit subscriptions to the *Federal Register* by Members of Congress and offices of the federal government without request. Additionally, the bill would limit the length of subscriptions to no longer than one year.

BACKGROUND AND NEED FOR LEGISLATION

The *Federal Register* is described by the National Archives and Records Administration (NARA) as the “daily newspaper of the Federal government” and contains proposed rules and public notices, as well as regulations, Executive Orders, and presidential documents.¹ The *Federal Register* is prepared by NARA and published daily in print and online by the Government Publishing Office (GPO).

Since it was first published in 1936, the *Federal Register* has been a vital record of federal government actions and requests for comment for both agencies and the American public. While early editions of the *Federal Register* were fairly short, the length of the *Federal Register* has grown significantly over time. The first issue of the *Federal Register* from March 12, 1936 was just 16 pages and the annual subscription cost was \$10², or \$174 adjusting for inflation.³ Today, an annual subscription costs \$929⁴ and as of November 21, 2016, the 2016 edition of *Federal Register* is more than 83,000 pages in length, with individual issues frequently consisting of 500 or more pages.⁵

The *Federal Register* has also been available online since June 8, 1994.⁶ Since that time, the digital version of the *Federal Register* has been repeatedly enhanced to provide better navigational aids and to include links to related contents.⁷ As a result of these enhancements, the digital version can now provide substantially greater utility to users both in and outside of government.

Unfortunately, despite the quality of the digital *Federal Register*, Members of Congress and offices throughout all branches of the federal government receive daily printed copies of the *Federal Register*, often without request. As a result, it is not uncommon for hundreds, if not thousands of copies of the *Federal Register* to be thrown away each day.

H.R. 5384 will prevent needless waste by ensuring only entities wishing to receive the print edition of the *Federal Register* actually receive it. Under the legislation, GPO would be prohibited from distributing printed copies of the *Federal Register* to offices of the fed-

¹Nat'l. Archives and Records Admin, *About the Federal Register*, available at <https://www.archives.gov/federal-register/the-federal-register/about.html> (last visited Nov. 22, 2016).

²Office of the Fed. Reg., *A Brief History Commemorating the 70th Anniversary of the Publication of the First Issue of the Federal Register*, available at <https://www.archives.gov/files/federal-register/the-federal-register/history.pdf>.

³Bureau of Labor Statistics, *BLS Inflation Calculator*, available at <http://data.bls.gov/cgi-bin/cpicalc.pl> (last visited Nov. 22, 2016).

⁴Gov't. Publishing Office, *Federal Register Complete (Complete Paper Subscription Service, With Indexes)*, available at <https://bookstore.gpo.gov/products/sku/769-004-00000-9> (last visited Nov. 22, 2016).

⁵81 Fed. Reg. 83622 (Nov. 21, 2016).

⁶*Supra* note 2.

⁷Office of the Fed. Reg., *About This Site*, available at <https://www.federalregister.gov/reader-side/government-policy-and-ofr-procedures/about-this-site> (last visited Nov. 22, 2016).

eral government and Members of Congress unless it is specifically requested, either as a single issue or as a subscription. Moreover, subscriptions would be limited to no more than one year to ensure offices annually consider whether a paper version is necessary.

LEGISLATIVE HISTORY

H.R. 5384, the Federal Register Savings Act of 2016, was introduced on June 3, 2016 by Representative Steve Russell (R-OK) and referred to the Committee on Oversight and Government Reform. In addition, the bill was referred to the Committee on House Administration. On November 16, 2016, the Committee on Oversight and Government Reform ordered H.R. 5384 favorably reported, without amendment, by unanimous consent.

SECTION-BY-SECTION

Section 1. Short title

Designates the short title of the bill as the “Federal Register Printing Savings Act of 2016”.

Section 2. Restrictions on distribution of free printed copies of Federal Register to Members of Congress and Federal employees

Subsection (a) amends section 1506 of title 44, United States Code, to insert a new subsection (b) to prohibit any Member of Congress or any office of the United States to receive printed copies of the *Federal Register* unless (1) the Member or office requests a specific printed copy of the *Federal Register* or (2) the Member of office affirmatively requests a subscription to the *Federal Register* from the Government Publishing Office (GPO).

Subsection (b) of section 1506 would also require the Director of GPO to address provisions regarding notification of the written request requirements for both single-issues and subscriptions to the *Federal Register* and subscription requirement, including that such subscriptions may be for no longer than one year.

Subsection (b) states that the amendments made by the bill shall take effect on January 1, 2017.

EXPLANATION OF AMENDMENTS

No amendments to H.R. 5384 were offered or adopted during Full Committee consideration of the bill.

COMMITTEE CONSIDERATION

On November 16, 2016, the Committee met in open session and ordered reported favorably the bill, H.R. 5384, by unanimous consent, a quorum being present.

ROLL CALL VOTES

No roll call votes were requested or conducted during Full Committee consideration of H.R. 5384.

CORRESPONDENCE

JASON CHAFFETZ, UTAH
CHAIRMAN

ONE HUNDRED FOURTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-0551
<http://oversight.house.gov>

November 29, 2016

The Honorable Candice S. Miller
Chairman
Committee on House Administration
1309 Longworth HOB
Washington, D.C. 20515

Dear Madam Chairman:

On November 16, 2016, the Committee on Oversight and Government Reform ordered reported without amendment H.R. 5384, the Federal Register Printing Savings Act of 2016. The bill was referred primarily to the Committee on Oversight and Government Reform, with an additional referral to the Committee on House Administration.

I ask that you allow the Committee on House Administration to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on House Administration represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Oversight and Government Reform, as well as in the *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,



Jason Chaffetz
Chairman

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Elijah E. Cummings
The Honorable Robert A. Brady
The Honorable Thomas J. Wickham, Parliamentarian

CANDICE S. MILLER, MICHIGAN
CHAIRMAN

GREGG HARPER, MISSISSIPPI
RICH NUGENT, FLORIDA
RODNEY DAVIS, ILLINOIS
BARBARA COMSTOCK, VIRGINIA
MARK WALKER, NORTH CAROLINA

SEAN MORAN, STAFF DIRECTOR

Congress of the United States

**House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION**

1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
JUAN VARGAS, CALIFORNIA

ONE HUNDRED FOURTEENTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

November 29, 2016

The Honorable Jason Chaffetz
Chairman, Committee on Oversight and Government Reform
2157 Rayburn HOB
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter regarding H.R. 5384. As you know, the bill was received in the House of Representatives on June 3, 2016, and referred primarily to the Committee on Oversight and Government Reform and in addition to the Committee on the Committee on House Administration. The bill seeks 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. On November 16, 2016 your Committee ordered H.R. 5384 to be reported without amendment.

I realize that discharging the Committee on House Administration from further consideration of H.R. 5384 will serve in the best interest of the House of Representatives and agree to do so. It is the understanding of the Committee on House Administration that forgoing action on H.R. 5384 will not prejudice the Committee with respect to appointment of conferees or any future jurisdictional claim. I request that your letter and this response be included in the bill report filed by your Committee, as well as in the Congressional Record.

Sincerely,



Candice S. Miller
Chairman

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Elijah E. Cummings
The Honorable Robert Brady
The Honorable Thomas J. Wickham, Jr., Parliamentarian

CSM/cmf

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill restricts the distribution of free printed copies of the *Federal Register* to Members of Congress and other officers and employees of the United States. As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal and objective of the bill is 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

DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

NOVEMBER 29, 2016.

Hon. JASON CHAFFETZ,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5384, the Federal Register Printing Savings Act of 2016.

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. 5384—Federal Register Printing Savings Act of 2016

H.R. 5384 would amend federal law to prohibit the Government Printing 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, regulations, 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 mil-

lion annually. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5384 would not increase direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5384 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.

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 44, UNITED STATES CODE

* * * * *

CHAPTER 15—FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

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§ 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 Office. 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) the manner of certification of copies required to be certified under section 1503 of this title, which certification may be permitted to be based upon confirmed communications from outside the District of Columbia;

(2) the documents which shall be authorized under section 1505(b) of this title to be published in the Federal Register;

(3) the manner and form in which the Federal Register shall be printed, reprinted, and compiled, indexed, bound, and distributed;

(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) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes of it.

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

(1) PROHIBITING 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 one year.

* * * * *