

FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017

MAY 17, 2017.—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. 195]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom 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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COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 195, the Federal Register Printing Savings Act of 2017, prohibits the Director of the Government Printing Office from distributing printed copies of the *Federal Register* without charge to Members of Congress and other offices of the federal government without a request. Additionally, H.R. 195 limits the length of requested subscriptions by Members of Congress or offices of the federal government to no more than one year.

BACKGROUND AND NEED FOR LEGISLATION

The National Archives and Records Administration (NARA) describes the *Federal Register* as the “daily newspaper of the Federal government,” and it includes proposed rules and public notices, 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 the federal government’s actions and agency requests for comment. Although early editions of the *Federal Register* were short, its length and printing costs have grown significantly over time. The first issue of the *Federal Register* from March 12, 1936 was just 16 pages, and the annual subscription cost in 1936 was \$10 or \$175 adjusted for inflation.² Today, an annual subscription costs \$929, and the 2016 edition of the *Federal Register* was a record 97,110 pages long, with individual issues frequently surpassing 500 pages in length.³

As an alternative to a print subscription, the *Federal Register* has been available online for free since June 8, 1994.⁴ 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.⁵ As a result, the digital version can now provide substantially greater utility to users—both inside and outside of the federal government.

Unfortunately, despite the quality of the digital *Federal Register*, Members of Congress and offices throughout the federal government receive daily printed copies of the *Federal Register*, often without request. As of November 22, 2016, NARA reported more than 1,200 subscriptions across the federal government, including 186 within the White House itself.⁶ As a result it is not uncommon for hundreds of copies of the *Federal Register* to be thrown away each day.

¹Nat’l. Archives & Records Admin., About the Federal Register, available at <https://www.archives.gov/federal-register/the-federal-register/about.html> (last visited Mar. 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/federalregister/the-federal-register/history.pdf>; Bureau of Labor Statistics, BLS Inflation Calculator, available at https://www.bls.gov/data/inflation_calculator.htm (last visited Mar. 22, 2016).

³Gov’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 Mar. 22, 2016); 81 Fed. Reg. 97110 (2016).

⁴*Supra* note 2.

⁵Office of the Fed. Reg., About This Site, available at <https://www.federalregister.gov/readers-aids/government-policy-and-off-procedures/about-this-site> (last visited Mar. 22, 2016).

⁶Email from John Hamilton, Director of Cong. Affairs, Nat’l. Archives & Records Admin., to Comm. On Oversight & Gov’t. Reform Staff (Nov. 22, 2016) (on file with the Committee).

H.R. 195 prevents this needless waste by ensuring only entities wishing to receive the print edition of the *Federal Register* actually receive it. Under H.R. 195, GPO will be prohibited from distributing printed copies of the *Federal Register* to offices of the federal government, including Members of Congress, unless it is specifically requested, either as a single issue or as a subscription. Moreover, subscriptions to the *Federal Register* will be limited to lengths of no more than one year, to ensure offices annually consider whether a print subscription is a necessary and appropriate use of taxpayer funds.

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 was referred to the Committee on Oversight and Government Reform and in addition to the Committee on House Administration. The Committee on Oversight and Government Reform considered H.R. 195 at a business meeting on February 14, 2017 and ordered the bill favorably reported, without amendment, by voice vote.

In the 114th Congress, Representative Russell introduced a bill identical to H.R. 195, which was H.R. 5384, the Federal Register Printing Savings Act of 2016. On November 16, 2016, the Committee on Oversight and Government Reform ordered H.R. 5384 favorably reported by unanimous consent, and on November 30, 2016, the House passed the bill by voice vote.

SECTION-BY-SECTION

Section 1. Short title

Section 1 establishes the short title of the bill as the “Federal Register Printing Savings Act of 2017.”

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 from receiving 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 or office affirmatively requests a subscription to the *Federal Register* from the Government Publishing Office. Subsection (b) of section 1506 also requires the Director of the Government Publishing Office to include in regulations provisions concerning the notification of the written request requirements for both single-issues and subscriptions to the *Federal Register*. The regulations must also include provisions describing the process for adhering to the subscription requirement, including that such subscriptions may be for no longer than one year.

Subsection (b) of section 2 sets the effective date of the amendments made by subsection (a) as January 1, 2018.

EXPLANATION OF AMENDMENTS

No amendments to H.R. 195 were offered or adopted during Full Committee consideration of the bill.

COMMITTEE CONSIDERATION

On February 14, 2017, the Committee met in open session and ordered reported favorably the bill, H.R. 195, by voice vote, a quorum being present.

ROLL CALL VOTES

No roll call votes were requested or conducted during Full Committee consideration of the bill.

CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM,
Washington, DC, May 10, 2017.

Hon. GREGG HARPER,
*Chairman, Committee on House Administration,
Longworth HOB, Washington, DC.*

DEAR MR. CHAIRMAN: On February 14, 2017, the Committee on Oversight and Government Reform ordered reported without amendment H.R. 195, the Federal Register Printing Savings Act of 2017, by voice vote. 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.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, May 10, 2017.

Hon. JASON CHAFFETZ,
*Chairman, Committee on Oversight and Government Reform,
Rayburn HOB, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 195. As you know, the bill was received in the House of Representatives on January 3, 2017, and referred primarily to the Committee on Oversight and Government Reform and in addition 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 February 14, 2017, your Committee ordered H.R. 195 to be reported by voice vote.

I realize that discharging the Committee on House Administration from further consideration of H.R. 195 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. 195 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,

GREGG HARPER, *Chairman,*
Committee on House Administration.

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 prohibits subscriptions to the *Federal Register* by Members of Congress and offices of the federal government without request. 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 or objective of this bill is 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.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII, 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 section 551 or title 5, United States Code.

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 Section 5(b) of the appendix to title 5, United States Code.

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 included below a letter received from the Congressional Budget Office.

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, which the Committee has included below.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 22, 2017.

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. 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,
Director.

Enclosure.

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

H.R. 195 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 million 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. 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.

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

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**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) *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 1 year.

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