

[Captioner Standing By, next Session Starts 2:15PM EST]

>> Hello I am at the University of Colorado and by Amy who is legal affairs at the office at the Federal Register. Today we are going to talk to you about the federal register modernization act of 2019, we are going to have a discussion about the bill that is currently making its way through Congress, very successfully making its way through Congress, introduced just recently, March 8, in the House of Representatives. It's sponsored by Representative Mark Meadows of North Carolina, they loaded on the bill just a couple days after its introduction. It was passed nearly unanimously one nay -- One Nay vote, title 144 which governs the Federal Register, and that code of federal regulations, the Federal Register is that -- In the code of federal regulations, is the depository program about

a quarter of FDLP libraries select CFR, and fewer select Federal Register, and the Federal Register contains the rules promulgated by the government agency and offers public notice of rules and rule changes, it is published daily. The code of federal regulations is the regulations that is published annually. So to tell us about the federal register modernization act, and how it will affect the federal regulations, I would like to introduce Amy, the director of legal affairs, at the Federal Register, Amy supervises the legal staff that

supervises documents submitted

for the publication of the Federal Register and in the Code of Federal Regulations, they review for compliance with

requirements of applicable statutes and orders and regulations, today she will walk us through HR 1654, and how it relates to the predecessor bill, HR 95 in 2014.

>> Thinks everybody. Has the past here in 2019, also passed on a house vote with one , Nay vote.

>> Basically what is happening in the new bill I am running through what is going on in the 2014 bill passed the house changed print to publish and remove the requirement to submit to the Federal Register duplicate originals or certified copies of the documents they want in the federal register there still required to submit an original signed document, to index the CFR, and still had user aids, it changed. The change of the term comments in section 1505, to make it clear agencies or the federal register could publish comments in their preambles or if you remember the public of justice publish Microsoft settlement agreement in 1992, the largest federal register we've ever published. That was to clarify that public comments, and you have news commentary which is different, from publication, in the public -- In the Federal Register. To determine the manner and form in which the Federal Register could reserve, then received comments from the public to establish certain editions of the Federal Register, specifically authorized a coat of federal regulations. So moving forward. To the federal register modernization act of 2019, or the bill, pardon me, this bill incorporated the changes that were enacted under the federal register printing savings act of the 2017, public law, 115 -- 120. With that law did. Issue restrictions on official copies. So members of Congress and federal agencies. Other federal officials need to actually specifically sign-up with the government printing office for subscriptions to the Federal Register, they have to do that annually or they don't get a copy of the Federal Register, GPO also set up a website in order to meet the requirements of this act. The current bill, specifically requires indices and other federal aids for the CFR, and it allows that a CFR -- ACFR -- And how they submit to the Federal Register, they want to submit documents in WordPerfect we would have to accept it although it would slow down the publication and editing of that document. We slough -- Inward and sometimes no electronic file with various documents, and to allowallow agencies and what form it they would be submitted for documentation.

To publish the photo, the public register if the public office is unable to do so, we would continue to publish until GPO is able to resume publication, right now under section 44 USC 1505, there is under various specific circumstances the ability for the president to stop our publication, and we would begin publishing an emergency Federal Register, only if there is an attack on the continental United States.

With this provision would allow us to do. In some event if it is not an attack but the GPO Publish Federal Register it would allow us to meet the requirements of the federal register act. >> Thank you Amy.

Thanks Amy for explaining those slides to us [Laughter] -- For the bill, for the remainder I would like to have a discussion to give people a chance to ask questions and express concerns,

or express their support. Go ahead begin with submitting those comments and concerns to the presentation chat. In the meantime I will add a few remarks of my own. Just to offer a few ideas to consider. So when HR 4195, was introduced in 20 14, the main contention among librarians I was viewing in respect of law library, advocacy groups, we were fairly opposed to the language in the bill that replaces the references to the term printing quote, with the term publishing. That is a subtle change but would have allowed for the suspension of the print of the Federal Register, and the Code of Federal Regulations in favor of a digital only format, it would not only of the required it, but made it possible. I don't know what ALA their position was on the bill, the American Association of law library came out strongly against it we had the letter writing campaign first advocacy

of Dove dock, actively engaged in it was a rude awakening to the fact upwards of 30 law librarians could write their representatives to provide thoughtful and authoritative, and put on the law. That feedback would have zero legislation on the impact, the bill passed unanimously there was a bunch of abstaining votes, no one was going to champion our cause even though we asked them to this time around Despite having no leverage, and sing -- Seeing the use of the publication in the print diminished year after year. We have it appears we have managed to extract, and not insignificant, of the public [Indiscernible], a public argument of the elimination of the print would be demise of indexed go searching, this has fallen by the wayside with the rise of algorithm enabled keyword searching, it still has very much value for legal research and for the Federal Register it allows you to group content by a common recognized taxonomy, which for this material is still widely used taxonomy. I think the difference though between the old bill and this bill, probably wasn't our advocacy effort I think. I think because they kept the industry

, they were already capturing the indexed that Amy's office produces, in digital form, publish them on gov info, for us to retain the indexes to keep existing practices in place that is low hanging fruit the reason for it. Is because of the great work we have them to think I believe the bill was voted on in the house and referred to in the Senate, where the last bill died in the Senate, never meant it, and never made it onto the Senate. This one has legs just last week two senators David Perdue of Georgia, and stroking White House of Rhode Island -- And [Indiscernible] of the White House, in Rhode Island, -- This is very likely it would be

voted on in all likelihood it would become a law depending upon someone is coming for to support or oppose it, then bringing up the cash -- The question then is in regards to the law -- We have been charged by the acuity

-- The acting deputy in 16 54,

identifying any concerns asked to submit and issuing brief by May 10, so I put it to counsel here and also the FDL community, what should we put in the brief, what should we say about this bill and what questions should we be asking? Asking to find out to find out more or to determine what effect it will have on the depository question? So let's review the things that people are submitting on chat.

>> There is a question for Amy any insight if any on the list affect the on this bill or in the future?

>> No insight I know we still have our regulations on the books. One CFR chapter 1, requires LSA, no indication that we would want to stop doing that. Just a reminder for participants if you are reviewing this and only thing the camera view, and the list of participants at the bottom it says chat if you click on that you will expand the chat to see the full view.

>> Okay I have a question to ask Amy we spoke about this before the presentation. To be useful in clarify, for the community here. Is the online federal registration, and the code of regulations designated as an official source, or can it be decided to as an official source incorporate?

>> I looked this up so that I can get the regulations rate, listless the official version and the format including paper including right now, it's us GPO access, we have some regulations we need to update and microfiche, so we are assuming yes that we would argue gov info, is the replacement of GPO access is the online PDF version, the regulation for the CFR listing the same format is one CFR .6.

>> I want to ask about the utility of the print publication, and kind of just leave an open question for you all to answer yes or no. Now that the Federal Register has been fully digitized we have a complete run going back to 30. It is made available on gov info, does that diminish the activity of the print at all in any way? Is the digital version of viable print for the publication, anybody at all once to hold onto their print publication? Eric.

>> Are we waiting for chats to stream in on the child -- On the chapter -- If you are raising non-rhetorically, to counsel, I say yes I see value retaining the print editions of the Federal Register. I'm on a campus where

it is our law library. This is Cass Arnett speaking from the University of Washington speaking, this is for schools the law library, we keep this tangible in a period of weeks or months in the tangible format, we like to as a current awareness tool in paper. The long-term tangible copy, having that on campus, I can tell you the number of times. That we have things related to law review, or legal cases. Whereby somebody wants to see physical copies of the Federal Register. That me change once it is in the official repository. The tests, the trusted the positive Tory, but I see I'm just ask your -- Geographically in my region we can speak specifically, we are holding down the Northwest counter, hair -- Here it is binding and it has a lot of legal content in, and of soapbox speech. >> Jane Canfield from Puerto Rico. I would second what Cass said, I'm and geographical area where

population has non-reliable access, or none, I have particular public in those who would be over the age of 55, who are not technical logical savvy -- There are not technological, and savvy, I see some reasons for retaining a print version.

>> There was a question from Scott Matheson, do we know if the courts is interested in making a CFR an official version if they get the authority via the spill on this bill?

>> The office of Federal Register along with GPO that publishes CFR, including E CFR, we have been trying for years to make an official code of regulations we've had's some issues people have not been able to go backwards and search particular time periods in the ECFR, we are moving towards being able to put it in the database and search by effect of dates in those instances where we are able to put something like that, bringing it before the committee for the vote.

>> Just to repeat the PDF versions of the CFR, and the Federal Register you can find online on gov info, linked through the official .gov -- Official comments in the US.

>> This is Lori Holte a GPO. With the announcement from the representatives, he made some comment about the Federal Register from 1993, I just want to remind to the community we had digitized to the beginning along with Amy's office. I think we have we will talk about as we close thinking about becoming a preservation Stewart, we do have one or two people that have the Federal Register. If we are concerned about maintaining those historic volumes of the CFR, and the print. That we need some more people to step forward and become reservations, for the preservation stewards for those volumes.

>> Mary CART -- Clark from the library of Virginia, we saw how some that receive this Federal Register in print we just seen some of our chat participants say they would like to see it in print. What is your sense if any. Is the sponsors of the current bill, do they recognize that we still

do want print? They are willing to accommodate? When we listened to their remarks. As the house version I guess. It was introduced. They talked about their 124 known subscriptions. I'm curious if they realize the utility of the product outside of their own doors.

>> Is out for me? >> Sorry. >> Honestly. I can't answer that question. I don't have any contact with anybody other than our congressional liaison. What I was going to say though. I know nobody at our office has ever objected to print on demand.

>> Good solution. So I will point out in his statement on his sponsorship in the bill on the Senate, Senator Perdue, decided to sponsor producing a bunch of copies of the federal reserve reducing the number of copies of the Federal Register, eliminates wasteful government scheduling and the issue maybe efficient, in the legislature in Congress, I will point out in the 2014 version of the bill the LMB, did an impact, which is different for the findings the reduction of rent would have no significant impact on the cost of producing, you know if that is accurate? >> That is more of a GPO question. >> You actually save any money by printing 200? 200 Federal Register's for [Indiscernible].

>> This is Lori how, sometimes there is economy and scale, I can get that information, I want to comment to Mary's question. When when we were discussing this legislation Amy, myself, and Lyle dream in GPO, as the congressional legislation, the pride -- So supplied from our perspective Amy is aware of this too, our account for selection for paper and fish -- physe -- It's not that nobody knows about this but any given writer you always see the depository copy, it's not unknown that there is an amount of print copies for the FDLP I did get the numbers the GPO -- On down to last week where there was 450 copies and there was a number of significant decrease in the number of copies, one of the 2014 at which doesn't impact and doesn't impact the print but the office, we wouldn't be required to accept the certified copies or duplicate originals of the bill right now regulations where the agency submits the document they can submit it to our office electronically, we have done some and worked with the statue on that saying that we can make the copies in the office if we needed too, up until last December until the government shutdown, right before the government shutdown we started a pilot program where agency sent in what was signed rule on paper, they can send in a CD with two copies on the CD, they had been doing that for years. What they had been doing for years is sending in a CD and two certified copies or duplicate original, that would help at least in my office a lot more with morale and some of the busywork, the editors and what they're doing, just stacking up. Second up the duplicate originals are certified copies to set them aside eventually we take them under our records schedule and dispose of them. Very modest proposal on the bill as well.

>> Once said the recollection of the bulk of the set up it adds to the cost to we have those numbers? It is in general the set up of the publication and to set up the digital as well it's just an off product [Silence]. - - Yeah -- Folks have been leaving comments about how they feel the electronic versions, we will just read through the comments so Kate Erwin, I'm still worried about the digital divide issues, and the people who are not good with computers. Scott Matheson said browsing is still more efficient especially for new users, they can understand the hierarchy better. Kate +1, four

this ease-of-use, for the CFR, -- Good point. John Olson concerns about the future government shutdowns keeping it in print. Yeah go ahead -- >> We have maintained and accepted staff during each government shutdown under the anti-deficient act, we are able to publish documents, we have had an issue every day. During they have to provide a letter justifying to the Federal Register notice the website is updated, the publication is during this you can find the Federal Register and go back to look at them all of that material was available and we do continue to publish through the shutdown. Thinks informative, continuing on with comments, I

also want that language updated before we rely on it at this point. We publish a major chapter overhaul proposed rule in 2012 I believe it was, 13 or 14. It's been several years now, under the federal register act it is the administrative committee, all must sign the rule it is the representative -- The president the documents had to be signed by the president and in the 50s they delegated the authorities long-winded version to today to say for major regulations, we have analyzing the committee

in the final rule keeping all those comments, Lisa Prichard, I'm out at a small library with this rule, having government documents can help our users with the complexity scope and the expertise of the documents and what they contain often away of the digital documents for the average citizen. Tina Prado agrees with Cass the common earlier McKinley, at times government shutdown people come looking for paper since digital is not available,

the world doesn't stop when we cover this in the previous response I would like to see this print CFR for the reasons as Cass and Jane expressed we are not a law library but we have a strong accredited program that uses these resources right now we keep two years worth on the shelves about all that we have room for I feel we need the input on the faculty on this as we do stress the students coming over to use the print version as well I agree with the concerns of future shutdowns and the navigation of the online version.

>> In the earlier comment section feedback in the comments about and the community it would get more information from the people.

>> Good point. >> Jennifer O'Brien responded we use both print and digital content , given to our users and the tech given to our users can be affected by power outages, and to continue to get print issues

we are not a law library and we are gradual students, it makes it challenging for students to complete their assignment. There is currently one preservation steward for the repository, which is what we were responding. Gwen Sinclair,

it sounds like there are comparing, compelling arguments to print the CFR, the cost savings is minimal I believe the issue brief should be taking note of these points.

Amy Quinn posted one as Gwen, while the number of print subscriptions have exponentially decreased, we do have and do we have any info on participation on regulatory process those using systems like print FR, versus regulations.gov?

>> So regulations.gov, this is where people go where agencies hold their docket, they do have Federal Register proposed rules and final rules anything that needs comments on that site and the site is set up on repository for the comments it is a little different. I believe on our site on Federal Register.gov, you can go into the reader's aid and find statistics. I think there are statistics on online usage of the Federal Register.gov, I'm not sure. That would be the place to check. And his government shutdowns during the weather events natural disasters might not be accessible Maryann brings up a good point on how you can bring up the language on GPO access making it o that whatever, electronic access it still in the access part. I think what we would say is GPO website. And to take out access entirely, what we said in the proposed rule instead of actually listing the official format in the regulations what we would do was to set up a way for the a CFR to determine -- ACFR, -- And then listing the official format in the documented listing.

>> Sorry I was mispronouncing Tina Patel her name, [Indiscernible].

>> Sure, how will this impact the microfiche format of the Federal Register?

>> The microfiche format is still listed as one of the official formats and the regulations.

>> This is Lori Hill at GPS, unless that changes and that is not considered an official format anymore, GPO will continue to produce the printed microfiche format of the register in the CFR, that if it does change, it gives GPO an opportunity not to use that format anymore those of you new to the program we have

had a fair amount of [Indiscernible], since it is an out dated format, it is there until it is changed in regulations.

>> Deborah asks the shipping turnaround times for the print copies of ACFR and CFR ?

>> This is Lori Hall, since it is the daily gets shipped doubt

I'm assuming you are talking about shipping turnaround to depositories? It comes off the press goes out to our Laurel facility for those of you that used to still get it it's putting your shipping box probably within 24 to 48 hours.

>> This is Lori Hall again from GPO, I want to point out kind of the background of asking the Council and the community and others to weigh in on this, if you take a look at the section 1506, I think Amy was talking about the administrative committee of the Federal Register, on page 6

, HR 1654, and the committee of the Federal Register agencies and personnel that are comprised of that committee horror -- Who are sitting on that committee, or the acting director of the acting publishing office who said on that committee and the peak of the key participants, we can take, you can provide us with the information through your brief and it will go through the director of the government publishing that sits in the committee, if you note down on the bottom of the page. It does say this committee will say the manner and form in which the form should be published and the members of Congress, officers employees and for official use and the number of copies that will be distribution to the public and they do have direct input to this committee should we conclude?

>> Go for it. >> It looks like there is a question about the CFR the CFR is not as fast as the FR, we have divided all titles up recorder, you are only going to get titles per quarter, in each soft one, you will see how we published it, if you look on the ECFR, the editorial

version that is much more up to date than those volumes are

, because of the publication delay. On our editors they worked really hard

during the shutdown we did not have a CFR unit. So now I will tell her CFR unit, they worked hard to get caught up, now we are back in caught up, after the editors were out 35 days or however long the shutdown, 21 business days.

We were providing GPO with three feeds per day to get the ECFR current, kudos to the CFR editors to getting that current

as quickly as they did [Captioners Transitioning]

>> Thanks everybody, that was a great discussion. We have some great information and helping us understand. Kelly you want to do is manage on his back here at 330 o'clock for our session comprehensive collecting.

>> [ The event is on a break, and will resume at 3:30pm EDT. Captioner standing by. ]