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Federal Register Modernization Act: A Community Discussion

- Discussion led by the Members of the Depository Library Council
- Moderator, Erik Beck, California State University Library, Sacramento



H.R. 1654: Federal Register Modernization Act

- Introduced March 8th, 2019
- Sponsored by Rep. Mark Meadows [R-NC-11]
- Passed in the House on March 12th, 2019. Vote: 426-1
- Amends Title 44, Chapter 15 of the U.S. Code, which govern printing and distribution of the Federal Register and the Code of Federal Regulations



Office of Federal Register Important Publications: Rules and Regulations

The Federal Register (AE 2.106:)

- Contains Government agency rules, proposed rules, and public notices
- Published daily
- Compiled by the Office of the Federal Register, printed by GPO
- 439 depository libraries select the FR

Code of Federal Regulations (AE 2.106/3:)

- Codification of adopted rules and regulations
- Organized into 50 titles
- Published annually
- 593 depository libraries select the CFR



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H.R. 1654: Background Information

Amy Bunk, Director of Legal Affairs and Policy
Office of the Federal Register, National Archives and Records Administration



H.R. 4195 (July 15, 2014)

- Changed print to publish
- Removed requirement for duplicate originals or certified copies
- Removed the requirement to index the Federal Register and CFR, but still required user aids
- Changed comments to news commentary
- Allowed the Administrative Committee of the Federal Register to determine
 - The manner and form the OFR could receive comments from the public
 - Special editions of the Federal Register
- Specifically authorized an electronic Code of Federal Regulations



H.R. 1654 (March 13, 2019)

- Incorporates the Federal Register Printing Savings Act of 2017
- Specifically requires indices and other finding aids for the Federal Register and CFR
- Allows the ACFR to determine the manner and form in which Federal agencies submit documents for publication
- Allows the OFR to publish the Federal Register during a Continuity of Operations (COOP) event if the GPO is unable to so, until the GPO is able to resume publication



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Community Discussion On H.R. 1654

Members of the Depository Library Council

A “Paperless” Federal Register

H.R. 1654 is a reprising of a previous bill, also titled the “Federal Register Modernization Act” that was introduced in 2014.

The 2014 bill passed the House of Representatives on a 386-0 vote but was never voted on in the Senate.

Main purpose of either bill is and was to permit the official publication of the FR and CFR in online form in place of print.



Advocacy

H.R. 4195 – AALL was strongly opposed to the bill and mobilized membership to advocate against it. Issues: elimination of the print version, no plan to retain indices.

Still passed in the House with a unanimous!

H.R. 1654 – AALL advocated to amend the bill rather than for out and out rejection. Retention of indices represents modest victory.



Future of the Bill

Just announced: H.R. 1654 has sponsors in the Senate!

U.S. Senators **David Perdue** (R-GA) and **Sheldon Whitehouse** (D-RI) have agreed to sponsor the bill, almost ensuring that it will be voted.

What Should Our Position Be?

Acting Deputy Director Herb Jackson charged the DLC with “reviewing H.R. 1654 and identifying any concerns.”

What should we include in our issue brief?

Is this bill acceptable to the FDLP Community? What questions should we be asking to determine if it is?