

Calendar No. 149

116TH CONGRESS
1ST SESSION**H. R. 1654****[Report No. 116-57]**

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2019

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

JULY 15, 2019

Reported by Mr. JOHNSON, without amendment

AN ACT

To amend title 44, United States Code, to modernize the
Federal Register, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Register Mod-
5 ernization Act”.

6 **SEC. 2. FEDERAL REGISTER MODERNIZATION.**

7 (a) REFERENCES TO PRINTING.—Chapter 15 of title
8 44, United States Code, is amended—

1 (1) in section 1502—

2 (A) in the heading, by striking “**print-**
3 **ing**” and inserting “**publishing**”; and

4 (B) by striking “printing and distribution”
5 and inserting “publishing”;

6 (2) in section 1507—

7 (A) by striking “the duplicate originals or
8 certified copies of the document have” and in-
9 serting “the document has”; and

10 (B) in paragraph (2), by striking “print-
11 ed” and inserting “published”; and

12 (3) in section 1509, in subsections (a) and (b),
13 by striking “printing, reprinting, wrapping, binding,
14 and distributing” and inserting “publishing”, each
15 place it appears.

16 (b) PUBLISH DEFINED.—Section 1501 of title 44,
17 United States Code, is amended—

18 (1) by striking “; and” at the end of the defini-
19 tion for “person” and inserting a semicolon; and

20 (2) by inserting after the definition for “per-
21 son” the following:

22 “‘publish’ means to circulate for sale or dis-
23 tribution to the public; and”.

1 (c) FILING DOCUMENTS WITH OFFICE AMEND-
2 MENT.—Section 1503 of title 44, United States Code, is
3 amended to read as follows:

4 **“§ 1503. Filing documents with Office; notation of**
5 **time; public inspection; transmission for**
6 **publishing**

7 “The original document required or authorized to be
8 published by section 1505 shall be filed with the Office
9 of the Federal Register for publication at times estab-
10 lished by the Administrative Committee of the Federal
11 Register by regulation. The Archivist of the United States
12 shall cause to be noted on the original of each document
13 the day and hour of filing. Upon filing, the document shall
14 be immediately available for public inspection in the Of-
15 fice. The original shall be retained by the National Ar-
16 chives and Records Administration and shall be available
17 for inspection under regulations prescribed by the Archi-
18 vist, unless such original is disposed of in accordance with
19 disposal schedules submitted by the Administrative Com-
20 mittee and authorized by the Archivist pursuant to regula-
21 tions issued under chapter 33; however, originals of proc-
22 lamations of the President and Executive orders shall be
23 permanently retained by the Administration as part of the
24 National Archives of the United States. The Office shall
25 transmit to the Government Publishing Office, as provided

1 by this chapter, each document required or authorized to
2 be published by section 1505. Every Federal agency shall
3 cause to be transmitted for filing the original of all such
4 documents issued, prescribed, or promulgated by the agen-
5 cy.”.

6 (d) FEDERAL REGISTER AMENDMENT.—Section
7 1504 of title 44, United States Code, is amended to read
8 as follows:

9 “§ 1504. ‘Federal Register’; publishing; contents; dis-
10 **tribution; price**

11 “Documents required or authorized to be published
12 by section 1505 shall be published immediately by the
13 Government Publishing Office in a serial publication des-
14 ignated the ‘Federal Register’. The Director of the Gov-
15 ernment Publishing Office shall make available the facili-
16 ties of the Government Publishing Office for the prompt
17 publication of the Federal Register in the manner and at
18 the times required by this chapter and the regulations pre-
19 scribed under it. The contents of the daily issues shall be
20 indexed and constitute all documents, required or author-
21 ized to be published, filed with the Office of the Federal
22 Register up to the time of the day immediately preceding
23 the day of publication fixed by regulations under this
24 chapter. There shall be published with each document a
25 copy of the notation, required to be made by section 1503,

1 of the day and hour when, upon filing with the Office,
2 the document was made available for public inspection.
3 Distribution shall be made at a time in the morning of
4 the day of distribution fixed by regulations prescribed
5 under this chapter. The prices to be charged for the Fed-
6 eral Register may be fixed by the Administrative Com-
7 mittee of the Federal Register established by section 1506
8 without reference to the restrictions placed upon and fixed
9 for the sale of Government publications by sections 1705
10 and 1708.”.

11 (e) DOCUMENTS TO BE PUBLISHED IN FEDERAL
12 REGISTER.—Section 1505 of title 44, United States Code,
13 is amended—

14 (1) in subsection (b)—

15 (A) in the heading, by striking “COM-
16 MENTS” and inserting “NEWS COMMENTARY”;
17 and

18 (B) by striking “comments” and inserting
19 “news commentary”;

20 (2) by redesignating subsection (c) as sub-
21 section (d);

22 (3) by inserting after subsection (b) the fol-
23 lowing new subsection:

24 “(c) ALTERNATIVE PUBLICATION.—In a continuity
25 of operations event in which the Government Publishing

1 Office does not fulfill the publication requirements of this
2 chapter, the Office of the Federal Register may establish
3 a website to publish the Federal Register until such time
4 that the Government Publishing Office resumes publica-
5 tion.”; and

6 (4) in subsection (d), as so redesignated, in the
7 matter following paragraph (2)—

8 (A) by inserting “telecommunications, the
9 Internet,” after “the press, the radio,”; and

10 (B) by striking “and two duplicate origi-
11 nals or two certified copies” and inserting “doc-
12 ument”.

13 (f) ADMINISTRATIVE COMMITTEE OF THE FEDERAL
14 REGISTER AMENDMENT.—Subsection (a) of section 1506
15 of title 44, United States Code, is amended to read as
16 follows:

17 “(a) COMPOSITION; DUTIES.—The Administrative
18 Committee of the Federal Register shall consist of the Ar-
19 chivist of the United States or Acting Archivist, who shall
20 chair the committee, an officer of the Department of Jus-
21 tice designated by the Attorney General, and the Director
22 of the Government Publishing Office or Acting Director
23 of the Government Publishing Office. The Director of the
24 Federal Register shall act as secretary of the committee.
25 The committee shall prescribe, with the approval of the

1 President, regulations for carrying out this chapter. The
2 regulations shall provide for, among other things—

3 “(1) the documents which shall be authorized
4 under section 1505(b) to be published in the Federal
5 Register;

6 “(2) the manner and form in which the Federal
7 Register shall be published;

8 “(3) the manner and form in which agencies
9 submit documents for publication in the Federal
10 Register and special editions of the Federal Reg-
11 ister;

12 “(4) subject to subsection (b), the manner of
13 distribution to Members of Congress, officers and
14 employees of the United States, or Federal agency,
15 for official use, and the number which shall be avail-
16 able for distribution to the public;

17 “(5) the prices to be charged for individual cop-
18 ies of, and subscriptions to, the Federal Register
19 and any reprints and bound volumes of it;

20 “(6) the manner and form by which the Federal
21 Register may receive information and comments
22 from the public, if practicable and efficient; and

23 “(7) special editions of the Federal Register.”.

1 (g) CODE OF FEDERAL REGULATIONS AMEND-
2 MENT.—Section 1510 of title 44, United States Code, is
3 amended to read as follows:

4 **“§ 1510. Code of Federal Regulations**

5 “(a) SPECIAL EDITION FOR CODIFICATION OF AGEN-
6 CY DOCUMENTS.—The Administrative Committee of the
7 Federal Register, with the approval of the President, may
8 require, from time to time as it considers necessary, the
9 preparation and publication in a special edition of the Fed-
10 eral Register a complete codification of the documents of
11 each agency of the Government having general applica-
12 bility and legal effect, issued or promulgated by the agency
13 by publication in the Federal Register or by filing with
14 the Administrative Committee, and which are relied upon
15 by the agency as authority for, or are invoked or used by
16 it in the discharge of, its activities or functions, and are
17 in effect as to facts arising on or after dates specified by
18 the Administrative Committee.

19 “(b) CODE OF FEDERAL REGULATIONS.—A codifica-
20 tion prepared under subsection (a) of this section shall be
21 published and shall be designated as the ‘Code of Federal
22 Regulations’. The Administrative Committee shall regu-
23 late the manner and forms of publishing this codification.

24 “(c) SUPPLEMENTATION, COLLATION, AND REPUBLI-
25 CATION.—The Administrative Committee shall regulate

1 the supplementation and the collation and republication
2 of the codification with a view to keeping the Code of Fed-
3 eral Regulations as current as practicable. Each unit of
4 codification shall be supplemented and republished at least
5 once each calendar year. The Office of the Federal Reg-
6 ister may create updates of each unit of codification from
7 time to time and make the same available electronically
8 or may provide public access using an electronic edition
9 that allows a user to select a specific date and retrieve
10 the version of the codification in effect as of that date.

11 “(d) PREPARATION AND PUBLICATION BY THE FED-
12 ERAL REGISTER.—The Office of the Federal Register
13 shall prepare and publish the codifications, supplements,
14 collations, indices, and user aids authorized by this sec-
15 tion.

16 “(e) PRIMA FACIE EVIDENCE.—The codified docu-
17 ments of the several agencies published in the Code of
18 Federal Regulations under this section, as amended by
19 documents subsequently filed with the Office and pub-
20 lished in the daily issues of the Federal Register, shall
21 be prima facie evidence of the text of the documents and
22 of the fact that they are in effect on and after the date
23 of publication.

1 “(f) REGULATIONS.—The Administrative Committee,
2 with approval of the President, shall issue regulations for
3 carrying out this section.

4 “(g) EXCEPTION.—This section does not require
5 codification of the text of Presidential documents pub-
6 lished and periodically compiled in supplements to title 3
7 of the Code of Federal Regulations.”.

8 (h) TECHNICAL AND CONFORMING AMENDMENTS.—
9 The table of sections for chapter 15 of title 44, United
10 States Code, is amended by striking the items related to
11 sections 1502, 1503, and 1504 and inserting the following:

“1502. Custody and publishing of Federal documents; appointment of Director.

“1503. Filing documents with Office; notation of time; public inspection; trans-
mission for publishing.

“1504. ‘Federal Register’; publishing; contents; distribution; price.”.

12 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
14 complying with the Statutory Pay-As-You-Go Act of 2010,
15 shall be determined by reference to the latest statement
16 titled “Budgetary Effects of PAYGO Legislation” for this
17 Act, submitted for printing in the Congressional Record
18 by the Chairman of the House Budget Committee, pro-
19 vided that such statement has been submitted prior to the
20 vote on passage.

Calendar No. 149

116TH CONGRESS
1ST Session

H. R. 1654

[Report No. 116-57]

AN ACT

To amend title 44, United States Code, to modernize the Federal Register, and for other purposes.

JULY 15, 2019

Reported without amendment