

116TH CONGRESS
1ST SESSION

S. 1078

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

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. PERDUE (for himself and Mr. WHITEHOUSE) introduced the following bill;
which was read twice and referred to the Committee on Homeland Security
and Governmental Affairs

A BILL

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—

9 (1) in section 1502—

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

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

5 (2) in section 1507—

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

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

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

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

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

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

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

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

1 **“§ 1503. Filing documents with Office; notation of**
2 **time; public inspection; transmission for**
3 **publishing**

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

1 documents issued, prescribed, or promulgated by the agen-
2 cy.”.

3 (d) FEDERAL REGISTER AMENDMENT.—Section
4 1504 of title 44, United States Code, is amended to read
5 as follows:

6 “§ 1504. ‘Federal Register’; publishing; contents; dis-
7 tribution; price

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

1 the day of distribution fixed by regulations prescribed
2 under this chapter. The prices to be charged for the Fed-
3 eral Register may be fixed by the Administrative Com-
4 mittee of the Federal Register established by section 1506
5 without reference to the restrictions placed upon and fixed
6 for the sale of Government publications by sections 1705
7 and 1708.”.

8 (e) DOCUMENTS TO BE PUBLISHED IN THE FED-
9 ERAL REGISTER.—Section 1505 of title 44, United States
10 Code, is amended—

11 (1) in subsection (b)—

12 (A) in the heading, by striking “COM-
13 MENTS” and inserting “NEWS COMMENTARY”;
14 and

15 (B) by striking “comments” and inserting
16 “news commentary”;

17 (2) by redesignating subsection (c) as sub-
18 section (d);

19 (3) by inserting after subsection (b) the fol-
20 lowing new subsection:

21 “(c) ALTERNATIVE PUBLICATION.—In a continuity
22 of operations event in which the Government Publishing
23 Office does not fulfill the publication requirements of this
24 chapter, the Office of the Federal Register may establish
25 a website to publish the Federal Register until such time

1 that the Government Publishing Office resumes publica-
2 tion.”; and

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

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

7 (B) by striking “and two duplicate origi-
8 nals or two certified copies” and inserting “doc-
9 ument”.

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

14 “(a) COMPOSITION; DUTIES.—The Administrative
15 Committee of the Federal Register shall consist of the Ar-
16 chivist of the United States or Acting Archivist, who shall
17 chair the committee, an officer of the Department of Jus-
18 tice designated by the Attorney General, and the Director
19 of the Government Publishing Office or Acting Director
20 of the Government Publishing Office. The Director of the
21 Federal Register shall act as secretary of the committee.
22 The committee shall prescribe, with the approval of the
23 President, regulations for carrying out this chapter. The
24 regulations shall provide for, among other things—

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

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

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

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

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

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

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

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

1 **“§ 1510. Code of Federal Regulations**

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

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

21 “(c) SUPPLEMENTATION, COLLATION, AND REPUBLI-
22 CATION.—The Administrative Committee shall regulate
23 the supplementation and the collation and republication
24 of the codification with a view to keeping the Code of Fed-
25 eral Regulations as current as practicable. Each unit of
26 codification shall be supplemented and republished at least

1 once each calendar year. The Office of the Federal Reg-
2 ister may create updates of each unit of codification from
3 time to time and make the same available electronically
4 or may provide public access using an electronic edition
5 that allows a user to select a specific date and retrieve
6 the version of the codification in effect as of that date.

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

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

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

23 “(g) EXCEPTION.—This section does not require
24 codification of the text of Presidential documents pub-

1 lished and periodically compiled in supplements to title 3
2 of the Code of Federal Regulations.”.

3 (h) TECHNICAL AND CONFORMING AMENDMENTS.—

4 The table of sections for chapter 15 of title 44, United
5 States Code, is amended by striking the items related to
6 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.”.

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

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

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