

A Milestone for Democracy's Daily Gazette

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As President Franklin D. Roosevelt's New Deal worked to pull the nation out of the Great Depression in the 1930s, the number of Federal agencies expanded significantly. As a result, more and more Federal regulations flowed from Washington.

These regulations were often confusing, but they had the force of law. That meant that the process of "executive branch lawmaking" needed to be reconciled with constitutional provisions giving Congress sole legislative power.

Thus was born in 1936 the *Federal Register*, which on March 14 marked the 70th anniversary of its first issue.

With the Federal Register Act in 1935, Congress created a model system for executive branch rulemaking consistent with democratic principles. The act established a division within the year-old National Archives to take custody of the public legal documents of the President and Federal agencies and, through the Government Printing Office, publish them in a new daily gazette, the *Federal Register*.

By March 1936, the Office of the Federal Register (OFR) published its first, albeit small, issue: a marketing order from the Department of Agriculture, a manufacturing rule from the Federal Trade Commission, tax rules for the new Social Security system, regulations from the young Securities and Exchange Commission—and an executive order of the President enlarging a bird refuge in South Carolina. Mundane-sounding regulations to be sure, yet they represent critical regulatory activities that have characterized the contents of the *Federal Register* ever since.

Because the volume of regulatory material *already* in force was larger and less organized than anyone had foreseen, Congress in 1937 amended the Federal Register Act to establish the *Code of Federal Regulations* (CFR), in which standing regulations of Federal agencies were grouped into 50 titles.

In 1946, the Administrative Procedure Act (APA) installed the final piece of the Federal regulatory system. The APA requires agencies to publish and receive public comment on proposed rules before issuing final rules, which cannot be effective less than 30 days after publication in the *Federal Register*.

Today, the *Federal Register* is the daily edition of changes or proposed changes to the standing *Code of Federal Regulations*. Those regulations now fill 220 volumes of the CFR, while the 265 daily issues of the *Federal Register* contain more than 70,000 pages each year. By publishing regulations in the *Federal Register*, departments and agencies fulfill the

principles of constructive notice and due process founded in the Constitution, giving these rules the effect of law.

With these major responsibilities, just how does the Office of the Federal Register publish a 250-page book every business day of the year?

In terms of personnel, the operation is small—approximately half of the 60 writer-editors in NF are directly involved in publishing the daily *Federal Register*. But the task is huge—more than 150 documents are delivered to the office each day by Federal departments and agencies.

Agencies now digitally sign and electronically transmit about one-fourth of their documents by means of the new e-DOCS system. And *Federal Register* staff use e-DOCS to review and manage more than 60 percent of the documents, examining their content, format, and codification structure, and compiling them into a logical order for each daily issue. On any day, the next three upcoming issues are in production, while other documents are edited for issues weeks away.

The *Federal Register* has never missed a publication day, and the Office is open regardless of emergencies that shut down other Federal operations and often assists in emergency situations. After Hurricane Katrina, NF expedited publication of a temporary Treasury Department rule allowing victims of the disaster access to funds without the documentation normally required.

As each day's *Federal Register* comes off the press, GPO places an electronic version online at www.gpoaccess.gov/fr/index.html. Last year, more than 176 million documents were retrieved on-line. Before the advent of the Internet, subscriptions to the *Federal Register* peaked at more than 20,000. Today, that subscription base has shifted—more than 20,000 subscribers to the *Federal Register* Table of Contents Listserv (FEDREGTOC-L at listserv.access.gpo.gov) receive by e-mail the daily table of contents with links to documents in that day's issue.

The printed editions of the *Code of Federal Regulations* are revised annually. But since 2001, a much more radical editorial project has been underway in NF.

Editors electronically “cut and paste” amendments in each day's *Federal Register* into databases containing the text of the *Code of Federal Regulations*. Those files are then placed online as an electronic edition of the *Code of Federal Regulations*, the *e-CFR*, available at <http://www.gpoaccess.gov/ecfr>. The *e-CFR* is receiving critical acclaim from users across the country because it provides instant access to the current status of the CFR. Thus, NARA's Office of the Federal Register plays a unique and vital role in our republic, tending to the daily details of democratic government.

To mark the occasion of the publication of the 70th anniversary issue of the *Federal Register*, the Public Printer, Bruce R. James, and I co-hosted a celebration on March 14, 2006.

Happy Anniversary, *Federal Register*!