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EXECUTIVE PROCLAMATIONS AND ORDERS-FEDERAL REGISTER

Everett S. Brown
University of Michigan

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EXECUTIVE PROCLAMATIONS AND ORDERS—FEDERAL REGISTER—
On July 26, 1935, President Roosevelt signed H. R. 6323, "to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof."¹ To date, there has been no government serial publication containing all of the Executive orders signed by the President. The need for such a publication had been frequently pointed out, but to no avail.² Legal complication resulting from the rapidly rising flood of executive and administrative orders issued to carry into effect the President's New Deal program led to the framing of H. R. 6323. The bill was introduced by Representative Celler on March 1.³ There was little opposition to it but its passage was delayed by differences between the House and Senate as to details.⁴ Eventually, a conference report was accepted by both houses and the bill was sent to the President for his signature.⁵

The act provides that the Archivist of the United States shall be charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of documents required or authorized to be published under provisions of the act. For this purpose a division is set up in the Archives Establishment, with a director, appointed by the President, acting under the general direction of the Archivist.

Provision is made for the filing with the division of the original and two duplicate originals or certified copies of any documents required

¹ 79 Cong. Rec. 12431 (July 29, 1935); P. A. No. 220, 74th Congress. A summary of the act was printed in 2 U. S. LAW WEEK 1069:2 (July 30, 1935).

² See Everett S. Brown, "Executive Orders—A Bibliographical Note," 29 AM. POL. SCI. REV. 246-249 (April 1935).

³ 79 Cong. Rec. 2908 (Mar. 1, 1935).

⁴ *Ibid.*, pp. 4957-4963 (April 1, 1935), 9284-9285 (June 10, 1935), 9478-9479 (June 12, 1935).

⁵ *Ibid.*, pp. 11439 (July 11, 1935), 11984, 12068 (July 22, 1935).

or authorized to be published. The date and hour of filing are to be noted and copies shall be made available for public inspection. Copies of all documents must be transmitted immediately to the Government Printing Office and are to be printed and distributed in a daily serial publication designated the *Federal Register*. The contents of the daily issue are to comprise all documents filed with the division up to such time of the day immediately preceding the day of distribution as shall be fixed by the regulations.

The term "document" is defined in the act to mean "any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency." The term "Federal agency" includes the President and "any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States, but not the legislative or judicial branches." The act makes specifications as to which Presidential proclamations and Executive orders shall be published in the *Federal Register* and also for the publication of certain other documents or classes of documents. In no case are comments or news items of any character to be published.

Provision is made that the *Federal Register* shall be judicially noticed and may be cited by volume and page. Publication in the *Federal Register* shall be deemed to have given notice to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law.

The act establishes a permanent administrative committee of three members, consisting of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer, who shall prescribe, with the approval of the President, regulations for carrying out the provisions of the act.

Filing of documents under the act must begin sixty days after the date of approval of the act (July 26), and publication of the *Federal Register* within three business days thereafter. Provision is also made for a special or supplemental issue of the *Federal Register* to include documents issued prior to the effective date of the act and which are still in force or effect. The act may be cited as the Federal Register Act.

Appropriations for the publication of the *Federal Register* were contained in the deficiency bill which was defeated by the filibuster of the late Senator Huey Long. Although preliminary work on the *Federal Register* has been done, its publication has been delayed until

the Congress which meets in January provides the necessary funds.⁶

The steadily increasing development of the administrative branch of our government, and the consequent growth of administrative law combine to emphasize the importance of the publication of the *Federal Register*. It will be an indispensable part of the equipment of every law office and a mine of information to the student of government.

EVERETT S. BROWN *

⁶ U. S. NEWS, Sept. 30, 1935, 4:1.

* Professor of Political Science, University of Michigan.