

Federal Rules & Regulations

This guide covers the steps in researching administrative law using several government documents located at the Salmon Library.

Introduction

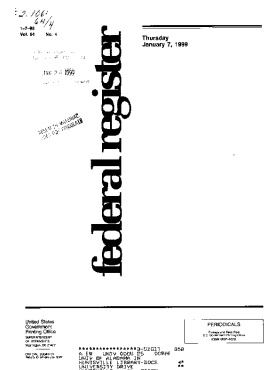
What kinds of federal grants are available to train nurses? Where can an account of the food packagers' requests to the Department of Agriculture for relaxed standards on mixed nuts in the shell be located? Are there any public meetings or hearings on the AIDS epidemic being held by government agencies? Where can the text of the President's proclamation declaring Women's History Month be found? Answers to these and other questions of a similar nature can be found by researching federal rules and regulations.

This guide covers the steps in finding administrative law using the *Code of Federal Regulations* & the *Federal Register* and presidential documents. Administrative law is made by agencies and departments of the executive branch that are empowered by Congress with secondary-legislative power. This law-making authority is intended for the agency to fill in specifics in relevant legislation. In addition to making these rules and regulations, agencies also make administrative decisions that range from informal procedural matters to complex judicial decisions. Another component of administrative law includes presidential proclamations, executive orders & reorganization plans.

NOTE: See under "Government Regulation" in Academic American Encyclopedia. Danbury, CT: Grolier, 1993. (Ref AE 5 A23 1993) for background information and an historic overview of the American regulatory process.

Information on Agencies

Before researching rules and regulations, it is useful to first identify the government agencies and key personnel that create them. The **U.S. Government Manual** (Ready Reference) describes the various agencies of the executive, judicial and legislative branches of government, including areas of focus, statutory authority and contact information. A directory of key personnel in the Executive Office of the President, executive departments, and independent agencies, including addresses and phone numbers is available on the Internet. Visit the Library's Government Documents web page.



Federal Register

The *Federal Register* (FR) AE 2.106 (Documents Room) provides a uniform system for making available to the public regulations and legal notices issued by federal agencies. These include presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Each issue of the *Federal Register* is divided into the following sections:

Sections of the Federal Register	
CFR Parts Affected in this Issue	A summary of the affected parts of the CFR that are detailed in this issue of the Federal Register.
Presidential Documents	Includes proclamations & executive orders. For more information see the Presidential Documents section in this guide.
Rules and Regulations	This section contains regulatory documents having general applicability and legal effect. The terms "rules" and "regulations" have the same meaning within the Federal Register publication system. Each document begins with a heading that includes the name of the issuing agency, the CFR title and part(s) affected, and a description of the subject. Following the heading is a preamble which must accompany the regulatory text of all rule or proposed rule documents and it explains the basis and purpose of the text.
Proposed Rules and Regulations	Proposed rules are announcements to the public that a change to the CFR is being considered. Publication of proposed rules gives interested persons the opportunity to participate in the rulemaking process before final adoption of the rule.
Notices	In this section hearings, investigations, committee meetings, agency decisions and rules, delegations of authority, filing of petitions and applications, etc., are announced.
Notices of Sunshine Act Meetings	The Sunshine Act requires that meetings of Government agencies be open to the public, with certain specified exceptions. The Act also requires that public announcement be made in the Federal Register of the time, place and subject matter of the meeting, the name and phone number of the agency official to contact for more information, and whether the meeting is open or closed to the public.
Reader Aids	Lists the CFR Parts Affected during that month.

New and proposed regulations are arranged by *Code of Federal Regulations* title number (see below). An excellent guide that explains the Federal Register more fully is the government document titled, **The Federal Register: What it is and How to Use it**, found at SuDoc number AE 2.108:F 31/(year). The **Federal Register Index** (AE 2. 106:) is a separate publication and is a consolidation of the entries appearing in the Contents of each day's *Federal Register*. The index is published monthly and cumulated for 12 months.

How to Use the Federal Register

To find what is contained in each issue, use the table of contents or the **CFR Parts Affected** table located in the front of each issue. The table of contents is arranged alphabetically by issuing agency. There are two CFR Parts Affected tables. The table located in the front of the Federal Register only includes changes to CFR regulations covered in that particular issue. The other CFR Parts Affected table is located in the back of the Federal Register and its function will soon be described.

Researchers that do not review each issue of Federal Register may want to consult the official index entitled the **Federal Register Index**. Like the table of contents, this index is also arranged alphabetically by issuing agency. Each monthly publication is cumulative for the previous months of that year, so that the December index will be the annual index. Also like using the table of contents, knowledge of which agency would produce the regulations about an issue is required.

Another useful function of the Federal Register is to update existing regulations publicized in the **Code of Federal Regulations**. This involves using other bibliographic tools in addition to the Federal Register. The entire process is explained in "VI. Updating Federal Regulations." The **Reader Aids** section in the back of each Federal Register issue provides information to assist in the updating process. Another useful table in the Reader Aids section is the cumulative "CFR Parts Affected during (the month in which this daily issue is published)." Each daily table in the Reader Aids section is cumulative for that month.

Locations of the Federal Register

1. Internet.

Government Printing Office (GPO) provides free access to the full text of the Federal Register. The service includes daily updates, the table of contents, finding aids from the print version and graphics. The GPO site has more than one gateway. Searchable archived versions back to 1994.

The URL is http://www.access.gpo.gov/su_docs/aces/aces140.html.

Several commercial Federal Register services are available online as well, such as Counterpoint at <http://www.counterpoint.com>.

2. Paper.

The previous two years of the Federal Register is available on paper. Daily paper issues are published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. It is distributed by the Superintendent of Documents, Government Printing Office to federal depository libraries within one or two weeks of the date of coverage. In the Salmon Library, the past two years are located at AE 2.106: in S2.

Code of Federal Regulations:

The *Code of Federal Regulations* (CFR) AE 2.103/3 is an annual codification of the general and permanent rules published in the Register. The CFR is published in 50 volumes (or "titles") that cover a broad subject area. Each title is updated annually and contains rules in effect at that time. The schedule of publication is:

Titles 1-16 January 1	Titles 28-41 July 1
Titles 17-27 April 1	Titles 42-50 October 1

Title 3 of the CFR contains all of the presidential proclamations, executive orders and other presidential items required to be published in the Federal Register. It is explained later in this guide.

The **CFR Index and Finding Aids** (AE 2. 106/3-2:) is a separate volume of and for the Code of Federal Regulations. It contains two major finding aids; a subject/agency index and a table of rulemaking authorities.

How to use the Code of Federal Regulations

Most researchers will begin their regulatory research in the CFR. To find the complete group of regulations relating to an agency, look in the back of any CFR volume for the title and chapter. Most researchers will want more specificity in their search for regulations concerning the subject matter that interests them. For that purpose, use annually revised "Index and Finding Aids" volume of the CFR, which contains a subject matter index.

Relationship between the Federal Register and the Code of Federal Regulations

The Federal Register is simply a continuous publication of notices, proposed and final federal regulations. This information is arranged chronologically by agency instead of by subject matter. Within a year or two of the initiation of the Federal Register, it was becoming increasingly difficult to find all the regulations concerning any specific subject area. Congress realized that a permanent compilation of regulations arranged by subject matter was necessary. Imagine trying to find current statutory law in a subject area using only Statutes at Large without using the United States Code. Such an approach would be a frustrating, time-consuming ordeal. Accessing federal regulations using only the Federal Register is analogous to accessing federal statutory law using only Statutes at Large. The Code of Federal Regulations serves the same function for federal regulations that the United States Code serves for federal statutory law.



Locations of the Code of Federal Regulations

1. Internet

The Government Printing Office (GPO) is in the process of posting the CFR on their web site, GPO Access. At present, 37 of the 50 Titles are available for searching at this web site. Titles are being added incrementally until a complete set is available. GPO will work to update the CFR volumes on the same schedule as the print version. Ultimately, this version will be updated online so that it would be more current than the print version. Currently, you can search fulltext or select the Titles in which you wish to search. You may also retrieve CFR citations by citation or by keyword searching. The URL is: <http://www.access.gpo.gov/nara/cfr/index.html>

The United States House of Representatives Library provides free access to an EXPERIMENTAL database. Users are clearly warned to check their results with the printed GPO version of the CFR. There is full-text searching but no table of contents. One nice feature of the site is a title by title currentness description.

The URL is <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>.

There are online commercial sites such as Counterpoint at (<http://www.counterpoint.com>).

2. Paper.

The CFR is available on Paper. Each year the cover changes color which assists in easily distinguishing between years. Titles are published by the Office of the Federal Register, National Archives and Records Administration. It is distributed by the Superintendent of Documents, Government Printing Office to depositories. In the Salmon Library, the current year is located at AE 2.103/3: in S2.

List of Sections Affected

The **List of CRF Sections Affected** (LSA) (AE 2.106/2-2:) is designed to direct users to changes to the CRF that were published in the Federal Register. A descriptive word or phrase indicates the nature of the amendatory action such as additions, revisions, or removals. The LSA is published monthly in cumulative form and keyed to the annual revision schedule of the CRF volumes. Each LSA also contains a detailed explanation on how to use the publication.

How to Use the List of Sections Affected

Because publication dates of CFR titles vary, depending upon the title, it is important to make sure that the most recent monthly LSA issue covers the researcher's particular title back to the most recent publication date of that title. Inside the front cover is a list of the period covered since the most recent publication of each CFR title. Once you have determined what period is covered by the LSA, simply look up your regulation first by title then by chapter, part and section. If there has been a change in the regulation, the LSA will indicate the type of change (revised, amended or removed). Also under each title are separate lists of proposed rules and final rules or actions. If LSA lists a change affecting the regulation, reference will be made to the Federal Register page number where it can be found. For more thorough coverage of how the LSA fits into the regulation updating process, see VI. Updating Federal Regulations.

Locations of the LSA

1. Paper

The LSA is available in paper. It is published by the the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. The LSA is distributed by the Superintendent of Documents, Government Printing Office to depository libraries. In the Salmon Library, it is located at AE 2.106/2-2:

3. Microform

Previous years of the LSA are available in microform, also located in S2 in the microfiche cabinets. To photocopy, bring the fiche to the circulation desk for photocopying assistance.

2. Online

Although it was available online, this database is now rarely found. This is probably due to the ability to electronically search Federal Register databases that are commonly found and updated daily. This ability makes the LSA obsolete in the electronic environment.

Updating Federal Regulations

Updating regulations is necessary because changes to the regulations occur constantly, some before the newly published titles are even disseminated. During the twelve-month period before the next publication of the CFR title, many changes could have affected any particular regulation. The dynamic, fluctuating nature of the regulatory process and the time involved in the publication process both contribute to the need to update regulations found in the CFR.

How to Update Regulations

1. Start with the CFR volume in which the regulation to be updated is found. Look at the front of that volume to determine the date through which it was current. Although the CFR is published annually, its publication is staggered throughout the year. Different volumes will be published at different times and the date through which they are current varies by title.
2. Once the CFR date is determined, go to the latest monthly edition of the List of CFR Sections Affected (LSA). The most recent LSA should cover the period from the last publication date of the CFR title through the publication date of the LSA issue used. Because the LSA volumes are cumulative, look only in the most recent one. The affected CFR sections are listed by title number, chapter, part and section. If there has been a change to the regulation, the citation will be listed here and reference made to the Federal Register page where this change was announced and explained. If there has been no change, there will be no citation to the regulation in the LSA.

3. Because there is a time lag between the most recent publication of LSA and the actual date of your updating effort, you will need to continue updating your research using the Federal Register. For each month that has passed since the last LSA, go to the last Federal Register issue of that month and turn to the Reader Aids section in the back of the issue. Each day in the Federal Register is a monthly cumulative list of CFR sections that have been affected. This includes the addition of new regulations and the amendment or deletion of existing regulations. Each day of the month is cumulative for that month. Therefore, research can be updated in paper to the publication date of the most recent Federal Register. Just as in the LSA, the cite for the regulation will only be listed if there has been a change affecting it. If there has been a change, the regulation will be cited and reference will be made to the Federal Register page where this change was announced and explained. If there has been no change affecting the regulation, the cite will not be listed.

For example, updating a regulation found in title 30 in mid-December would require the following process. The cover of title 30 indicates that it is published in July. Find the most recent LSA, probably the October issue. Check the citation. Next find the Federal Register for November 30. The Reader Aids section in the back is cumulative for the month. Check for your citation. Next, find the most recent Federal Register issue for December, such as December 10. Check for the citation. Following these steps will alert the researcher to any recent activity concerning a particular regulation.

Using Presidential Documents

Presidential documents include proclamations and executive orders. Proclamations can be ceremonial such as for a day of special observance, or of a more substantive nature such as dealing with imports and exports, tariffs and other trade matters. Executive orders cover a wide spectrum of subjects and are generally directed to executive agencies.

Executive Orders are issued by the President to govern and direct activities of executive agencies and have the effect of law. Proclamations may or may not have legal effect and are generally used for items of broad-based interest such as Mother's Day, Thanksgiving, etc. Executive Orders and Proclamations are first published in:

AE 2.106: **Federal Register** AE 2.109: **Weekly Compilation of Presidential Documents** and then compiled annually in: AE 2.106/3:3/ **Code of Federal Regulations**, J80 .A283 : **Public Papers of the Presidents** (N2). Another compilation is: AE 2.113: **Codification of Presidential Proclamations and Executive Orders**, April 13, 1945-January 20, 1989

Conversion Tables for Regulations and Presidential Documents	
Statute TO Regulation	To find what regulations have been publicized under a specific U.S. Code or Statutes at Large section, use "Table 1 - Authorities" in the Finding Aids section of the CFR Index and Finding Aids.
Statute TO Executive Order, Proclamation or Reorganization Plan	To find what presidential documents have been issued under a specific U.S. Code or Statutes at Large section, use "Table 5 - Statutes Cited as Authority for Presidential Documents" in Title 3 of the CFR.
Executive Order, Presidential Proclamation, or Reorganization Plan TO Regulation	To find out what regulations have been promulgated under a specific presidential document, use "Table 1 - Authorities" in the Finding Aids section of the CFR Index and Find Aids.
Executive Order, Presidential Proclamation, or Reorganization Plan TO Statute	To find out where a presidential document has been codified, use "Table IV - Executive Orders," "Table V - Proclamations," or "Table VI - Reorganization Plans" in the U.S. Code.
Regulation TO Statutory or Presidential Authority	To find out what the statutory authority is for a particular regulation, look at the regulation in the CFR. The note before each section or subpart will list the Statutes at Large and U.S. Code authority and will also give the place of publication in the Federal Register.

INTERNET TIPS

Most of the resources discussed in this guide are also available online via GPO Access, from about 1993 to present.

U.S. Government Manual

<http://www.access.gpo.gov/nara/nara001.html>

Federal Register (updated 6am): http://www.access.gpo.gov/su_docs/aces/aces140.html

Office of the Federal Register (of interest): <http://www.nara.gov/fedreg/>

Weekly Compilation of Presidential Documents:

<http://www.access.gpo.gov/nara/nara003.html>

Code of Federal Regulations

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

The following guides from other libraries are also informative:

Childs, Scott. Federal Regulations: <http://www.law.cornell.edu/library/fedregs1.html> .

An in-depth guide, including a tutorial.

Schankman, Larry. Federal Regulations: <http://www.clark.net/pub/lschank/web/fedregs.html> .

Explains the regulatory process in detail and includes a history.

The Cornell Law School has a tutorial on using the CFR:

<http://www.lawschool.cornell.edu/lawlibrary/FedRegTutor.html>