

# THURGOOD MARSHALL SCHOOL OF LAW LIBRARY

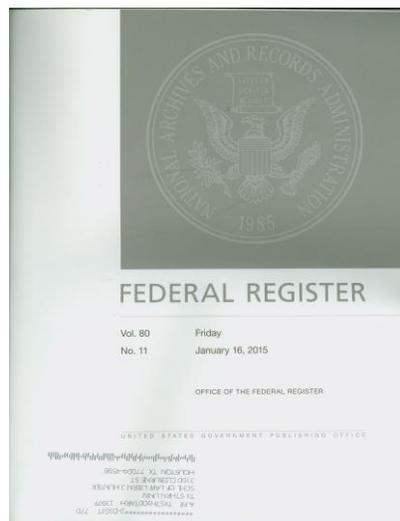
## *Pathfinder Series*

Karim Rand, Technical Services Director

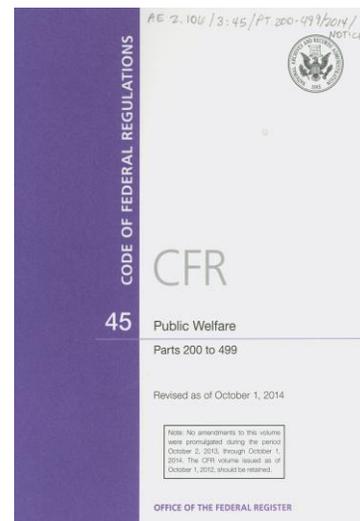
Revised April 2015

# FEDERAL ADMINISTRATIVE REGULATIONS

## FEDERAL REGISTER



## CODE OF FEDERAL REGULATIONS



## INTRODUCTION:

### *Federal Regulations*<sup>1</sup>

The United States Congress (legislator) has authorized Federal agencies the power to adjudicate decisions, to issue rules, and to write guidelines specific to their respective jurisdiction. These “rules” and “guidelines” are generally known as “regulations.” Regulations are, in fact, extensions of congressional legislation. Congress passes legislation that consists of a series of complex laws. Congress subsequently delegates authority to various Federal agencies to promulgate rules and to enforce its programs. For example, the Clean Air Act covers a wide range of air quality control programs. The legislator has granted authority to the Environmental Protection Agency (E.P.A.) as its chief entity designated to ensure that such programs are effectively implemented and/or enforced.

<sup>1</sup> See also the Guide to online Code of Federal Regulations (CFR) and Federal Register.

The Federal Register Act (F.R.A.) of 1935 (44 U.S.C. § 15) and the Administrative Procedure Act (A.P.A.) of 1946 (5 U.S.C. § 551 et seq.) are the two main statutes that govern the “rulemaking process” of Federal agencies. The former mandates executive and Federal agencies to publish regulations (daily) set forth by said agencies. The latter mandates that Federal agencies follow a prescribed set of procedures when creating or amending regulations in order to ensure “due process”. These procedures are outlined in the following:

### **Proposed Rule Stage**

- *Agency drafts rule*
- *Draft rule published in Federal Register as “Proposed Rules”*
- *Agency solicits public comment (opportunity for public to submit comments on proposed rules)*

### **Final Rule Stage**

- *Agency reviews and responds to public comments*
- *Agency adopts rule*
- *Final rule published in Federal Register as “Rules and Regulations”*
- *Agency assigns effective date*

Note, these proposed or final rules are first published in the Federal Register. Once rules have been officially adopted, they are then codified in the Code of Federal Regulations.

## **SOURCES OF FEDERAL REGULATIONS IN THE LAW LIBRARY:**

### ***Federal Register***

The Federal Register is published daily except Saturdays, Sundays and legal holidays. Its primary purpose is to inform the public of the official affairs of Federal agencies. On the front cover of each paper issue, you will find the date, volume and issue number. A cumulative index is published at the end of each month in a separate volume. An annual cumulative index is also published at the end of each year.

### **The Four Main Sections of the Federal Register**

- 1) *Rules and Regulations* (e.g., final rules, interim final rules or temporary rules)
- 2) *Proposed Rules* (e.g., “Notice of Proposed Rulemaking” or preliminary “proposed rule”)
- 3) *Notices* (e.g., funding opportunities, notices of hearings and investigations, filing petitions or agency decisions)
- 4) *Presidential Documents* (e.g., executive orders or proclamations)

### **Three Additional Sections of the Federal Register**

- 1) *Corrections* (e.g., typographical or clerical errors corrected)
- 2) *Separate Parts* (e.g., late arriving publications inserted or related documents grouped together)
- 3) *Reader Aids* (e.g., List of C.F.R. Sections Affected or recently enacted public laws)

### **FINDING FEDERAL REGULATIONS**

#### ***Federal Register (Print)***

To find recent Federal Regulations in print format, search the Federal Register Index and the “Contents” page(s) of the Daily Federal Register:

- Cumulative index is published monthly and annually. It lists Federal agencies in alphabetical order. Under each agency, the divisions “Rules,” “Proposed Rules,” or “Notices” follow (in that order when applicable). Because the Federal Register is organized chronologically, it can be difficult finding current regulations. Therefore, searching regulations is time sensitive.
- The “Contents” page(s) of the Daily Federal Register also lists Federal agencies and the sections previously mentioned. After each entry is the page number where the document (i.e., “Rules” or “Notices” for example) can be found in the current issue.

#### **Federal Register in the Law Library:**

<b>FORMAT</b>	<b>COVERAGE</b>	<b>LOCATION</b>
Print	Current year	Isle 113 (First Floor)
Microfiche	1936 to current <sup>2</sup> 2002 to current	Law Library Basement (CIS fiche collection) Law Library Basement (Federal Depository Collection)
Internet	1994 to current	<a href="#">GPO Access</a>
Online <sup>3</sup>	1936 to current 1936 to current 1936 to current 1999 to current	<a href="#">Hein Online Federal Register Library</a> <a href="#">Lexis Advance</a> <a href="#">WestlawNext</a> <a href="#">Loislaw</a>

#### **Citation Format: (Example)**

Rule 14.2 in **The Bluebook A Uniform System of Citation**, the Federal Register is cited as follows: **80 Fed. Reg. 2285 (Jan. 16, 2015)**

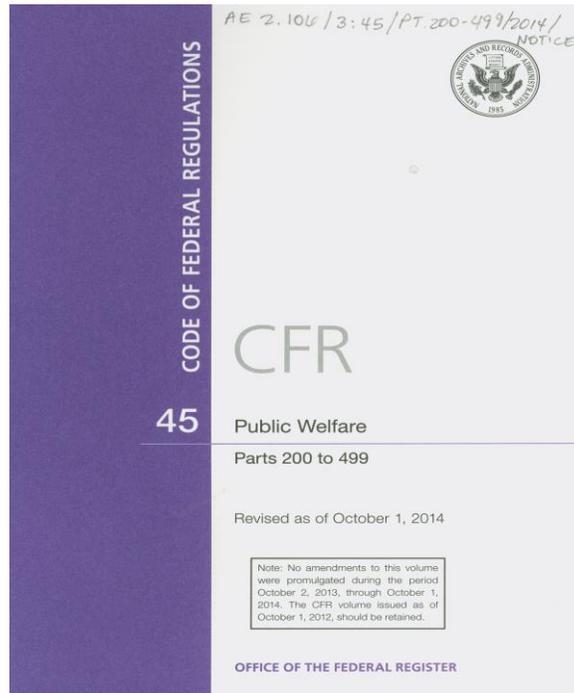
**80** (Volume number)  
**2285** (Page number)

**Fed. Reg.** (Official abbreviation)  
**Jan. 16, 2015** (Date)

<sup>2</sup> “Current” indicates the latest edition or volume available.

<sup>3</sup> Refer to Electronic Database Guide located on media rack adjacent to Reference Desk.

## ***Code of Federal Regulations (C.F.R.) (Print)***



The Code of Federal Regulations is a compilation of general and permanent rules issued by Federal administrative agencies. This multi-volume set consists of 50 titles arranged by “broad subject areas.” For example, Title 21—Food and Drugs—contains a host of regulatory provisions such as “food labeling” and “medication guides for prescription drugs” issued by the Food & Drug Administration (F.D.A.). Additionally, the C.F.R. has a separate index volume called the C.F.R. Index and Finding Aids. It includes a general subject index, table of authorities, alphabetical list of agencies and list of C.F.R. titles, chapters, subchapters and parts.

### **The C.F.R. is revised once a year on a quarterly cycle:**

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

Over the course of the year volumes are replaced with the revised edition. Always check the front cover of the volume to determine if you have the most recent revision.

### ***Code of Federal Regulations (Print)***

Start with the *C.F.R. Index and Finding Aids* volume at the very end of the set. Because this index system lacks sufficient detail, it is best to develop your search strategy by brainstorming board key words. Use this approach when searching the index. Use the most recent index, for it will contain amendments to regulations since its last revision.

The “Explanation” section found in the front of the each volume of the C.F.R. is also a helpful aid. It briefly discusses “*How to Use the Code of Federal Regulations.*”

If you know the citation of the Federal statute related to a Federal regulation, you can use the U.S.C., U.S.C.A., or U.S.C.S. In the back of the C.F.R. Index and Finding Aids volume is a “Parallel Table of Authorities and Rules” (U.S.C. to C.F.R.). This table lists corresponding Federal statutes that control regulations issued by Federal agencies. You can also check the U.S.C.S. Index and Finding Aids to Code of Federal Regulations volume, which also contains a “Parallel Table of Authorities and Rules” (U.S.C.S. to C.F.R.).

### **C.F.R. in the Law Library:**

<b>FORMAT</b>	<b>COVERAGE</b>	<b>LOCATION</b>
Print	2012 to current	Isle 113 (First Floor)
Microfiche	1981 to current	Microform Cabinets in Law Library Basement
Internet	1996 to current	<a href="#">GPO Access</a> <a href="#">Legal Information Institute</a>
Online <sup>4</sup>	1938 to current 1993 to current 1984 to current 1999 to 2014	<a href="#">Hein Online Federal Register Library</a> <a href="#">Lexis Advance</a> <a href="#">WestlawNext</a> <a href="#">Loislaw</a>

### **Citation Format: (Example)**

Each title in the C.F.R. is divided into chapters, subchapters, parts and sections (chapters are not usually cited). Rule 14.2 in **The Bluebook A Uniform System of Citation**, Federal Regulations are cited as follows: **45 C.F.R. § 200.23 (2014)**

**45** (Title number)

**C.F.R.** (Official abbreviation)

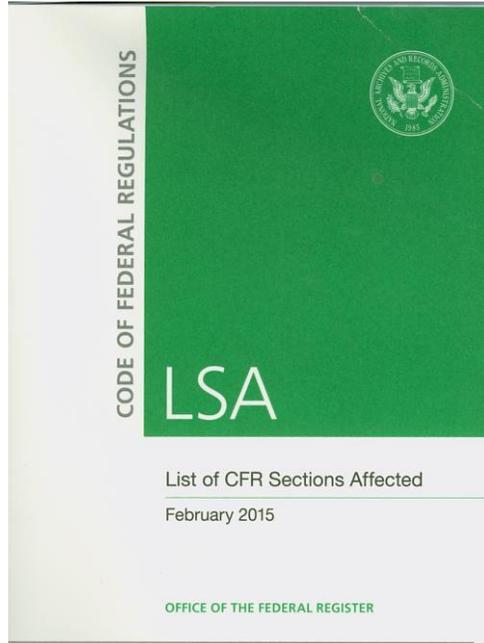
**200** (Part) **.23** (section)

**2014** (Year of last revision)

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<sup>4</sup> Refer to Electronic Database Guide located on media rack adjacent to Reference Desk.

## UPDATING REGULATIONS



### *List of C.F.R. Sections Affected (L.S.A.)*

In addition to the Federal Register, the L.S.A. is used to update your research. The L.S.A. is published each month as a separate volume (pamphlet). It lists all the amendments to regulations since the most recent publication of the C.F.R.

Retrieve the most recent issue of the L.S.A. (current month). On the front page is a list of titles and corresponding dates reflecting changes to sections in the C.F.R. Check these dates to determine the changes in the C.F.R. volume in which the regulation(s) you are researching appeared.

Find the title, chapter, part and section. The status is indicated after each section entry—for example, amended, confirmed, revised, removed or re-designated. The number on the far right references the beginning page number where the document affecting the changes can be found in the Federal Register.

Check the “Readers Aids” section in the back of the Daily Federal Register, where you will find a complete cumulative table entitled “C.F.R. Parts Affected During (current month)”. This table brings your research current for that issue of the Federal Register. It is similarly arranged in numerical order by title (like the L.S.A. & C.F.R.). Check title and part (chapter and section are not included) for changes. The number on the right of each entry refers to the page number where the document affecting said changes begin in the Federal Register (current issue).

**L.S.A. in the Law Library:**

<b>FORMAT</b>	<b>COVERAGE</b>	<b>LOCATION</b>
Print	Current year	Isle 113 (First Floor)
Microfiche	1987 to current 2001 to current	Microform Cabinets in Law Library Basement Microform Cabinets in Law Library Basement (Federal Depository Collection)
Internet	1997 to current	<a href="#">GPO Access</a>
Online <sup>5</sup>	1958 to current	<a href="#">Hein Online Federal Register Library</a>

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<sup>5</sup> All Online resources are available via Law Library Network. Refer to Electronic Database Guide located on media rack adjacent to Reference Desk.