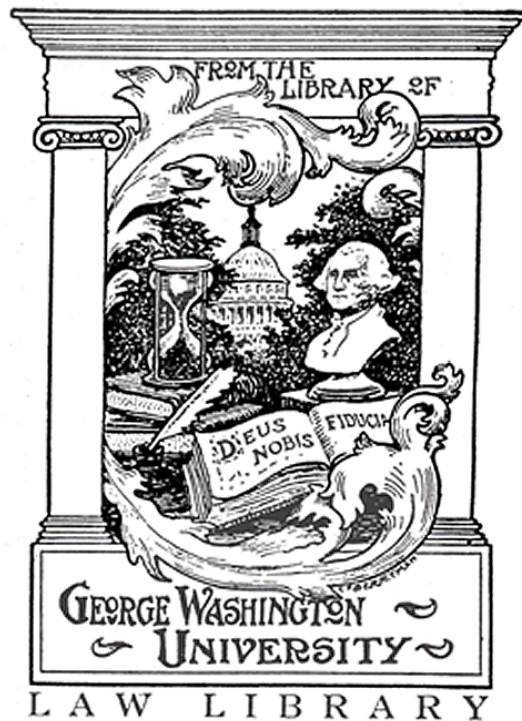




LEGAL RESEARCH GUIDE SERIES
BASIC RESEARCH GUIDE # 3

LOCATING FEDERAL REGULATIONS



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LOCATING FEDERAL REGULATIONS

INTRODUCTION

Federal administrative agencies issue regulations to implement statutes under their jurisdiction. This guide describes the major online, print, and microform sources of federal regulations and provides a basic explanation of research techniques using these materials.

To determine if a source listed in this guide is available through LexisNexis or Westlaw:

LexisNexis: Select the “**Find a Source**” tab; type the source name or identifiers in the search box.

Examples: United States Code or GENFED;USCODE

Westlaw: If you are using Westlaw.com, then type the name of the source in the “**Search for a database**” box. If you are using WestlawNext, type the name of the source in the WestlawNext search box and select the resource from the drop down list.

Examples: United States Code Annotated or USCA

For additional information, please see the following LibGuide available from the Law Library’s web site: *Finding Federal Regulatory Resources at Burns Law Library* (<http://law.gwu.libguides.com/federalregulatory>).

I. THE PUBLICATION OF FEDERAL REGULATIONS

A. *Federal Register* (Fed. Reg./FR)

The daily *Federal Register* is the official publication for notifying the public of proposed regulations, temporary and final regulations, notices from federal agencies, presidential executive orders and other presidential documents, and other documents required to be published by law.

Regulations first appear in the *Federal Register* in proposed form. Following a comment period of 30, 60, or 90 days from publication, regulations approved as final are published in the *Federal Register*. There can be a considerable time lag between the issuance of proposed and final regulations, and the final version may differ in important respects from the proposed version.

A regulation published in the *Federal Register* is usually introduced by a “preamble” that explains the basis and purpose of the regulation, provides contact information, and, for final regulations, summarizes the substance of comments received during the public comment period. Preambles appear only in the *Federal Register* and are often useful in researching the “administrative history” of federal regulations.

- **World Wide Web**

FDsys (PDF, 1994)

<http://www.gpo.gov/fdsys> > *Federal Register*

Federal agency web sites (various)

- **Commercial Databases**

HeinOnline (*Federal Register Library*) (PDF: 1936-)

<http://www.law.gwu.edu/Library/Research> > *Database Subscriptions*

LexisNexis (*EXEC;FEDREG*) (July 1980-)

Proquest Congressional (July 1980-)

<http://www.law.gwu.edu/Library/Research> > *Database Subscriptions*

Westlaw (*FR*) (1981-)

Note: The FR-TOC database has each Federal Register table of contents 1993-; for all dates outside past five days, must edit search at the top of the screen (ex.: “read & date (>06/01/2007 & <06/01/2008)” for June ‘07-May ‘08).

- **Print:** RESERVE (1ST FL) (Current year)

B. Code of Federal Regulations (C.F.R.)

The *Code of Federal Regulations* (C.F.R.) is a codification of the general and permanent regulations of federal executive departments and agencies. The C.F.R. contains all federal regulations currently in force and is organized into 50 numbered titles that represent broad areas of federal regulation. For example, Title 49 of the C.F.R. contains transportation regulations. While most title numbers of C.F.R. correspond to those of the United States Code, many do not.

Each title of the C.F.R. is divided into chapters, parts, and sections. At the beginning of each part, an “**Authority**” note provides the statutory or executive authority under which the regulations are issued. Following the authority note, a “**Source**” note gives the Federal Register citation where the part was originally published. If individual sections have been amended or added later, a separate

source note is listed. The C.F.R. text comes entirely from the *Federal Register*. The C.F.R. is revised annually according to the following schedule:

- Titles 1-16 as of January 1;
- Titles 17-27 as of April 1;
- Titles 28-41 as of July 1; and
- Titles 42-50 as of October 1.

A full set of the C.F.R. consists of approximately 200 volumes. The revision date of each volume is printed on the front cover.

Although you may find federal regulations reprinted in unofficial sources, there are no unofficial or annotated versions of the complete C.F.R., as there are for the United States Code.

- **World Wide Web**

Electronic Code of Federal Regulations (e-CFR) <http://ecfr.gpoaccess.gov>
Browse the current C.F.R. or search by keyword. The e-CFR is a prototype of a continually updated version of the C.F.R., and is an unofficial edition.

FDsys (PDF, 1996-)

<http://www.gpo.gov/fdsys> > *Code of Federal Regulations*

- **Commercial Databases**

HeinOnline (*Code of Federal Regulations*) (PDF, 1937-)

LexisNexis (*GENFED; CFR*) (current edition)

Older editions of the C.F.R. back to 1981 are available in GENFED; CFRYY (where “YY” indicates the last two digits of the year of the C.F.R.). *Example: “GENFED;CFR85” is for 1985 ed.*

Proquest Congressional (1981-)

<http://www.law.gwu.edu/Library/Research> > *Database Subscriptions*

Westlaw (CFR) (current edition)

Older editions of the C.F.R. back to 1984 are available in CFRYY, where “YY” indicates the last two digits of the year of the C.F.R.

- **Print:** RESERVE (1ST FL) (Current year)

II. LOCATING THE CODIFIED VERSION OF A REGULATION

A. Finding Regulations By Subject

CFR Index and Finding Aids

The *CFR Index and Finding Aids* is the official index volume of the Code of Federal Regulations. The index contains a subject index to regulations codified in the C.F.R. and the “Parallel Table of Authorities and Rules.” The subject index can be difficult to use due to its broad subject headings. The “Parallel Table of Authorities and Rules” lists rulemaking authority for regulations in the and provides cross-references to the United States Code, United States Statutes at Large, Public Laws, and Presidential documents (Executive Orders, Proclamations, and Reorganization Plans).

- **Commercial Databases**

- HeinOnline (*CFR Indexes and Finding Aids*) (PDF, 1977-)

- <http://www.law.gwu.edu/Library/Research> > Database Subscriptions

- **Print:** RESERVE (1ST FL) (current year)

- **Microform:** MICROFICHE (LL1), Fiche 95 (1938-2009)

- Indexes are found at the beginning of the microfiche holdings for each individual year.

B. By Related *United States Code* Citation

1. Parallel Table of Authorities and Rules in the *CFR Index and Finding Aids* Volume

Regulations promulgated under the authority of a federal statute can be located by U.S.C. citation using the “Parallel Table of Authorities and Rules” in the *CFR Index and Finding Aids* volume.

- **Print:** RESERVE (1ST FL) (current year); LEGAL REFERENCE (LL1) (1984-88, 1992-93)

2. *United States Code Annotated* (U.S.C.A.)

Cross references to the *Code of Federal Regulations* are found under “Library References: Administrative Law” in the annotations after a statutory section.

- **Print:** RESERVE (1ST FL) and LEGAL REFERENCE (LL1) (current edition)

3. *United States Code Service (U.S.C.S.)*

The *Index and Finding Aids to the Code of Federal Regulations* volume of the U.S.C.S. contains the same “Parallel Table of Authorities and Rules” as found in the *CFR Index and Finding Aids* volume and a reverse table that cross-references CFR citations to the U.S.C.S. Additionally, following the text of a statutory section each, look for the heading “Code of Federal Regulations” to find regulations promulgated or related to that section.

- **Print:** LEGAL REFERENCE (LL1) (current edition)

4. **Other Online Sources**

- **World Wide Web**

FDsys: <http://www.gpo.gov/fdsys> > *Code of Federal Regulations*
Provides access to the current “Parallel Table of Authorities and Rules.”

- **Commercial Databases**

HeinOnline (*Code of Federal Regulations*) (PDF, 1937-)
<http://www.law.gwu.edu/Library/Research> > *Database Subscriptions*

LexisNexis (*GENFED;CFR*)

Click on “Advanced” (under search box) for help. Use “segments” to limit a search to a particular part of a document. The “authority” segment will only search the authority notes in the C.F.R. *Example: authority(42 u.s.c. pre/10 7412)*

ProQuest Congressional (1981-)

<http://www.law.gwu.edu/Library/Research> > *Database Subscriptions*

Westlaw (*CFR*)

“Use “fields” to limit a search to a particular part of a document. (See “Fields” pull-down menu for search suggestions). The “CR” field will only search the authority notes in the C.F.R. *Example: cr(“42 u.s.c.” & 7412)*

III. LOCATING REGULATIONS USING *FEDERAL REGISTER* INDEXES

- **World Wide Web**

The National Archives

<http://www.archives.gov/federal-register/the-federal-register/indexes.html>

- **Commercial Databases**

HeinOnline (*Federal Register*) (1936-)

<http://www.law.gwu.edu/Library/Research> > *Database Subscriptions*

Provides electronic access to the Federal Register Indexes.

IV. UPDATING FEDERAL REGULATIONS

A. List of CFR Sections Affected (LSA)

Once a relevant regulation is found, it must be updated to determine whether any changes have occurred since the most recent edition of the *Code of Federal Regulations*. *LSA: List of CFR Sections Affected* is a monthly cumulative publication designed to lead users of the *Code of Federal Regulations* to new, amended, and proposed regulations that have been published in the *Federal Register* since the most recent revision date of each C.F.R. title.

- **World Wide Web**

FDsys: <http://www.gpo.gov/fdsys> > *List of Sections Affected*

Provides access to monthly publications (1997-) and a historical compilation (1986-2000).

- **Commercial Databases**

HeinOnline (*Code of Federal Regulations*) (1958-)

<http://www.law.gwu.edu/Library/Research> > *Database Subscriptions*

HeinOnline provides access to the *CFR's List of Sections Affected* (PDF, 1958-) and the *Compilation of Sections Affected* (1949-2000). The difference between the *LSA* and the *Compilation of Sections Affected* is that the *LSA* shows section changes organized by month (ex.: June 2008), and the *Compilation* shows section changes organized by title and time period (ex.: Titles 42-50, 1973-85).

- **Print:** RESERVE (1ST FL) (last 12 months)

B. Updating a Regulation Using LSA on FDsys

Follow the steps below to update a regulation using the *LSA* on FDsys:

1. Go to the *LSA* web page:
<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=LSA>
2. To update a regulation *ending with* the most recent of the *LSA*, click “Monthly *LSA*”.
3. Find the most recent month available in the current year’s issues of the *LSA*. Select the title and look for the section you are updating.
4. To update a regulation *after* the most recent issue of *LSA*, go to:
<http://www.gpo.gov/fdsys/browse/collectionCfrFR.action?collectionCode=CFRPARTS>, which lists the C.F.R. parts affected by changes since the most recent issue of *LSA*. Your search will be current to the most recent issue of the *Federal Register*.

C. Updating a Regulation Using the LSA in Print

Follow the steps below to update a regulation using the *LSA* in print:

1. Locate your regulation in the C.F.R. (for example, 8 C.F.R. § 241.1), noting the revision date shown on the front cover of the volume.
2. Using the most recent issue of the *LSA*, check inside the front cover and find the listing for Titles 1-16, which will include Title 8. This will show changes for Title 8 from the revision date of the C.F.R. volume through the issue date of the *LSA* pamphlet.
3. Inside the *LSA* pamphlet, look for the C.F.R. title number. C.F.R. title numbers are listed sequentially. For each title number, *Federal Register* page references are provided for final and proposed regulations.
4. For final regulations, there is a statement of whether the regulation revises or amends an existing regulation or adds a new regulation.
5. Entries for proposed regulations (“proposed rules”) are less detailed and refer to part numbers rather than section numbers.
6. Check the last issue of the *Federal Register* for each month after publication of the most recent *LSA* pamphlet. The last few pages of these issues contain cumulative “CFR Parts Affected” tables that list parts (not sections) affected by documents published in the *Federal Register* during each month being searched.

7. Locate the most recent issue of the *Federal Register*. Turn to the “Reader Aids” section at the back of the issue. If your title and part number do not appear in the “CFR Parts Affected” table, you may conclude that the regulation you are researching has not been revised or amended during the current month.

D. Updating a Regulation Using LexisNexis or Westlaw

The *Federal Register* databases in LexisNexis and Westlaw are updated within a day of publication. The *Code of Federal Regulations* databases in LexisNexis and Westlaw are generally updated weekly.

Follow the steps below to update a regulation using LexisNexis:

1. Log on to LexisNexis.
2. Click “FR - Federal Register” found under the “Legal” tab.
3. Run a search to check for the regulation. It is necessary to run a search in the Federal Register database to check for documents updating a regulation in the C.F.R.

Follow the steps below to update a regulation using Westlaw.com:

1. Log on to Westlaw.
2. Click the “KeyCite” link located at the top of the page.
3. Type the citation for the regulation in the “KeyCite” box found in the left frame. Click “Go.” If there is updated material in the *Federal Register*, a link will be provided to the appropriate pages.

Follow the steps below to update a regulation using WestlawNext:

1. Log on to WestlawNext.
2. Enter kc: followed by the C.F.R. citation in the search box and click “Search.” If there is updated material in the *Federal Register*, a link will be provided to the appropriate pages.

V. JUDICIAL TREATMENT OF A REGULATION

Using the C.F.R. citation (title and section number), federal regulations may be Shepardized in LexisNexis or KeyCited in Westlaw.

- **LexisNexis.** Type the regulation citation in the “Citation” box at the top of the screen. Click on the “Shepardize” button. Click the “Go” button to find judicial treatment of the regulation.
- **Westlaw.com.** Click the “KeyCite” link at the top of the screen. Type the citation for the regulation in the “KeyCite” box found in the left frame. Click “Go.” Click on “Citing References” in the left frame to find judicial treatment of the regulation.
- **WestlawNext.** Enter the C.F.R. citation in the search box and click “Search.” Click on the tab “Notes of Decisions” to find judicial treatment of the regulation.

VI. FINDING PUBLIC COMMENTS TO REGULATIONS

Federal agencies often give the general public a period of time to comment on proposed regulations, adjudications, notices, and other actions. Generally, any submitted comments and materials become public documents and are available for review.

- **World Wide Web**
Regulations.gov: <http://www.regulations.gov>
Find and view public comments on agency rulemaking, adjudications, and other actions (2003-).
- **Print.** Contact the federal agency issuing the regulation. Contact information is available from the agency’s website.

VII. SELECTED BIBLIOGRAPHY

- **World Wide Web**
U.S. National Archives and Records Administration, The Federal Register
Tutorial: <http://www.archives.gov/federal-register/tutorial/index.html>
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Jeffrey S. Lubbers, *A Guide to Federal Agency Rulemaking* (4th ed., American Bar Association 2006): SL3, KF5411.L83 2006

Amy E. Sloan, *Basic Legal Research: Tools and Strategies* (4th ed., Aspen Publishers 2009): RESERVE (1ST FL), KF240.S66 2009

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