



Biddle Law Library

University of Pennsylvania

Keys to Success Series

FEDERAL RULES AND REGULATIONS

AN OVERVIEW

Congress delegates to federal departments and agencies the power to issue *rules and regulations* which implement statutes and have the full force of law. While statutes are usually broad in scope, rules and regulations are the detailed "nuts and bolts" that put a statute's intent into practice.

As required by the Federal Register Act of 1935 and its amendments, new rules must first appear in the daily [Federal Register](#), and all "in force" rules must appear annually in the [Code of Federal Regulations](#) (CFR).

The Federal Register contains proposed and final rules issued on a given day, as well as public notices, presidential documents, and notices of Sunshine Act meetings. The CFR contains only final rules in force, regardless of when they were originally issued, and is arranged by subject into 50 broad titles. The exception to this codified arrangement is Title 3 of the CFR, which contains presidential orders and proclamations arranged chronologically rather than by subject.

Both publications are copiously cross-referenced to each other, so that it is easy to trace the history of a rule from its proposal through its latest change. The CFR is generally preferred for its index, "in force" status, and subject arrangement. However, because the CFR is revised only once a year to add new rules and delete obsolete ones, it must always be updated by examining recent issues of the Federal Register.

Current issues and back issues for the past three years of the [Federal Register](#) [KF70.A2] are shelved on the Fourth Floor of Biddle. Earlier years (back to 1936) are kept in the Lewis Collection in Silverman Hall. Biddle also keeps microfiche copies of the Federal Register from 1966 to date in the Microforms Room on the Second Floor.

Current issues and back issues for the past three years of the [Code of Federal Regulations](#) [KF70.A3] are shelved on the Fourth Floor of Biddle. In addition, all volumes of Title 3 (1936-date) are shelved with the current CFR due to its special chronological arrangement. Some earlier editions of the CFR are kept in the Lewis Collection in Silverman Hall, and on microfiche (1982-1988) in the Microforms Room. Prior editions of the CFR can also be found online (see below).

HOW TO FIND AND UPDATE FEDERAL REGULATIONS

How to Find a Regulation by its Citation

A citation to 20 C.F.R. 404.946(a) (1996) refers to Title 20, Part 404, Section 404.946, and Paragraph (a) of the 1996 CFR. Note that the number after the period is a non-decimal whole number (e.g., 946 comes before 9300).

The cover of each CFR volume lists its title number, inclusive parts, broad subject, and revision date. Although not part of its citation, Chapters (I, II, III, etc.) and Subchapters (A, B, C, etc.) appear in the CFR to group regulations by a single issuing agency.

How to Find a Regulation by Subject

The official annual [CFR Index and Finding Aids](#) [KF70.A31] is the most up-to-date, single volume index available. However, a substantially more comprehensive index is the multi-volume [Index to the Code of Federal Regulations](#) [KF70.A34. I46], published annually by the Congressional Information Service.

How to Find a Regulation by its Statute

To find a regulation implementing a given statute, look in the "Parallel Table of Authorities and Rules" in the official [CFR Index and Finding Aids](#). Check under the U.S. Code citation for the CFR citation. Also, the editorial notes in the

U.S. Code, U.S. Code Annotated, and U.S. Code Service sometimes refer to CFR sections.

How to Find a Statute by its Regulation

To find a statute authorizing a given regulation, look in the CFR or the Federal Register for the "Authority" heading, near the beginning of the regulation. The USC citation will follow.

How to Update the CFR Using Print Resources

1. Look at the appropriate current CFR volume and note its revision date on the cover.
2. Check the title page of the most recent List of CFR Sections Affected (LSA) [KF70.A34.C6], a monthly pamphlet which lists the Federal Register pages of any new rules affecting CFR sections, as well as any proposed rules that might affect a given part of the CFR. A full set of the LSA, from 1973 to the present, is kept on the Fourth Floor of Biddle.
3. Make sure that the beginning date of coverage of the LSA coincides with the revision date in step 1, and note the latest date covered by the LSA. Look for page references to the Federal Register affecting the CFR section in question.
4. To update the latest LSA, check the *List of CFR Parts Affected* in the Federal Register itself. The List appears in every issue of the Federal Register but cumulates only from the first of the month through the last day of the same month. Therefore, check the last issue of every completed month and the latest issue of the current month. For example, if the LSA is current through March 31, 2001, and today is June 15, 2001, check the List in the Federal Register for April 30, May 31, and June 15.
5. Locate the issues of the Federal Register containing the page numbers identified in steps 2 and 3.
6. If the Library has not received the most recent issues of the Federal Register, they may be searched online.

How to Find Cases Citing the CFR

No annotated version of the CFR exists. However, many looseleaf services, such as the CCH and RIA tax services, may provide information on case law. Also consider using the elements of a CFR citation in a search on Lexis Nexis or Westlaw to find cases.

ONLINE SOURCES FOR RULES AND REGULATIONS

Federal rules and regulations are available in the print sources above, and are also accessible online on free Internet sites, and in commercial databases such as Westlaw and Lexis Nexis.

Current and recent versions of the Federal Register, CFR and Compilation of Presidential Documents are available at no cost in PDF format through the Federal Digital System (FDsys) (www.fdsys.gov). The federal government's portal for agency rulemaking, Regulations.gov (www.regulations.gov), not only allows users to search for rules and regulations in PDF format, but also gives access to the text of public comments on proposed rules.

PDF copies of the Federal Register (1936-present) and CFR (1938-present) can be found in HeinOnline's Federal Register and Code of Federal Regulations libraries. The Federal Register Library also contains current and prior versions of the List of Sections Affected (1958-present) and the Compilation of Presidential Documents (1965-present).

Lexis Nexis provides access to the current CFR and Federal Register, as well as historical materials back to 1981 for the CFR and 1980 for the Federal Register. Executive branch materials are available from 1979 forward.

Westlaw offers a current CFR database [CFR], as well as archived versions back to 1984. The Federal Register database [FR] includes the current Federal Register as well as historical versions from 1980 forward. Westlaw also provides numerous databases organizing relevant sections of the CFR and Federal Register by area of practice.

FURTHER INFORMATION

Detailed information about federal agencies and how they operate can be found in the official United States Government Manual [READY REF JK421.A3], also available on HeinOnline and FDsys. In addition, the Office of the Federal Register has issued a helpful online tutorial, The Federal Register: What It Is and How to Use It (<http://www.archives.gov/federal-register/tutorial/index.html>).

In-depth guidance on researching federal regulations may be found in Morris L. Cohen and Kent C. Olsen, Legal Research in a Nutshell, 9th Edition, Chapter 7, "Administrative Law," pp. 247-289 [KF240.C54/2007]. Copies of this title are located in the Reserved Reading Room and Closed Reserve.