




Regulatory Insight Manual



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Administrative Law, Regulation, and Content

The Regulatory Process

After a Public Law is Passed

The legislative process ends when a bill is passed into law, entered into the Statutes at Large, and is finally codified. But what happens next? A law must be enacted, administered or enforced in some way for it to have any kind of regulatory power. This is where administrative law and the regulatory process takes over. While a public law will typically state its general purpose and **what** it is looking to accomplish (although intent can be less clear), the details of **how** the law's goals are to be achieved are typically left to the **Regulating Agency**. The Regulating Agency is the agency which is granted authority by the public law or executive order to enforce the federal statutes. This is done through the regulatory process.

The regulatory process involves the introduction, amendment, and submission of **rules** which then govern how a public law is implemented and enforced. This rulemaking process, which includes the publication of proposed rules, public hearings, requests for public comments, notices, and final rules are published daily in the **Federal Register (FR)**. These **regulations** are then codified, much the same as public laws are, in the **Code of Federal Regulations (CFR)**.

Regulatory Insight

With **Legislative Insight**, ProQuest allows researchers to gain access to the legislative process leading to the enactment of a public law. A Federal legislative history service, **Legislative Insight** makes available thoroughly researched compilations of digital, full-text publications created by Congress during the process leading up to the enactment of U.S. public laws. Covering public laws from the 1st Congress all the way through to the most recently enacted law, the product compiles reports, hearings, documents, and congressional debate into histories up until the date of enactment.

But what happens next? What happens after a law has been passed? How do you examine what happens after the passage of a law?

Regulatory Insight takes you to the next stage. **Regulatory Insight** is a product designed to be a companion to **Legislative Insight**. While **Legislative Insight** charts the creation of a law, allowing researchers to examine legislative intent, **Regulatory Insight** picks up where **Legislative Insight** ends. Picking up trail after the date of enactment, **Regulatory Insight** allows researchers to chart the regulatory process, including how a law is interpreted by the administration, the regulatory intent, and the implementation of regulations. **Regulatory Insight** offers U.S. federal administrative law histories for the period 1936 - current date, organized by federal statute and executive order.

Regulatory Insight creates regulatory histories for individual federal statutes and executive orders by compiling pertinent **Federal Register** (FR) articles into a research-friendly workspace similar to the workspace provided in **Legislative Insight**. "Search within" functionality and the ability to limit by content type (e.g., notices, proposed rules, final rules, etc.) are available through the filters.

- The default display is organized by federal agency to facilitate research into the history of agency-specific and sub-agency regulations. Histories are also sortable by date.
- When complete, the content will include fully searchable PDFs of all Federal Register issues from 1936-present, plus separate PDFs of all FR "articles" with both browse and search options.
- When complete, the content will include fully searchable PDFs of all Code of Federal Register (CFR) volumes 1938-present plus separate PDFs of all CFR Titles and Parts, with browse and search options.
- Regulatory histories also include links to **Legislative Insight**.

What is a Regulatory History?

Regulatory histories associated with a public law are compilations of Federal Register (FR) notices, proposed rules, and rules representing the complete rulemaking process associated with specific public laws or executive orders.

The first thing that happens is that all FR articles that mention a law specifically by citation, short title, popular name, cited act or any other way that refers specifically to the law are brought together for review by the researcher who examines each article to determine whether or not it is directly associated with the law. Specifically, they are looking for FR articles which are considered "Rulemaking." An article that says something like "P.L. 111-XYZ was enacted since this rulemaking began but was not considered in the making of this rule" would not be included, but many things are taken into account as the decision to include/exclude is made.

In addition to consulting the text of the *Federal Register* articles, researchers check such sources as the *Code of Federal Regulations* (CFR), and the public law text.

Finally, once the history is compiled, the editorial team reviews the compilation for accuracy.

Administrative Law

To understand the Regulatory Insight product and the role that it plays in facilitating administrative law research, it is imperative to have an understanding of what we mean by **administrative law** and how it fits into the broader framework of federal governance.

Federal administrative agencies use rules and regulations to carry out the intentions of the laws passed by Congress and the President. Rules and regulations can be described as "those statements of general applicability and legal effect made by an agency that are designed to implement, interpret or prescribe law or policy." Therefore, in practical terms, they have the same legal effect as statutes.

Rules and Regulations

So, what is an agency "rule"?

When Congress or the President make a law, they frequently do not include enforcement and procedural details or other specific information which enables that law to be implemented. Instead, as part of the statute or executive order, authority is given for a particular federal agency to provide for those mechanisms necessary to carry out the will of Congress or the President. Such authorization is commonly referred to as **enabling**, since it enables the law to exist in a practical sense. The federal statutes or executive orders that give this authority may be referred to as **enabling statutes, enabling laws, authorizing statutes, or authorizing laws**.

To enable a law, the agency responsible for the law's implementation then creates **rules**.

All regulations issued by administrative agencies are issued under some **legal authority granted by Congress or the President**. This authority is delegated to an administrative agency by one of two sources: **federal legislation from Congress or an executive order of the President**.

A rule or regulation is identical to a law enacted by a legislature. According to the Administrative Procedure Act ("APA") passed in July of 1935¹. The terms "rule" and "regulation" are used interchangeably in the publication system. Agencies must be authorized by statute to issue rules, and their rules must not exceed the authority they are given by the legislature².

Standardizing the Rulemaking Process

¹ Public Law 79-404, codified at 5 USC § 551 (4)

² 5 USC § 551(5) defines "rule making".

Federal Register Act

Prior to the Federal Register Act, it was up to the Regulating Agency granted enabling power by the public law or executive order to make public and publish regulations. During the Great Depression, Congress began enacting a host of legislation which gave executive agencies increased authority to regulate. With this flood of new regulations, it soon became apparent that, because there was no standardized repository, it was difficult for the public and federal agencies to know which regulations were effective and enforceable. As a result, Congress enacted the Federal Register Act in July of 1935 to set up a centralized publication system for executive branch documents.

When the Federal Register Act passed, it set up a system of publication for all regulations and began the process of standardizing the rulemaking process across all agencies. This process is recorded in the **Federal Register (FR)**, published daily in chronological order. The official journal of the federal government, it contains public notices, agency rules, documents of general applicability and legal effect, executive orders, presidential proclamations, and any other documents that Congress requires. The first Federal Register was published on March 16, 1936. Publishing a document in the Federal Register provides the public official notice of a document's existence, specifies the legal authority of the agency to issue the document, and gives the document evidentiary status.

The final rules promulgated by the federal agency are ultimately reorganized by topic or subject matter and codified in the **Code of Federal Regulations (CFR)**. Each rulemaking document published in the Federal Register, therefore, also shows how and when the CFR will be amended to include the new changes.

The Administrative Procedure Act

Within a decade of passing the FRA, Congress further refined the rulemaking process by enacting the Administrative Procedure Act in 1946, which established a uniform process for publishing, obtaining comments on, and finalizing regulations.

The Act requires agencies to publish more information in the Federal Register related to their rulemaking documents and governs how administrative agencies may propose and establish regulations. The Administrative Procedure Act requires that in most instances, an agency must issue a notice of proposed rulemaking, provide an opportunity for public comment, issue a final rule with a concise statement of its basis and purpose, and make the final rule effective for a minimum of 30 days following its publication in the Federal Register. The Act, therefore, added procedural requirements to ensure due process and public participation. Moreover, it applied the same requirements of due process and public participation across the board to both federal executive departments and independent agencies. The law also grants the U.S. Federal Courts oversight to all agency action.

Due Process (Fairness)

- Rules cannot be enforced if not published in the Federal Register (FR)
- Rules cannot be effective until 30 days after publication
- Agencies must publish statements of organization and procedure for the 'who and how' to contact in the agency

Public Participation

- Agencies must give notice of proposed rules
- Agencies must take public comments and respond in the final rule
- Agencies must state the legal basis and purpose of their actions

What is in the Federal Register?

The Federal Register is broken down into 'articles' submitted by the regulating agency. Each of these articles fall into four main types and organized in sections:

- ☐ Presidential documents
- ☐ Rules
- ☐ Proposed rules
- ☐ Notices

Presidential Documents

The presidential documents section contains documents the president must publish and documents the president decides to publish. In the first category of mandatory publication are executive orders, which are the president's instructions to executive agencies on how to manage their operations. Executive orders are numbered consecutively and reprinted annually in Title 3 of the CFR. Presidential proclamations are another category of documents that must be published in the Federal Register.

There are two types of proclamations, "ceremonial," which designate special observances, and "substantive," which usually relate to international trade, export controls, tariffs, or reservation of federal lands. Examples of presidential documents that may but do not have to be published are administrative orders, presidential memos, and other miscellaneous documents.

Rules and Regulations

This section contains documents with final legal effect and general applicability to the public that amend the CFR and will be codified in the annual revision. This includes final rules, temporary

rules, interim final rules, and direct final rules, as well as documents that relate to previously published rules, such as corrections and changes in effective dates.

Proposed Rules

This third section contains documents that announce possible changes to the CFR and solicit public comment on the proposal, such as notices of proposed rulemaking (NPRM) and preliminary rulemaking documents, including advance notices of proposed rulemaking and petitions for rulemaking. Other miscellaneous proposals and updates, including documents containing information on public meetings related to an NPRM, are also published in this section. Since the early 1970s, the ACFR has required agencies to use a standardized format to provide greater uniformity and transparency for documents published in the final rules and the proposed rules sections of the Federal Register.

Notices Section

The final section contains documents describing official actions and functions of an agency that affect the public or provide important information, but do not amend the CFR. They do not impose requirements with general applicability and legal effect, and do not affect a rulemaking proceeding. Some notices are required to be published by law, for example advisory committee meeting notices, notices of the availability of environmental impact statements, and certain orders or decisions affecting named parties.

FR Citations

The Office of the Federal Register cites articles by employing the volume number, publication abbreviation 'FR', and the beginning page number on which the document or the regulation within the document begins. There is one volume for each calendar year (volume 81 is 2016, volume 80 is 2015, et cetera). For instance:

64 FR 34567, June 5, 1999 (Volume, Page No. and date)

Some pages in the Federal Register will have more than one individual FR article on the same page. In such cases, the first publication to begin on that page will be designated with the letter "a," the second with the letter "b," et cetera. For instance: **64 FR 34567a** would be followed by **64 FR 34567b**.

Citations to the *Code of Federal Regulations* in the *Federal Register* are cited with the title number, the abbreviation CFR, the word "part" or the symbol "§" for section, and the number of the part or section, as in "12 CFR part 220" or "12 CFR §220.1."

Regulation Numbering System

Title	12	Broad subject area of regulations
Chapter	III	Rules of individual agency
Part	303	Rules on a single program or function
Section	303.1	One provision of program/function rules
Paragraph	303.1(a)	Detailed, specific requirements

Docket Number

Besides citations, there are several identification numbers to *Federal Register* documents. These include the **agency docket number** found at the beginning of the regulation (the same number is used for the proposed and final rule) or the *Federal Register* **document number** found at the end of the regulation (unique for each document published, including notices). The rulemaking docket (known on Regulations.gov as a Docket Folder) contains all of an agency's relevant rulemaking materials (e.g., NPRM, hearing Notices, extensions of comment period, and Final Rule), supporting documents (e.g., economic and environmental analyses), studies and other references, all public comments, and other relevant documents.

When a docket number is included in a Federal Regulation, this information is captured on **Regulatory Insight**.

Regulation Identification Number (RIN Series)

Another identification number to some regulations is the **RIN or regulation identification number** found at the top of the document right underneath the agency docket number. RIN numbers are assigned to descriptions/status reports of agency regulations under development and are published twice a year in the *Federal Register* pursuant to the 1980 Regulatory Flexibility Act and Executive Order 12866. In the past this material was gathered in a GPO publication entitled as the *Unified Agenda* and available now on GPO's FDsys database as well as on RegInfo.gov, a website of the Office of Management and Budget.

Every entry appearing in the Unified Agenda or Regulatory Plan is assigned a Regulation Identifier Number (RIN), in accordance with the requirements for the Unified Agenda set forth in section 4 of Executive Order 12866. RINs help the public to identify and follow the progress of each regulatory action or rulemaking proceeding in the Unified Agenda, the Federal Register, and on the Reginfo.gov website. Each regulatory action retains the same RIN throughout the entire rulemaking process. It is important to note that not all Federal Register articles are assigned RIN numbers and some are assigned RIN numbers retroactively.

A RIN consists of a 4-digit agency code plus a 4-character alphanumeric code, assigned sequentially when a rulemaking is first entered into the database, which identifies the individual regulation under development. For example, all RINs for the Occupational Safety and Health Administration have agency code 1218. The RIN for OSHA's rulemaking on hazard communication is 1218-AC20.

Note: RIN numbers are not always assigned when a rule is first proposed, but are sometimes assigned after the fact to link all the related articles together.

What is in the Code of Federal Register?

The Office of the Federal Register also publishes the Code of Federal Regulations, published four times a year. Since the Federal Register is published chronologically, it does not provide legal researchers with the ability to locate relevant regulations by subject. Therefore, a codification of federal regulations also became necessary. In 1937 Congress amended the Federal Register Act to require a publication of federal regulations known as the **Code of Federal Regulations** (CFR).

The CFR contains agency rules that first appeared in the Federal Register. On the effective date of rule, Office of the Federal Register editors incorporate the amendments from the rule into the CFR. Codifying the rules does not change their meaning or legal effect, it simply creates an organizational structure for the rules and allows readers to see the complete text of an effective rule without having to refer back to various issues of the Federal Register.

The CFR is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis on a staggered schedule:

Titles 1-16: updated as of January 1
Titles 17-27: updated as of April 1
Titles 28-41: updated as of July 1
Titles 42-50: updated as of October 1

The **Code of Federal Regulations** is organized by subject, whereas the **Federal Register** comes out chronologically. After being published in the **Federal Register**, all currently in force regulations are brought together and arranged by subject in the CFR. Proposed regulations, notices, agendas, and other information printed in the **Federal Register** do not appear in the **Code of Federal Regulations**. However, presidential documents from the *Federal Register* are published in Title 3 of the **Code of Federal Regulations**.

Regulations are usually grouped together in one part of a title of the CFR. At the beginning of a part, or group of related regulations, there will be a table of contents listing the various regulations in that part. Then, there is an "**authority note**" showing the statutory or executive authority under which regulations in that part were issued. If a regulation within that part is based on different authority, a separate authority note follows that specific regulation.

Following the part's authority note is a "**source note**," providing the citation and date of the Federal Register in which the part was last published in full. As was the case with authority notes, separate source notes may follow particular regulations.

CFR Citations

The CFR is organized by Title (broad subject area), Chapter (rules of an individual agency), Part (rules on a single program or function), Section (rules on one provision of program/function), and Paragraph (detailed, specific requirement). Sections may contain up to six levels of paragraphs.

The CFR has a uniform numbering system. Most of the 50 titles conform to the system, however, Titles 3, 41, and 48 have significant variations. After the Title, 'Section' is the basic unit of the CFR, which is then divided into descending levels of units.

The following table illustrates the CFR numbering system:

Title	12	Broad subject area of regulations
Chapter	III	Rules of individual agency
Part	303	Rules on a single program or function
Section	303.1	One provision of program/function rules
Paragraph	303.1(a)	Detailed, specific requirements

In citing these, the number before the decimal point refers to the part, with the section of the part following the decimal.

Sections may contain up to 6 levels of paragraphs.

✧ We strongly recommend agencies use no more than 3 levels.

<u>Paragraph</u>	<u>Designations</u>	<u>Cite paragraph as</u>
Level 1	(a), (b), (c), etc.	§ 303.1(a)
Level 2	(1), (2), (3), etc.	§ 303.1(a)(1)
Level 3	(i), (ii), (iii), etc.	§ 303.1(a)(1)(i)
Level 4	(A), (B), (C), etc.	§ 303.1(a)(1)(i)(A)
Level 5	(1), (2), (3), etc.	§ 303.1(a)(1)(i)(A)(1)
Level 6	(i), (ii), (iii), etc.	§ 303.1(a)(1)(i)(A)(1)(i)

Overview of Rulemaking Process

1. Grant of rulemaking authority

- Congress delegates authority directly to agencies
- President may delegate constitutional authority to subordinates
- President or Agency Head may re-delegate authority to subordinates

2. Proposed Rule stage

- OMB Reviews under E.O. 12866.
- Agencies publish Proposed Rule in FR for public comment

3. Final Rule stage

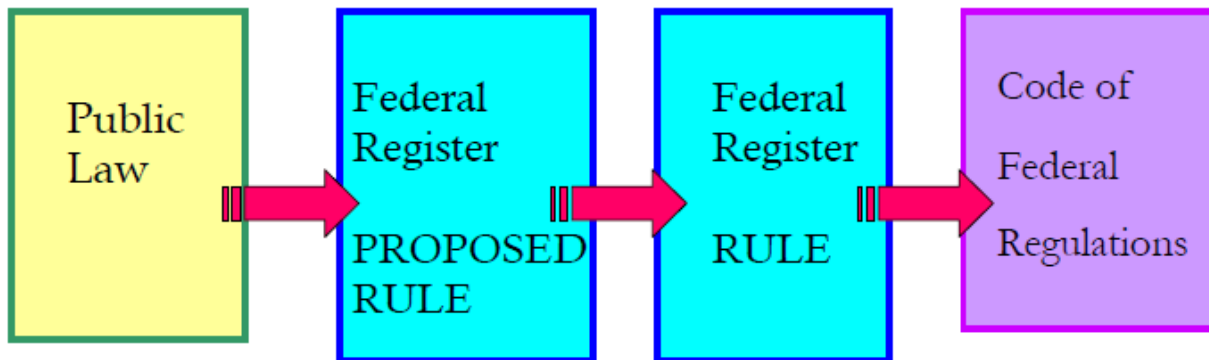
- OMB Reviews again under E.O. 12866
- Agencies publish final rule in FR (responds to comments, amends CFR, sets effective date)

4. Congressional review

- Agencies submit rules to Congress and GAO (could nullify rule)

5. Effective date

- 30 day minimum, 60 days for major rule, no minimum for good cause
- Agency may delay or withdraw rule before it becomes effective



Regulatory Insight Content Breakdown

There are four main types of content found on the Regulatory Insight platform. **The Federal Register**, the **Code of Federal Register**, **Public Comments**, and the **Regulatory Histories**. The first three types of content are pulled from public records and enhanced by the content teams. The last content type, Regulatory Histories, are created by editors.

Federal Register (FR)

As previously mentioned, the Federal Register is the daily publication of federal regulations. Each edition of the Federal Register is then divided into 'articles' which are referenced by Volume number and page Number. If there is more than one article on a page, they are assigned letter identifiers.

safety, none of the proposed changes would impose any new obligations on small businesses that conform to voluntary standards. Product manufacturing, importing, testing, reporting, recordkeeping, and other commercial activities would be unaffected. Accordingly, the proposed amendment to 16 CFR part 1031 on participation and involvement of CPSC employees in voluntary standards would not directly impact any small businesses or other small entities. The proposed amendment, if promulgated on a final basis, would not have a significant impact on a substantial number of small entities.

VI. Paperwork Reduction Act

The proposed rule does not require any stakeholder to create, maintain, or disclose information. Thus, the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) is not implicated in this proposed rulemaking.

VII. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of a final rule. 5 U.S.C. 553(d). The Commission proposes that any final rule based on this proposal would become effective 30 days after the final rule is published in the *Federal Register* because the proposed rule solely affects Commission procedure and does not require stakeholders to take any action.

List of Subjects in 16 CFR Part 1031

Business and industry, Consumer protection, Voluntary standards.

For the reasons stated in the preamble, the Commission proposes to amend 16 CFR part 1031 as follows:

PART 1031—COMMISSION PARTICIPATION AND COMMISSION EMPLOYEE INVOLVEMENT IN VOLUNTARY STANDARDS ACTIVITIES

■ 1. The authority citation for part 1031 is revised to read as follows:

on, a voluntary standard development group, when authorized.”

■ 3. In § 1031.11, remove paragraph (f) and revise paragraphs (c), (d), and (e) to read as follows:

§ 1031.11 Procedural safeguards.

(c) Commission officials or employees who are authorized to participate as a voting member of a voluntary standard development group represent the position of CPSC staff. Such votes or opinions do not bind the Commission in any way and necessarily represent the opinions of the Commission, but rather solely represent the views of the staff member.

(d) Commission employees and officials who are involved in the development of voluntary standards may accept leadership positions in voluntary standard development groups (e.g., committee chairman or secretary) or leadership positions with the governing bodies of standard-making entities, when authorized with the prior approval of the Office of the Executive Director.

(e) Attendance of Commission personnel at voluntary standards meetings shall be noted in the public calendar, and meeting summaries shall be submitted to the Office of the Secretary, as required by the Commission’s meetings policy, 16 CFR part 1012.

■ 4. In § 1031.12, revise paragraph (b) to read as follows:

§ 1031.12 Membership criteria.

(b) All other officials and employees not covered under § 1031.12(a) may participate as voting members or accept leadership positions in voluntary standard development groups, when authorized with the prior approval of the Office of the Executive Director.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 390

[Docket No. FMCSA–2012–0103]

RIN 2126–AB44

Lease and Interchange of Vehicles; Motor Carriers of Passengers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM) request for comment.

SUMMARY: FMCSA proposes to adopt regulations governing the lease and interchange of passenger-carrying commercial motor vehicles (CMVs) to: identify the motor carrier operating a passenger-carrying CMV and responsible for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and all other applicable Federal regulations; ensure that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMVs and drivers; and require motor carriers subject to a prohibition on operating in interstate commerce to notify FMCSA in writing before leasing or otherwise transferring control of their vehicles to other carriers. This action is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement by operating under the authority of another carrier that exercises no actual control over those operations. This action will enable the FMCSA, the National Transportation Safety Board (NTSB), and our Federal and State partners to identify motor carriers transporting passengers in interstate commerce and correctly assign responsibility to these entities for regulatory violations during inspections, compliance investigations, and crash studies. It also provides the general public with the means to identify the

Broadly speaking, each article contains a preamble section, which arranges basic information on the “who, what, where, when, and why” of a document for the reader’s convenience. In rule documents, the preamble section is followed by the regulatory text. In more recent years agencies have been required to submit headings in a particular order in the preamble section of their documents. The headings identify particular sections of the preamble as follows: • agency • action (final rule, proposed rule) • summary • dates (effective date of the rule, or comment date for an NPRM) • addresses • for further information • supplementary information.

The supplementary information section of the preamble contains background information and explains the basis and purpose of the rulemaking. Agencies also use the supplementary information section to provide additional information that is required by law, agency policy, or executive order.

Making Sense of an FR Article

Citations

The Office of the Federal Register cites articles by employing the volume number, publication abbreviation 'FR', and the beginning page number on which the document or the regulation within the document begins. There is one volume for each calendar year (volume 81 is 2016, volume 80 is 2015, et cetera). For instance:

64 FR 34567, June 5, 1999 (Volume, Page No. and date)

Some pages in the Federal Register will have more than one individual FR article on the same page. In such cases, the first publication to begin on that page will be designated with the letter "a," the second with the letter "b," et cetera. For instance: **64 FR 34567a** would be followed by **64 FR 34567b**.

Besides citations, there are several identification numbers to *Federal Register* documents. These include the **agency docket number** found at the beginning of the regulation (the same number is used for the proposed and final rule) or the *Federal Register* **document number** found at the end of the regulation (unique for each document published, including notices).

Another identification number to some regulations is the **RIN or regulation identification number** found at the top of the document right underneath the agency docket number. RIN numbers are assigned to descriptions/status reports of agency regulations under development and are published twice a year in the *Federal Register* pursuant to the 1980 Regulatory Flexibility Act and Executive Order 12866. In the past this material was gathered in a GPO publication entitled as the *Unified Agenda* and available now on GPO's FDsys database as well as on RegInfo.gov, a website of the Office of Management and Budget.

Citations to the *Code of Federal Regulations* in the *Federal Register* are cited with the title number, the abbreviation CFR, the word "part" or the symbol "§" for section, and the number of the part or section, as in "12 CFR part 220" or "12 CFR §220.1."

Regulation Numbering System

Title	12	Broad subject area of regulations
Chapter	III	Rules of individual agency
Part	303	Rules on a single program or function
Section	303.1	One provision of program/function rules
Paragraph	303.1(a)	Detailed, specific requirements

Bibliographic Information

When you search for a Federal Register article on the product, you will be presented first with the bibliographic information for a particular article.

Department of the Treasury (TREAS): Secret Service Issuing Agency

History of actions published in the Federal Register

Document subcategory → Action: Final rule

Document type → Category: Rule Volume, page number

FR Citation: 49 FR 28552

View FR Article: [Publication Details](#) [PDF - Full Text](#)

Title: Rules Governing Access to the Property and/or Offices of the President and Other Persons Protected by the Secret Service

Date: July 13, 1984

Volume/No: 49/136 Volume, issue number

Department/Agency: Department of the Treasury (TREAS): Secret Service

CFR Parts: 31 CFR 408 (1985) Correlating CFR part (FR codified)

Article Breakdown

When you open an FR article, you will be presented with a lot of information which will help you determine what kind of article it is, and therefore, if it should be included in a Regulatory History.

	Page No.	Publication Date	Article Category
	17918	Federal Register / Vol. 80, No. 63 / Thursday, April 2, 2015 / Rules and Regulations	
Department: Agency	DEPARTMENT OF COMMERCE United States Patent and Trademark Office	United States Code, to implement the provisions of the Hague Agreement and is to take effect on the entry into force of the Hague Agreement with respect to the United States. This final rule revises the relevant rules of practice in title 37, chapter I, of the Code of Federal Regulations to implement title I of the PLTIA.	
CFR Citation	37 CFR Parts 1, 3, 5, 11, and 41	Summary of Major Changes to U.S. Practice: The major changes to U.S. practice in title I of the PLTIA pertain to: (1) Standardizing formal requirements for international design applications; (2) establishing the United States Patent and Trademark Office ("USPTO" or "Office") as an office through which international design applications may be filed; (3) providing a right of priority with respect to international design applications; (4) treating an international design application that designates the United States as having the same effect from its filing date as that of a national design international design application designating the United States must identify the inventor and include a claim and the inventor's oath or declaration. The final rules also specify that an international design application designating the United States may be refused by the Office as a designated office if the applicant is not a person qualified under 35 U.S.C. chapter 11 to be an applicant. Additionally, the Office is revising the rules of practice to provide for examination of international design applications that designate the United States. International design applications are reviewed by the International Bureau for compliance with requirements under the Hague Agreement. Where these requirements have been met, the International Bureau will register the industrial design in the International Register and, subsequently, publish the international registration and send a copy of the	
Docket No. RIN No.	[Docket No.: PTO-P-2013-0025] RIN 0651-AC87		
Title	Changes To Implement the Hague Agreement Concerning International Registration of Industrial Designs		
Document Subcategory	AGENCY: United States Patent and Trademark Office, Commerce. ACTION: Final rule.		
Article Summary	SUMMARY: Title I of the Patent Law Treaties Implementation Act of 2012 ("PLTIA") amends the United States patent laws to implement the provisions of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, July 2, 1999,		

Proposed rules, final rules and notices will all vary slightly in their formats and how they are organized. Their formats have also changed over time, therefore, older articles may look slightly differently or have information in a different order. However, each article will contain similar sections and headings which will help you identify what kinds of information are being given. The following are examples of possible headings, but it is far from a comprehensive list.

- ☐ **Summary** – provides a summary of the action being taken. For rules and regulations, this will include an outline of the proposed or final rule.
- ☐ **Dates** – gives dates for comment period on proposed rules, effective date for final rules or other relevant dates per action type
- ☐ **Contact information** – appropriate point of contact for particular action and agency
- ☐ **Background** – gives further information on the context of the regulation, including the authority and the purpose
- ☐ **Notice of proposed rulemaking** – discusses the preceding proposed rule
- ☐ **Comments** – an article by include a section which is a direct response to the comments on a proposed rule made during the comment period

Other sections, under various headings, will provide the basis and purpose of the rule, analyses of rule, the amendatory language, proposed regulatory text or further supplemental material (some of which demonstrates a rules compliance with administrative laws and regulations).

Examples:

Headings,
including action
identifying category
of document

DEPARTMENT OF COMMERCE
United States Patent and Trademark
Office
37 CFR Parts 1, 2, 5, 11, and 41
[Docket No.: PTO-P-2013-0025]
RIN 0651-AC87

Changes To Implement the Hague
Agreement Concerning International
Registration of Industrial Designs
AGENCY: United States Patent and
Trademark Office, Commerce.
ACTION: Final rule.

SUMMARY:

Under the Patent Law Treaties
Implementation Act of 2012 ("PLTIA")
amends the United States patent laws to
implement the provisions of the Geneva
Act of the Hague Agreement Concerning
the International Registration of
Industrial Designs, July 2, 1960,
hereinafter "Hague Agreement") and is
to take effect on the entry into force of
the Hague Agreement with respect to
the United States. Under the Hague
Agreement, qualified applicants may
apply for design protection in the
Contracting Parties to the Hague
Agreement by filing a single,
standardized international design
application in a single language. The
United States Patent and Trademark
Office is revising the rules of practice to
implement title I of the PLTIA.

DATES: Effective date: The changes in
this final rule take effect on May 13,
2015.

Applicability date: The changes to 37
CFR 1.32, 1.46, 1.53, 1.76, and 1.175 in
this final rule apply only to patent
applications filed under 35 U.S.C. 111,
365, or 365 on or after September 16,
2012. The changes to 37 CFR 1.53(b)
and (c) and 1.57(a)(4) in this final rule
apply only to patent applications filed
under 35 U.S.C. 111 on or after
December 18, 2013.

FOR FURTHER INFORMATION CONTACT:
Boris Iltis, Senior PCT Legal Examiner,
International Patent Legal
Administration, at (571) 272-3288 or
David R. Gerk, Patent Attorney, Office of
Policy and International Affairs, at (571)
272-0900.

SUPPLEMENTARY INFORMATION:
Executive Summary: Purpose: Under
the Hague Agreement available at <http://www.wipo.int/treaties/en/registration/hague/>, qualified applicants may apply
for design protection in the Contracting
Parties to the Hague Agreement by filing
a single, standardized international
design application in a single language.
Title I of the PLTIA amends title 35,

United States Code, to implement the
provisions of the Hague Agreement and
is to take effect on the entry into force
of the Hague Agreement with respect to
the United States. This final rule revises
the relevant rules of practice in title 37,
chapter I, of the Code of Federal
Regulations to implement title I of the
PLTIA.

**Summary of Major Changes to U.S.
Practice:** The major changes to U.S.
practice in title I of the PLTIA pertain
to: (1) Standardizing formal
requirements for international design
applications; (2) establishing the United
States Patent and Trademark Office
("USPTO" or "Office") as an office
through which international design
applications may be filed; (3) providing
a right of priority with respect to
international design applications; (4)
treating an international design
application that designates the United
States as having the same effect from its
filing date as that of a national design
application; (5) providing provisional
rights for published international design
applications that designate the United
States; (6) setting the patent term for
design patents issuing from both
national design applications under
chapter 16 and international design
applications designating the United
States to 15 years from the date of patent
grant; (7) providing for examination by
the Office of international design
applications that designate the United
States; and (8) permitting an applicant's
failure to act within prescribed time
limits in an international design
application to be excused as to the
United States under certain conditions.
In addition, as to the applicability dates
for certain provisions in existing rules,
this final rule makes those applicability
dates more accessible by stating them
directly in the body of those rules.

The Office is specifically revising the
rules of practice (37 CFR parts 1, 2, 5,
11, and 41) to provide for the filing of
international design applications by
applicants in the USPTO as an office of
indirect filing. The Office will transmit
the international design application and
any collected international fee to the
International Bureau of the World
Intellectual Property Organization
("WIPO"), subject to national security
review and payment of a transmittal fee.
The International Bureau will review the
application for compliance with the
applicable formal requirements under
the Hague Agreement.

The Office is also revising the rules of
practice to set forth the formal
requirements of an international design
application, including specific content
requirements where the United States is
designated. Specifically, an

international design application
designating the United States must
identify the inventor and include a
claim and the inventor's oath or
declaration. The final rules also specify
that an international design application
designating the United States may be
released by the Office as a designated
office if the applicant is not a person
qualified under 35 U.S.C. chapter 11 to
be an applicant.

Additionally, the Office is revising the
rules of practice to provide for
examination of international design
applications that designate the United
States. International design applications
are reviewed by the International
Bureau for compliance with
requirements under the Hague
Agreement. Where those requirements
have been met, the International Bureau
will register the industrial design in the
International Register and,
subsequently, publish the international
registration and send a copy of the
publication to each designated office.
Since international registration will
only occur after the International
Bureau finds that the application
conforms to the applicable formal
requirements, examination before the
Office will generally be limited to
substantive matters. With certain
exceptions, the Hague Agreement
imposes a time period of up to 12
months from the date of publication of
the international registration for an
examining office to refuse an
international design application. The
rules are revised to provide for the
applicability of the requirements of 35
U.S.C. chapter 16 to examination of
international design applications
consistent with the Hague Agreement
and to provide for the various
notifications to the International Bureau
required of an examining office under
the Hague Agreement.

The Office is further revising the rules
of practice to provide for: (1) Review of
a filing date established by the
International Bureau; (2) excusing an
applicant's failure to act within
prescribed time limits in connection
with an international design
application; (3) priority claims with
respect to international design
applications; (4) payment of fees; and
(5) treatment of international design
applications for national security
review.

Costs and Benefits: This rulemaking is
not economically significant under
Executive Order 12866 (Sept. 30, 1993).

Background: The Hague Agreement,
negotiated under the auspices of WIPO,
is the latest revision to the 1925 Hague
Agreement Concerning the International
Deposit of Industrial Designs ("1925

Summary of action

Date caption. Date of
comment period for
proposed rules or
effective date for final
rules

Addresses caption
giving information on
who to contact about
this rule, or how and
where to send
comments on proposed
rules

Headings

Action Caption

Summary Describes the subject, need for, and intended effect of the rule

Background typically gives history of the intended regulation and the authority

Federal Register / Vol. 64, No. 99 / Monday, May 24, 1999 / Rules and Regulations 27931

40 CFR citation	OMB Control No.
35.6655	2030-0030
35.6660	2030-0030
35.6665(a), (b)	2030-0030
35.6700	2030-0030
35.6705	2030-0030
35.6710	2030-0030
35.6805	2030-0030
35.6815(a), (b), (c)	2030-0030

[FR Doc. 99-12030 Filed 5-21-99; 8:43 am]
BULFNG CODE 540-60-P

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
49 CFR Part 575
[Docket No. 99-5697]
RIN 2121-A057

Consumer Information Regulations; Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule amends the agency's consumer information regulations and the Uniform Tire Quality Grading Standards (UTQGS) by rescinding the requirement that passenger car manufacturers provide general UTQGS information to purchasers and potential purchasers at the point of sale of new vehicles requiring instead that such information be included in owners' manuals. In addition, this rule removes the requirement that manufacturers supply copies of UTQGS information to the agency and removes a number of obsolete definitions. Finally, this rule amends the existing exclusion of tires with nominal rim diameters of 10-12 inches from the UTQGS to now exclude tires with nominal rim diameters of 12 inches or less.

This action is being taken because the agency believes that elimination of the point-of-sale requirement will relieve a significant burden on vehicle manufacturers and dealers, yet will have little effect on consumers. The agency believes that UTQGS information is of little value to consumers at the point of sale of new vehicles because new vehicles are typically sold with tires selected by the manufacturer based on vehicle model, weight, and options.

Further, consumers have shown little interest in UTQGS when shopping for or purchasing new vehicles. The agency believes that consumers will be better served by requiring such information to be included in owners' manuals for the future reference of those consumers when shopping for replacement tires.

DATES: Effective date: The amendments in this final rule are effective September 1, 1999. Compliance date: Optional early compliance is permitted beginning on the date of publication of this final rule in the Federal Register.

Petitions for reconsideration of this final rule must be received by NHTSA not later than July 8, 1999.

ADDRESSES: Petitions for reconsideration should be submitted to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:
For technical issues: Mr. P. L. Moore, Safety Standards Engineer, Office of Planning and Consumer Programs, Office of Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; telephone (202) 366-5222.
For legal issues: Mr. Walter K. Myers, Attorney-Adviser, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-2902.

SUPPLEMENTARY INFORMATION:

A. Background

Section 30123(a) of Title 49, U.S.C., requires the Secretary of Transportation to prescribe a uniform quality grading system for motor vehicle tires to help consumers make an informed choice when purchasing tires. NHTSA implemented this statutory mandate by issuing the UTQGS at 49 CFR 575.104, applicable to new passenger car tires. The UTQGS require passenger car and tire manufacturers and tire brand name owners to provide consumers with tire grading information with respect to the tires' relative performance in treadwear, traction, and temperature resistance characteristics. Excluded from the UTQGS are deep-tread, winter-type snow tires, space-saver or temporary-use spare tires, tires with nominal rim diameters of 10 to 12 inches, and limited production tires as described in 49 CFR 575.104(c)(2).

Section 575.61(c) of Title 49, CFR, requires that at the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the vehicle manufacturer must provide, in writing, and in the English language, the information specified in §§ 575.103 and 575.104 that is applicable to that vehicle.

B. Notice of Proposed Rulemaking

The agency received a petition for rulemaking from the Association of International Automobile Manufacturers (AIAM) to rescind the UTQGS requirements on motor vehicle manufacturers. In response to that petition, the agency published a Notice of Proposed Rulemaking (NPRM) on May 21, 1998. The NPRM proposed:

- (1) To amend § 575.61(c) by requiring vehicle manufacturers to include the UTQGS information prescribed in § 575.104, Figure 2, Part II, in each vehicle's owner's manual rather than requiring them to provide UTQGS information to purchasers and prospective purchasers at the point of sale of new vehicles. This action would delete the requirement that manufacturers provide UTQGS information at the point of sale, but would instead make that information available to vehicle purchasers in their owners' manuals;
- (2) To amend § 575.104(c)(1) to exclude tires with nominal rim diameters of 12 inches or less, rather than tires with nominal rim diameters of 10-12 inches. This change would eliminate any ambiguity about grading tires smaller than 10 inches;
- (3) To delete the definition of "brake power unit," "lightly loaded vehicle weight," "maximum loaded vehicle weight," and "maximum sustained vehicle speed" from § 575.20(c) because they are no longer pertinent to part 575; and
- (4) To revise Example 2 in § 575.60(a)(1) to reflect the changes made in that section.

In addition to the above proposals, NHTSA requested comments on a series of 7 questions soliciting comments on

Types of Articles

Federal Register articles are organized into the following categories:

- Proposed rules
- Rules
- Presidential documents
- Notices

Additional sections:

- Corrections
- Separate Parts
- Reader Aids
- Unified Agenda

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Headings ➡ Agency name, CFR title and part(s), docket info, subject matter

Captions ↓

- **AGENCY:** e.g., Food and Nutrition Service, USDA
- **ACTION:** e.g., “Proposed rule”, “Notice of intent”
- **SUMMARY:** brief what and why: the issues & rulemaking objectives
- **DATES:** deadline for submitting comments
- **ADDRESSES:** mail/fax/e-mail for submitting comments
- **FOR FURTHER INFORMATION CONTACT:**
name and number/e-mail of knowledgeable person at agency
- **SUPPLEMENTARY INFORMATION:**
main discussion of issues and rulemaking objectives and regulatory analyses

The Proposed Rules categories can include many types of actions, including advanced notice of proposed rulemaking (ANPRM), notice of proposed rulemaking (NPRM), extension of time to submit comments on proposed rules, further notice of proposed rulemaking, withdrawal of proposed rule, or an annual review of regulations (opportunity to comment).

An agency can, but is not required to, issue an ANPRM, discussing its intention to issue a regulation. This discussion may include a general summary of the agency's proposal, but will not include specific language.

Following the advance notice or as a first step in the regulatory promulgation process, an agency then publishes the NPRM (notice of proposed rulemaking), containing the proposed rule and requesting comments.

A proposed rule may:

- ☐ Announces possible changes to the CFR
- ☐ Sets out proposed regulatory text or describes proposal
- ☐ Solicits public comment on proposal
- ☐ Initiates the ‘notice and comment rulemaking’ process under the APA

Types of ‘Proposed Rules’:

- ☐ Proposed Rules (also known as Notice of Proposed Rulemaking or NPRM)
- ☐ Preliminary Rulemaking Documents
 - Advance Notice of Proposed Rulemaking
 - Petition for Rulemaking
 - Negotiated Rulemaking document
- ☐ Miscellaneous proposals and updates
 - Extended time for comments
 - Withdraw or change NPRM
 - Proposed waivers, exemptions and interpretations of enforcement policy

Headings ➡ Agency name, CFR title and part(s), docket info, subject matter

Captions ↓

- **AGENCY:** e.g., Research and Special Programs Administration, DOT
- **ACTION:** e.g., “Final rule”, “Interim final rule”
- **SUMMARY:** brief what and why: the issues & rulemaking objectives
- **DATES:** effective dates; applicability and compliance dates;
comment dates for interim and direct final rules
- **ADDRESSES:** docket info; mail/fax/e-mail for comments or objections
- **FOR FURTHER INFORMATION CONTACT:**
name and number/e-mail of knowledgeable person at agency
- **SUPPLEMENTARY INFORMATION:**
main discussion of issues and rulemaking objectives and regulatory analyses

After reviewing the comments received, the agency may, but is not required to, issue a "final rulemaking". Final rules finalize a previously issued proposed rule and have the force of law and general applicability to the public. Generally, a Final Rule is issued to amend the CFR by adding, removing or revising texts. Therefore, most rules are codified in the Code of Federal Regulations (CFR).

In certain situations a final rule may be promulgated without a prior proposed rule. This may include documents which relate to previously established rules such as interpretive rules and policy statements, a withdrawal or confirmation of a rule, a change of effective date or temporary rules.

The terms ‘rules’ and ‘regulations’ are used interchangeably in the Federal Register publication system.

Final rules become effective 30 days from the date of publication in most cases. For major rules, this time period is extended to 60 days. When in response to an emergency or for other ‘good cause’ a rule may become effective immediately.

A rule may:

- Contain documents with final legal effect
- State the general applicability to the public
- Amend the CFR and are codified in the annual revision (most rules do)

Types of 'Rules and Regulations':

- Final Rules
- Interim Final Rules
- Direct Final Rules
- Documents that relate to previous rules

Presidential Documents

There are two broad categories of executive documents that you will encounter: Executive Orders, which are rulemaking publications holding the same legal weight as a public law, and Presidential Proclamations, which are broadly ceremonial and have no legal effect. Both MUST be published in the Federal Register. Administrative Orders are not required to be published.

Executive Orders (EO) are issued by the President and directed at Executive agencies in order to manage operations. The President is granted constitutional authority to order EOs as the Head of the Executive branch and the Commander in Chief of the Armed Forces. EOs are numbers consecutively as they are received and reprinted annually in 3 CFR, but not codified. By law, EOs are compiled not codified, therefore, when one EO amends a previous one the changes are not integrated in the CFR.

Proclamations come in two types: ceremonial (the majority are this) and substantive. Ceremonial proclamations are used to designate special observances such as holidays. Substantive proclamations usually relate to international trade, export controls, tariffs or the reservation of Federal lands. There is no legal distinction between EOs and Proclamations (hence the reason they must both be published), it is only the subject matter of the content that determines the type of document used.

Various other documents can be published in the Federal Register at the direction of the President. These can include determinations, memoranda, reorganization plans, notices of continuation.

A Presidential Document may include:

- Executive Orders
- Presidential Proclamations
- Administrative Orders
- Other Miscellaneous Documents issues by the Executive Branch

Headings ➡ Agency name, docket info, subject matter, no CFR cite

Captions ↓

- **AGENCY:** e.g., “Environmental Protection Agency”
- **ACTION:** e.g., “Notice”
- **SUMMARY:** brief what and why
- **DATES:** date of meeting, hearing or comment deadline
- **ADDRESSES:**
mail/fax/e-mail/web sites to get documents or send comments
- **FOR FURTHER INFORMATION CONTACT:**
name and number/e-mail of knowledgeable person at agency
- **SUPPLEMENTARY INFORMATION:**
main discussion of topic; purpose of meeting

Notices are the most common types of articles published in the Federal Register. Notices do not amend the CFR or propose to amend the CFR. For this reason, we often refer to these types of publications as non-rulemaking and are only selectively included in a Regulatory History. The Notice category includes such things as meeting notices; notices of funding availability and awards; enforcement determinations; and environmental impact statements.

Types of ‘Notices’:

- Committee Meeting notices
- Environmental impact statements
- Decisions and order applicable to particular entities
- Grant announcements and funding availability
- Procedures for filing applications and petitions
- Issuance or revocation of licenses
- Delegation of authority, statements of agency organization
- Inclusions or exclusions to regulated lists (ex. endangered animals, chemicals, sites)

Other Articles

A few other types of entries can be found in the FR. **Corrections** are issued to correct typographical and clerical errors. Agencies correct their errors by publishing a signed original in the appropriate category.

Separate parts are placed at the end of the daily Federal Register issue with its own cover page. Agencies request separate parts for high profile documents.

The **Unified Agenda** reports regulatory actions upcoming in the next year. Executive Order 12866 "Regulatory Planning and Review," signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memorandum implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

Code of Federal Regulations (CFR)

Since the Federal Register is published chronologically, it does not provide the savvy legal researcher with the ability to locate relevant regulations by subject. A codification of federal regulations became necessary. Therefore, in 1937 Congress amended the Federal Register Act to require a publication of federal regulations known as the **Code of Federal Regulations** (CFR).

The CFR is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis on a staggered schedule:

Titles 1-16: updated as of January 1

Titles 17-27: updated as of April 1

Titles 28-41: updated as of July 1

Titles 42-50: updated as of October 1

The CFR is organized by Title (broad subject area); Chapter (rules of an individual agency); Part (rules on a single program or function); Section (rules on one provision of program/function); and Paragraph (detailed, specific requirement). Sections may contain up to 6 levels of paragraphs.

The following table illustrates the CFR numbering system:

Title	12	Broad subject area of regulations
Chapter	III	Rules of individual agency
Part	303	Rules on a single program or function
Section	303.1	One provision of program/function rules
Paragraph	303.1(a)	Detailed, specific requirements

- The CFR has a uniform numbering system
 - Most of the 50 titles conform to the system
 - Titles 3, 41, and 48 have significant variations
- The section is the basic unit of the CFR
- Cite the CFR by title and section: 12 CFR 303.1
- Text is divided into descending levels of units

In citing these, the number before the decimal point refers to the part, with the section of the part following the decimal.

Sections may contain up to 6 levels of paragraphs.

✧ We strongly recommend agencies use no more than 3 levels.

<u>Paragraph</u>	<u>Designations</u>	<u>Cite paragraph as</u>
Level 1	(a), (b), (c), etc.	§ 303.1(a)
Level 2	(1), (2), (3), etc.	§ 303.1(a)(1)
Level 3	(i), (ii), (iii), etc.	§ 303.1(a)(1)(i)
Level 4	(A), (B), (C), etc.	§ 303.1(a)(1)(i)(A)
Level 5	(1), (2), (3), etc.	§ 303.1(a)(1)(i)(A)(1)
Level 6	(i), (ii), (iii), etc.	§ 303.1(a)(1)(i)(A)(1)(i)

Regulations are usually grouped together in one part of a title of the CFR. At the beginning of a part, or group of related regulations, there will be a table of contents listing the various

regulations in that part. Then, there is an "**authority note**" showing the statutory or executive authority under which regulations in that part were issued. If a regulation within that part is based on different authority, a separate authority note follows that specific regulation.

Following the part's authority note is a "**source note**," providing the citation and date of the Federal Register in which the part was last published in full. As was the case with authority notes, separate source notes may follow particular regulations.


The **Code of Federal Regulations** is organized by subject, whereas the **Federal Register** comes out chronologically. After being published in the **Federal Register**, all currently in force regulations are brought together and arranged by subject in the CFR. Proposed regulations, notices, agendas, and other information printed in the **Federal Register** do not appear in the **Code of Federal Regulations**. However, presidential documents from the *Federal Register* are published in Title 3 of the **Code of Federal Regulations**.

Public Comments

Following the publication of proposed regulations by an agency in the Federal Register, the next phase of the rulemaking process is public participation. During this phase of the rulemaking process, agencies accept public comments via Regulations.gov. Some agencies also accept comments by mail, fax, or email. In a typical case, an agency will allow 60 days for public comment. However, in some cases they provide either shorter or longer comment periods. An agency may receive no comments or as many as thousands of comments or more.

Some public comments contain one-sentence or one-paragraph comments, while others contain thousands of pages with detailed analysis, with supporting documents submitted as attachments.

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RIN Number

Comment ID Number

While these are an important part of the regulatory process, they are not included in regulatory histories. Instead, researchers can search the comments directly to find comments related to rules, specific Federal Register articles and RIN series. When appropriate, links are provided to citations, dockets and RIN series.



showing 1 - 14 of 14 comments



Sort by Comment ID ▼

^ Close

Commenting on **Occupational Safety and Health Administration (OSHA) Notice: Whistleblower Stakeholder Meeting** (April 01, 2019)

Citation: 84 FR 12295 a

Docket: OSHA-2018-0005

FR Summary: The **Occupational Safety and Health Administration (OSHA)** is announcing a public meeting to solicit comments and suggestions from stakeholders on issues facing the agency in the administration of the whistleblower protection provisions under Section 11(c) of the Occupational Safety and Health Act.

[Show less ▲](#)

Comment Period Start Date: April 01, 2019



Regulatory Histories

A major part of the **Regulatory Insight** (RI) platform is the regulatory histories. The RI histories consolidate executive branch publications, including **Rules** and **Proposed Rules, Executive Documents**, and **Public Notices**, in a format that is concise, searchable, and researcher-friendly.

Regulatory Histories are the one area on the **Regulatory Insight** platform which are entirely constructed by an editor. Histories are structured around public laws which have histories in **Legislative Insight**. Histories consists of all FR articles deemed by the editor to be related to the rulemaking process, significant to regulation, or a part of the public feedback process. It will exclude FR articles which are considered administrative or required reporting (such as environmental impact statements).

Histories are also created for all executive orders which contain more than one Federal Register article associated with it and relate to rulemaking resulting from Presidential action. Regardless of if the history is formed around a public law or an executive order, however, **Regulatory histories represent the complete rulemaking process.**

Editorial Tools

History Overview

The **Regulatory Insight** (RI) is a tool designed to help facilitate the process of researching and learning administrative law. Because administrative rules have the same legal force as public law, it is important for students and researchers to be able to research them in a logical and efficient manner. The RI histories consolidate executive branch publications, including **Rules** and **Proposed Rules, Executive Documents**, and **Public Notices**, in a format that is concise, searchable, and researcher-friendly.

Therefore, a regulatory history will consist of all FR articles deemed by the editor to be related to the rulemaking process, significant to regulation, or a part of the public feedback process. It will exclude FR articles which are considered administrative or required reporting (such as environmental impact statements).



An editor's task is to create a history by compiling publications which are considered rulemaking. Rulemaking articles are those which are initiated by legislation (either public laws or executive orders) and track the creation of new regulations or rules required by said legislation. This includes the proposed regulations, amendments to the regulations, articles related to comments and public feedback, analysis of a regulation and the final rule. **They represent the complete rulemaking process associated with specific public laws.**

RI histories are designed to work complementarity to the **Legislative Insight (LI) legislative histories**. Each federal law for which relevant executive branch articles have been published will have a dedicated **regulatory history** with a default organization first by document type (first Rules and Proposed Rules, then Executive Documents, then Public Notices) and then by issuing agency, and finally by publication date (from newest to oldest), though these defaults can be altered by the researcher. Each regulatory history begins with summary information about the law that is derived from the LI history, including the public law number, date of enactment, list of acts amended by the law, list of cited act titles. At the left of the screen is a linked hierarchy of the publications included in the history (by document type and issuing agency).

Home Advanced Search Search By Number

Sort By Agency

Back to Results < 1 of 4757 >

Filter this history...

Showing 962 of 962 items related to this History

REGULATORY HISTORY - PUBLIC LAW

Patient Protection and Affordable Care Act (P.L. 111-148)

This history compiles Federal Register articles associated with P.L. 111-148

SUMMARY Close

Regulatory History of:	PL 111-148
Title:	Patient Protection and Affordable Care Act
Official Title:	Entitled The Patient Protection and Affordable Care Act
Date of Enactment:	March 23, 2010
Enacted Bill:	111 H.R. 3590
Download Public Law:	PL 111-148 PDF - Full Text
Statute at Large:	124 Stat. 119
CFR Parts Affected:	Show all (103) ↓
Links go to the most recent version of the CFR:	
	5 CFR 890
	5 CFR 892
	5 CFR 894

Related

View Public Law:
[PL111-148 - PDF - Full Text](#)

Open in Legislative Insight:
[Legislative History PL111-148](#)

Each FR record compiled in the history contains basic summary information, including the issuing agency, title of the publication, RIN (regulation identifier number) and Docket number, date of publication, FR citation, CFR parts affected, and a link to a full text PDF of the publication.

Editorial Tools

Congress Spreadsheets

The first thing that happens in the creation of a regulatory history is that all FR articles which mention a law specifically by citation, short title, popular name, cited act or any other way that refers specifically to the law are brought together programmatically. These articles are then pulled into an Excel spreadsheet for review and potential inclusion of a history by an editor.

The RI spreadsheets, collectively, are the locus for the majority of the editing work we do for Regulatory Insight. The spreadsheets are divided by Congress and organized by Public Law, with each associated FR record appearing chronologically in the order in which they were initially published.

The individual spreadsheets for each Congress that we will be working on are found here:

\\dcapqvnxe02\elh00\Regulatory Insight\Spreadsheet By Congress

> This PC > ELH (V:) > Regulatory Insight > Spreadsheet By Congress >

	Name	Date modified	Type	Size
	7-1-19	7/1/2019 9:37 AM	File folder	
	7-5-19	7/7/2019 3:52 PM	File folder	
	Archives	7/15/2019 11:44 AM	File folder	
ams Chat File	73pl-to-fr	7/15/2019 11:47 AM	Microsoft Excel Worksh...	6,101 KB
Everyone	74pl-to-fr	7/16/2019 11:14 AM	Microsoft Excel Worksh...	4,143 KB
	75pl-to-fr	7/16/2019 12:10 PM	Microsoft Excel Worksh...	11,300 KB
	76pl-to-fr	7/16/2019 12:42 PM	Microsoft Excel Worksh...	2,036 KB
	77pl-to-fr	7/16/2019 1:20 PM	Microsoft Excel Worksh...	1,061 KB
	78pl-to-fr	7/16/2019 1:22 PM	Microsoft Excel Worksh...	1,636 KB
	79pl-to-fr	7/16/2019 1:32 PM	Microsoft Excel Worksh...	6,107 KB
icense	80pl-to-fr	7/16/2019 1:23 PM	Microsoft Excel Worksh...	1,959 KB
rice Template	81pl-to-fr	7/16/2019 1:38 PM	Microsoft Excel Worksh...	1,539 KB
	82pl-to-fr	7/16/2019 1:52 PM	Microsoft Excel Worksh...	1,019 KB
	83pl-to-fr	7/16/2019 1:54 PM	Microsoft Excel Worksh...	2,723 KB
d Files	84pl-to-fr	7/16/2019 1:55 PM	Microsoft Excel Worksh...	1,081 KB
pts	85pl-to-fr	7/16/2019 1:57 PM	Microsoft Excel Worksh...	3,466 KB
	86pl-to-fr	7/16/2019 1:56 PM	Microsoft Excel Worksh...	755 KB
	87pl-to-fr	7/16/2019 1:58 PM	Microsoft Excel Worksh...	1,695 KB
	88pl-to-fr	7/16/2019 2:00 PM	Microsoft Excel Worksh...	5,009 KB
	89pl-to-fr	7/16/2019 2:19 PM	Microsoft Excel Worksh...	6,670 KB
	90pl-to-fr	7/16/2019 2:49 PM	Microsoft Excel Worksh...	5,820 KB
	91pl-to-fr	7/16/2019 2:49 PM	Microsoft Excel Worksh...	8,823 KB
	92pl-to-fr	7/16/2019 3:02 PM	Microsoft Excel Worksh...	11,970 KB
	93pl-to-fr	7/16/2019 3:13 PM	Microsoft Excel Worksh...	11,050 KB
(G)	94pl-to-fr	7/16/2019 3:46 PM	Microsoft Excel Worksh...	5,125 KB
aging (I)	95pl-to-fr	7/16/2019 3:53 PM	Microsoft Excel Worksh...	3,968 KB
A)	96pl-to-fr	7/16/2019 4:55 PM	Microsoft Excel Worksh...	19,614 KB
	97pl-to-fr	7/16/2019 5:03 PM	Microsoft Excel Worksh...	2,509 KB
	98pl-to-fr	7/16/2019 5:05 PM	Microsoft Excel Worksh...	3,320 KB
(S)	99pl-to-fr	7/16/2019 5:14 PM	Microsoft Excel Worksh...	3,179 KB
alRecord (L)	100pl-to-fr	7/16/2019 5:25 PM	Microsoft Excel Worksh...	3,160 KB
	101pl-to-fr	7/16/2019 5:34 PM	Microsoft Excel Worksh...	6,172 KB
3)	102pl-to-fr	7/16/2019 5:27 PM	Microsoft Excel Worksh...	4,085 KB
	103pl-to-fr	7/16/2019 5:38 PM	Microsoft Excel Worksh...	5,168 KB
	104pl-to-fr	7/17/2019 2:25 PM	Microsoft Excel Worksh...	15,834 KB
	105pl-to-fr	7/16/2019 5:39 PM	Microsoft Excel Worksh...	3,130 KB

There are three main tabs for each spreadsheet:

Export

The Export tab contains a list of all the public laws enacted during that particular Congress (assuming there is an associated legislative history for it on Legislative Insight).

Column	Contents
A	Public Law number for each law in a Congress
B	Title of the law
C	Date of enactment of Law
D	Law Flag - indicates whether or not a law has been completely reviewed and is ready to be exported to the RI application
E	Export Warnings

The ‘D’ column is set to “No” by default. After an editor has completed reviewing all the FR records for a particular public law and are confident that the law is ready to be exported to the Regulatory Insight application, this tag will be set to “Yes.”

Any laws set to “Yes” on the export tab for which at least one FR publication has been accepted will be uploaded to the application when the spreadsheets are updated at the end of the week. Conversely, if for any reason a law that has been exported to the application needs to be taken down, resetting the D column to “No” will remove the law from the application when the spreadsheets are updated.

The 'E' column, which is left blank by default, will display a warning for any law set to “Yes” for which no FR publications have been accepted and which will therefore not appear in the RI application.

A219		pl111-148			
	A	B	C	D	E
218	pl111-299	Frank Evans Government Printing Office Building	2010-12-14	No	
219	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	Yes	
220	pl111-30	Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act	2009-06-19	Yes	WARNING: Law has 0 whitelisted FRs!
221	pl111-281	Coast Guard Authorization Act of 2010	2010-10-15	Yes	
222	pl111-300	Sergeant Robert Barrett Post Office Building	2010-12-14	Yes	WARNING: Law has 0 whitelisted FRs!
223	pl111-301	Robert M. Ball Federal Building	2010-12-14	Yes	WARNING: Law has 0 whitelisted FRs!
224	pl111-302	Coin Modernization, Oversight, and Continuity Act of 2010	2010-12-14	Yes	
225	pl111-303	American Eagle Palladium Bullion Coin Act of 2010	2010-12-14	Yes	WARNING: Law has 0 whitelisted FRs!
226	pl111-304	Tom Kongsgaard Post Office Building	2010-12-14	Yes	WARNING: Law has 0 whitelisted FRs!
227	pl111-305	Sam Sacco Post Office Building	2010-12-14	No	
228	pl111-306	English Language Training Programs Accreditation Requirement	2010-12-14	No	
229	pl111-307	Asian Carp Prevention and Control Act	2010-12-14	Yes	
230	pl111-308	Federal Buildings Personnel Training Act of 2010	2010-12-14	Yes	WARNING: Law has 0 whitelisted FRs!
231	pl111-296	Healthy, Hunger-Free Kids Act of 2010	2010-12-13	Yes	
232	pl111-310	Dorothy I. Height Post Office	2010-12-15	Yes	WARNING: Law has 0 whitelisted FRs!
		Commercial Advertisement Loudness			
		export	laws	checked	+

Laws –

The ‘Laws’ tab is where all new editing work for the RI application is done. The sheet is organized by public law, with a separate row for each FR record associated with that law, arranged chronologically in the order in which they were initially published.

Column	Contents
A	Public law number
B	Title of the law
C	Date of enactment of Law
D	Legislative history for law
E	Federal Register citation for the record to be researched in that row (formatted without “FR,” for example 80 FR 38309 will appear as 80-38309)
F	Displays the title of the FR record for that row
G	Date of publication of that FR record
H	Contains a hyperlink to the full-text PDF of that FR record
I	FR Flag - by default will be set either to “Unchecked” or “Unchecked-RIN-Series,” is where the editor will record whether or not each individual FR publication will be associated with the law in its Regulatory History. After an editor determines if a FR article should be included in the history of the associated public law they will reset column ‘I’ either to “Yes” or “No.”
J	Article type (Rule, Proposed Rule, Notice, etc.)

K	RIN Series Number (if applicable)
L	Docket Number (if applicable)
M	Agency or Department

A702

pl111-148

	A	B	C	D	E	F	G	H	I
700	pl111-290	Further Continuing Appropriations, FY2011	2010-12-04	LI Document	80-38309	Federal Acquisition Regulation; Prohibition on Contracting With Inverted Domestic Corporations	2015-07-02	FR PDF	Unchecked-RIN-Series
701	pl111-291	Claims Resolution Act of 2010	2010-12-08	LI Document	81-40720-a	Statement of Findings: Crow Tribe Water Rights Settlement Act of 2010	2016-06-22	FR PDF	Unchecked
702	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	LI Document	77-43496	Regulations Regarding Income-Related Monthly Adjustment Amounts to Medicare Beneficiaries' Prescription Drug Coverage Premiums	2012-07-25	FR PDF	Unchecked-RIN-Series
703	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	LI Document	75-81843	Amendments to Regulations Regarding Eligibility for a Medicare Prescription Drug Subsidy	2010-12-29	FR PDF	Unchecked-RIN-Series
704	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	LI Document	76-52441	Summary of Benefits and Coverage and the Uniform Glossary	2011-08-22	FR PDF	Unchecked-RIN-Series
705	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	LI Document	77-22949	Administrative Simplification: Adoption of a Standard for a Unique Health Plan Identifier; Addition to the National Provider Identifier Requirements; and a Change to the Compliance Date for ICD-10-CM and ICD-10-PCS Medical Data Code Sets	2012-04-17	FR PDF	Unchecked-RIN-Series
						Administrative Simplification: Adoption of a Standard for a Unique Health Plan Identifier; Addition to the National Provider Identifier Requirements; and a Change to the Compliance Date for the International Classification of Diseases, 10th Edition			

<>

export

laws

checked

⊕

Checked

At the end of each week when the spreadsheets and application are updated, all the FR records that were checked in the laws tab and set to either “Yes” or “No” will be moved over to the checked tab. This is important because it allows us at any time to reverse the decision that we’ve made for any individual FR record. If for any reason a determination is made that a previous decision about a particular FR record was incorrect or needs to be changed, whether as a result of each week’s peer review of your work or a department-wide change in how we are handling a particular type of FR publication, we can do so from the checked tab. Any changes made to previously checked records will be reflected on the application after the spreadsheets are updated at the end of the week.

	A	B	C	D	E	F	G	H	I
4736	pl111-294	Animal Crush Video Prohibition Act of 2010	2010-12-09	Document	77-28225	Sentencing Guidelines for United States Courts	2012-05-11	FR PDF	Yes
4737	pl111-294	Animal Crush Video Prohibition Act of 2010	2010-12-09	Document	77-2778	Sentencing Guidelines for United States Courts	2012-01-19	FR PDF	Yes
4738	pl111-294	Animal Crush Video Prohibition Act of 2010	2010-12-09	Document	77-3091	IFR Altitudes; Miscellaneous Amendments	2012-01-23	FR PDF	No
4739	pl111-294	Animal Crush Video Prohibition Act of 2010	2010-12-09	Document	77-53214	Announcement of Funding Awards; Service Coordinators in Multifamily Housing Program, Fiscal Year (FY) 2010	2012-08-31	FR PDF	No
4740	pl111-298	Andrew W. Bogue Federal Building and United States Courthouse	2010-12-14	Document	76-43696	Nationwide Cyber Security Review (NCSR) Assessment	2011-07-21	FR PDF	No
4741	pl111-298	Andrew W. Bogue Federal Building and United States Courthouse	2010-12-14	Document	76-22409-a	Nationwide Cyber Security Review (NCSR) Assessment	2011-04-21	FR PDF	No
4742	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	Document	80-77709	Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions	2015-12-15	FR PDF	Yes
4743	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	Document	80-78748	Agency Information Collection Activities: Proposed Collection: Public Comment Request	2015-12-17	FR PDF	Yes
4744	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	Document	75-57034	Proposed Information Collection Activity; Comment Request	2010-09-17	FR PDF	Yes
4745	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	Document	75-62841-a	Award of a Single-Source Program Expansion Supplement to Chapel Hill Training Outreach Project, Inc.	2010-10-13	FR PDF	Yes
4746	pl111-148	Patient Protection and Affordable Care Act	2010-03-23	Document	75-56546-b	Proposed Information Collection Activity; Comment Request	2010-09-16	FR PDF	Yes
		Patient Protection and Affordable Care Act		LI		Agency Information Collection Activities: Proposed Collection;			

RI Laws Workflow

The Regulatory Insight Workflow is a clearinghouse for tracking the progress of the work of building the RI application. The format is taken directly from the Export tabs of each spreadsheet and tracks each of the public laws enacted by a Congress and the editor responsible for researching those laws.

There are two tabs on the RI Laws Workflow. The 'Laws' tab of the workflow is organized first by Congress and then by public law number. The second 'EO' tab includes all EOs organized by year and then EO identification number.

The workflow is normally kept in a Google spreadsheet in order to facilitate team collaboration. There is also a copy on the team Shared Drive.

RI Laws Workflow

File Edit View Insert Format Data Tools Add-ons Help Last edit was made 2 days ago by anonymous

PL102-1

	A	B	C	D	E	F	G	H	I	J
2843	102	PL102-378	Technical and Miscellaneous Civil Service Arr	Yes	David		Daryl	6/27/16	Government orgs	Online
2844	102	PL102-379	Civil War Battlefield Commemorative Coin Act	Yes	David	No FRs				
2845	102	PL102-38	Appreciation of the Benefits Brought to the F	Yes	David	No FRs				
2846	102	PL102-380	Military Construction Appropriations Act, 19	Yes	David		Daryl	6/27/16	National Defense	Online
2847	102	PL102-381	Department of the Interior and Related Agenc	Yes	David		Daryl	6/27/16	Budget of the U.S.	Online
2848	102	PL102-382	D.C. 1992 Supplemental Appropriations and	Yes	David	No FRs				
2849	102	PL102-383	U.S.-Hong Kong Policy Act of 1992	Yes	David		Daryl	6/27/16	Foreign Relations	Online
2850	102	PL102-384	National and Community Service Technical Act	Yes	David	No FRs				
2851	102	PL102-385	Cable Television Consumer Protection and C	Yes	David		Daryl		Communications	Online
2852	102	PL102-386	Federal Facility Compliance Act of 1992	Yes	David		Daryl	6/27/16	Environment and	Online
2853	102	PL102-388	Department of Transportation and Related Agenc	Yes	David		Daryl	6/27/16	Transportation	Online
2854	102	PL102-389	Departments of Veterans Affairs and Housing	Yes	David		Daryl	7/6/15	Veterans	Online
2855	102	PL102-39	National Tourism Week	Yes	David	No FRs				
2856	102	PL102-390	1996 Atlanta Centennial Olympic Games Cor	Yes	David		Daryl	6/27/16	Society and Cult	Online
2857	102	PL102-391	Foreign Operations, Export Financing, and R	Yes	David		Daryl	7/6/16	Foreign Relations	Online
2858	102	PL102-392	Legislative Branch Appropriations Act, 1993	Yes	David		Daryl	7/6/16	Budget of the U.S.	Online
2859	102	PL102-393	Treasury, Postal Service, and General Govern	Yes	David		Daryl	7/6/16	Budget of the U.S.	Online
2860	102	PL102-394	Departments of Labor, Health and Human Se	Yes	David		Daryl	7/6/16	Budget of the U.S.	Online
2861	102	PL102-395	Departments of Commerce, Justice, and Stat	Yes	David		Daryl	7/6/16	Budget of the U.S.	Online
2862	102	PL102-396	Department of Defense Appropriations Act,	Yes	David		Daryl	7/6/16	National Defense	Online
2863	102	PL102-397	Capitol Police Force Law Enforcement Autho	Yes	David	No FRs				

+

Laws Subjects

Column	Contents
A	Congress Number
B	Law Number
C	Complete Public Law Number
D	Law Title
E	Regulatory History Status
F	Original Editor Name
G	Completion Date
H	FR – If the law has been completed but does not have any related FRs. The tag ‘No FRs’ needs to be added to the workflow.
I	2 nd Editor
J	Review Date
K	Subject Term – if the law has been completed and has related FRs, a Subject Term needs to be added to the history.
L	Status – indicates if the law is on the application ‘Online’

Key Notes:

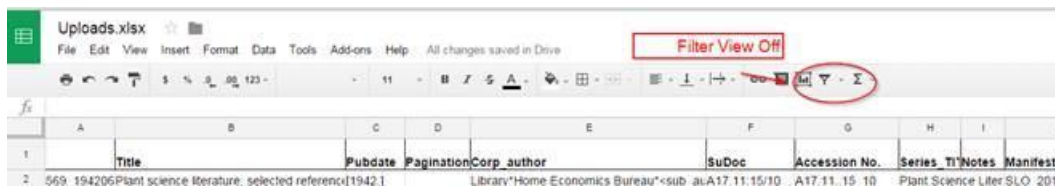
'F' column, which is blank by default, is used to note any completed laws for which no FR records are accepted by typing "No FRs" into the cell.

'I' column displays the most apt high-level subject term for any completed law for which at least one FR record was accepted (see below)

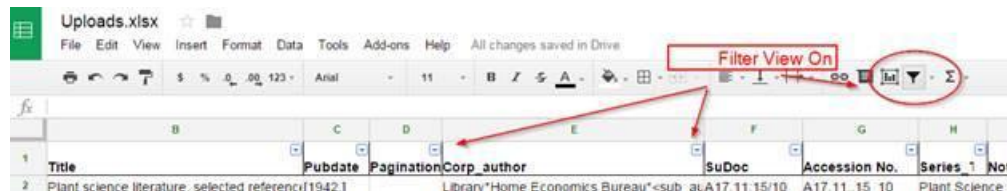
'J' column indicates when a law has been successfully exported to the RI application and is currently online.

Sorting

Even when you do not want to Filter the workflow, in order to sort you must turn on the Filter feature. When the Filter View Icon is blank in the center, the filter view is off. When the Filter View is on, the icon is filled in the middle.



Turning it on, turns on the sort capabilities.



From here you filter by columns to display only what you want to see. When a down arrow on the top of a column is green, this means that data has been filtered out.

Ranges

When sorting it is important to ensure that the entire sheet is included in the range. The range in google docs is indicated by the light green line.

Fixed and reloaded					
	Date	Accession	Folder Link	Bethesda Comments	JLH Comments
2	Marc	4/6/2015W44.2-74	I:\Electronicimaging0\This is an EBD1 doc that was uploaded, but didn't mail		
3	Katie	11/19/2015FR1.14.933_30	DIG_20151023	printing is double stamped so the date is unreadable	Fixed and reloaded
4	Katie	11/20/2015FR1.14.934_17	DIG_20151023	printing is double stamped so the date is unreadable	Fixed and reloaded
5	Kristi	1/5/2014A1.38.201	ASL_20141014-7-201PDF is reprint (A1.38.201_2) not original.		
6	Kristi	1/5/2014A1.38.285	I:\Electronicimaging0\Should be A1.38.285_2		Fixed and reloaded
7	Jim	1/7/2015A1.9.1054_3	I:\Electronicimaging0\missing document page 1		Fixed and reloaded
8	Katie	1/22/2015C3.2.C86_3.937	I:\Electronicimaging0\PDF page 3 has part of contents (which starts next pa	Fixed and reloaded	
9	Rosemary	1/29/2015I16.26.1.23_3	I:\Electronicimaging0\pdf includes the 1st page of no. 4 at end		Fixed and reloaded
10	Katie	2/5/2015C18.27.159	I:\Electronicimaging0\multiple pages have sections that are impossible to re	Fixed and reloaded	
11	Katie	2/6/2015C18.27.165	I:\Electronicimaging0\contents and other sections can't be read		Fixed and reloaded
12	Franchesca	2/6/2015I28.43.6_5	I:\Electronicimaging0\pdf is missing beginning page(s)		Fixed and reloaded
13	Rosemary	2/9/2015I16.3.939_1_pt.4	I:\Electronicimaging0\the pdf is actually part 3, NOT part 4		Fixed and reloaded

To ensure an entire worksheet is included in the range, turn off and on the filter for the page. If the range has not been updated, try it again while highlighting the entire sheet.

Legislative Insight (LI)

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Options
Sort by pub type
Publication Filter
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Select a pub type

PL111-148 contains 335 publications.
Tip: Begin your research with reports marked with ★ ... or [click here](#)

Find terms on this page: ((111-148) OR "PL111-148")
Go
34 search hits highlighted in text below

Find terms in full text publications:
Go

Patient Protection and Affordable Care Act

Publication Type:Legislative History

DIGITAL-PDF ID: [PL111-148](#)
PUBLIC LAW PDF ID: [PL111-148FT](#)
DATE: Mar. 23, 2010
ENACTED-BILL: 111 H.R. 3590
STATUTE AT LARGE: 124 Stat. 119
CONG-SESS: 111-2
USCS: 5 USCS § 552a, 18 USCS § 24, 18 USCS § 207, [more...](#)
DURABLE URL: http://congressional.proquest.com/legisinsight?id=PL111-148&type=LEG_HIST

SUMMARY:

Entitled The Patient Protection and Affordable Care Act.

LEGISLATION

Legislative Insight presents a consolidated legislative history for each public law, including the text of the law itself; a summary of the contents and purpose of the law; a list of previous legislation amended by the law; a list of individual Cited Acts titles; records of Congressional hearings; Congressional Records; and Committee Reports. It is the complementary product to RI and can be used to further a researcher's understanding of a law and the subsequent regulations resulting from it.

Adobe Editor

Adobe Editor is the PDF viewer that you will be using when looking at FR articles.

Some **Adobe Reader** settings to assist with review:

Edit -> Preferences

- **Page Display: Page Layout: Single Page** (This helps you get back to the beginning of a document by typing a 1 instead of having to scroll), **Zoom: Fit Width** (This helps you always open a doc to the best size regardless of the size of the type or era when the doc was created.)
- **Search: Always show more options in Advanced Search** (this allows you to select the additional criteria such as: Whole words only and Case-Sensitive)
- **Use ctrl-shift-F=** use the **Advanced Search** to search for ANY of a number of words.
- Type or copy/paste your search string into the box under: **What word or phrase would you like to search for?**
- **Return Results Containing:** Match Any of the words.

Search String: Copy the PL # and the Popular Name/Short Title and Cited Acts from the leg history. Eliminate common words like and, of, the, Act, Federal, Amendments, but make sure to select "Whole Words" and "Case-sensitive" and copy or type the words using Title Case. (Otherwise you will get too many hits where those words are used in the article in a stand-alone fashion or in other contexts). As you notice short names and acronyms being used in the articles you are reviewing, add them to your search string because sometimes after the first reference the Act will be referred to with the acronym or short name.

Example of search string for PL 100-203: 100-203 Omnibus Reconciliation Onshore Oil Gas Leasing Reform Vaccine Compensation Amendments Agricultural Reconciliation Pension Protection Revenue OBRA 87 FOOCLRA Nuclear Waste Policy

Content by Date

While the research process is very similar no matter when a law was passed, certain conventions have changed or been standardized over the years. These changes and differences are important to keep in mind when conducting research.

Public Law Numbering Conventions

1798-1901

Prior to the 57th Congress (1901), public laws were identified by assigned Statutes at Large chapter numbers.

1901-1907

In 1901, a separate public law numbering system was introduced which assigned public law numbers sequentially, with the sequence beginning anew with each session of Congress. In the 60th Congress (1907), a system of sequential numbering of public laws was adopted which began anew at the beginning of each Congress rather than each congressional session.

1901-1970

In the 85th Congress (1957), the chapter numbering was discontinued, and the current system was adopted in which public laws are cited with the sequentially assigned public law number prefixed by the Congress in which the law was enacted.

Bibliographic Information

1798-1936

Prior to the Federal Register Act, it was up to the Regulating Agency granted enabling power by the public law or executive order to make public and publish regulations. Congress enacted the Federal Register Act in July of 1935 to set up a centralized publication system for executive branch documents. The first Federal Register was published on March 16, 1936.

1946 Forward

Congress further refined the rulemaking process by enacting the Administrative Procedure Act in 1946, which established a uniform process for publishing, obtaining comments on, and finalizing regulations.

The Act requires agencies to publish more information in the Federal Register related to their rulemaking documents and governs how administrative agencies may propose and establish regulations. The Administrative Procedure Act requires that in most instances, an agency must issue a notice of proposed rulemaking, provide an opportunity for public comment, issue a final rule with a concise statement of its basis and purpose, and make the final rule effective for a minimum of 30 days following its publication in the Federal Register.

1947 to 1972

Articles become more standardized. The first written section in rulemaking articles was called the PREAMBLE (although there were no headings in the article itself) and was the place drafters included a description of the proposed rule. Because the PREAMBLE was about the only place to find an explanation or rationale for a rule, you want to read this section to determine what the article is trying to do or seeking to accomplish.

1960s Forward

Beginning in the 1960s finalized rules began to be accompanied by brief explanations, usually just after the text of the rule, but it was not until 1973 that final rules were required to have in their preamble to the rule a statement summarizing the general subject matter of the rule.

April 1977 Forward

For Federal Register articles after April 1977 you will see labeled section headings. These headings are regulated and required by the Federal Register. The Department, Agency, Title of Article, Action, Regulatory Identification Number (RIN), and docket numbers can be found in this section. The article itself, is broken down into several sections, which may include the following:

- Summary
- Background
- Supplementary Information
- Authority
- Contact Information

Creating a Regulatory History

Steps to Creating a History

For every Regulatory History, regardless of if it is for a public law or an executive order, you will need to follow several basic steps. While there are differences between the two types of histories, the creation of the histories will follow the same basic research process.

All histories will be created using excel spreadsheets populated each week from the FR information on the GIS content store. The Content Manager will make the spreadsheets available each week on the shared drive for editors to access and edit.

Put simply, histories are created by using these pre-populated lists as a basis to read, review and make judgment calls on Federal Register articles. Editors will determine if an article is 'rulemaking' or relevant to a public law and therefore if it should be **included** or **excluded** in a regulatory history for that law.

When editors have finished editing for the week, the sheets will be exported by the Content Manager, processed to upload the application, and add any new FR articles made available.

The basic steps are as follows:



1. Open an Excel Spreadsheet and select a Law to work on
2. Research the public law or executive order
3. Identify and examine associated Federal Register articles for relevance and rulemaking qualities
4. Flag each FR article examined with a 'Yes' or 'No' tag
5. When all articles have been reviewed for a particular law, ensure that the flag has been set to 'Yes' on the 'Export' tab of the spreadsheet (this step will happen regardless of the individual FR flags)
6. Locate the law on the team RI Workflow – update the status and add an index term

Open an Excel Spreadsheet

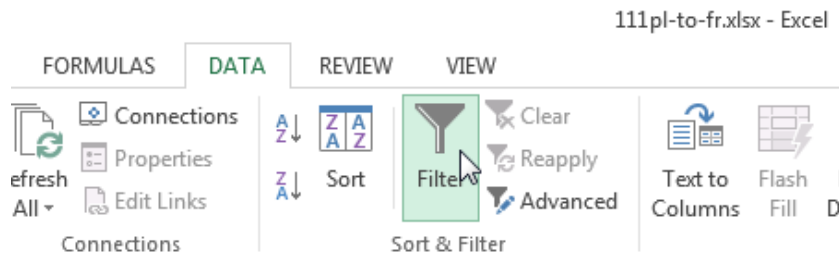
The spreadsheets are organized by Congress. Select a spreadsheet from the Congress Spreadsheet folder on the ELH shared drive to work on (located here:

Navigate to the **'Laws'** tab to review newly added FRs and the **'Checked'** tab to review previously completed FR articles or histories.

Select a Law to work on from the first column. As histories are based around public law numbers, it is easier to use a single public law as your starting point.

Filtering

Turning on filters in the RI spreadsheets can be a helpful way of examining FRs. To filter, select the 'Data' tab on the Excel navigation bar. Turn on filtering for the entire sheet.



Next, select a public law to work on and filter the first column so that only the FR articles associated with that public law are displayed.

NOTE: It is essential that the spreadsheet filters and sorting be cleared and restored to an unfiltered state when you close the document. The spreadsheets must not be filtered when the automatic process is applied that exports the finished laws to appear online in production. If there is a filter applied, the automatic export will fail, delaying the appearance of those finished regulatory histories in the RI application.

Research the Public Law or Executive Order

Once you have selected a public law and narrowed your spreadsheet, open the legislative history for your law, by either navigating to the **Legislative Insight** application, searching the law by number or selecting the history from the left side panel. Alternatively, you can access the LI history by selecting the "LI Document" link (column D, Laws tab) within the Congress spreadsheet, which will direct you straight to the **Legislative Insight** history.

HERE

SEARCH FEDERAL LEGISLATIVE HISTORIES:

What is a Legislative History?

PL111-148

Hint: "civil rights" searches the phrase "civil rights" but
 civil rights searches "civil" AND "rights"

Popular Names of Laws List

What's New?

114th Congress Histories: 179 Histories Loaded

PL114-2, Named in honor of decorated Marine, Clay Hunt, who served in Iraq and Afghanistan and tragically committed suicide in 2011 at just 28 years old. This law works to prevent suicides by ensuring access to mental health

CITATION CHECKER:

Input a number in any field to retrieve the equivalent numbers

Public Law Number	Statute at Large Citations	Enacted Bill
PL90-351	82 Stat. 197	90 H.R. 5037
	66 Stat. 14, Chap. 82	

Spotlight FAQ Sessions of Congress Browse or Search for Subject Terms

FEATURED LAW:

PL 107-56 the USA PATRIOT ACT of 2001

A legislative history can be used to help research legislative intent – or what the intended purpose of the law is. Understanding this intent will allow an editor to be able to critically determine if a FR article is related to that particular law and thus belongs in the regulatory history. A legislative history may include:

- The public law text (always)
- Congressional debate (always)
- Congressional reports
- Congressional hearings
- Congressional documents
- CRS reports
- Committee prints

Each RI history is created by using the legislative history as a base. The Congress spreadsheets for RI are created by first limiting results to articles after the date of enactment. Articles are then pulled into the spreadsheet if they mention the law number, short title or cited titles within their text. We will only be creating regulatory histories for those public laws which have a corresponding legislative history.

Utilize the legislative history to determine the following information:

- Law Short Title
- Cited Titles of Parts or Titles within the law
- If the law is amending, repealing or negating earlier acts and what the names of those Acts
- The general subject of the law
- The stated purpose or intent of the law
- Agencies related to or given legal authority by the Act

Public Law and Titles

When you open a Legislative History scroll down to locate the list of Cited Acts. This is a list of all Act names which are associated with this public law.

Higher Education Act of 1965
Indian Health Care Improvement Act
Medicare Improvements for Patients and Providers Act of 2008
Medicare Prescription Drug, Improvement, and Modernization Act of 2003
Omnibus Budget Reconciliation Act
Public Health Service Act
Social Security Act

CITED ACTS:

Title VII is cited as the Biologics Price Competition and Innovation Act of 2009.
Title X, Section 10407 is cited as the Catalyst to Better Diabetes Care Act of 2009.
Title X, Section 10409 is cited as the Cures Acceleration Network Act of 2009.
Title VI, Subtitle H is cited as the Elder Justice Act of 2009.
Title VIII is cited as the Community Living Assistance Services and Supports Act (CLASS Act).
Title X, Section 10410 is cited as the Establishing a Network of Health-Advancing National Centers of Excellence for Depression Act of 2009 (ENHANCED Act of 2009).
Title X, Section 10411 is cited as the Congenital Heart Futures Act.
Title X, Section 10413 is cited as the Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009 (EARLY Act).

DESCRIPTORS:

Obamacare

From here these Cited Act titles have been used to match the scanned and OCR'd (*optical character recognition*) FR articles to populate your list in the Spreadsheet by Congress. The PL numbers, Short Titles, Popular Law Names and Cited Act names (smaller parts of the overall large PL that apply to a particular subject or agency) have been used to search the OCR'd text of all the FR's we have loaded online to retrieve those that are a potential match for the public law. However, it is an imperfect system, therefore, the better you understand what is being searched the more accurate your Regulatory Histories will be.

After familiarizing yourself the Act names associated with a public law, open the law PDF by clicking on the PL full-text PDF link:

Patient Protection and Affordable Care Act

Publication Type: Legislative History

DIGITAL-PDF ID: [PL111-148](#)

PUBLIC LAW PDF ID: [PL111-148FT](#)

DATE: Mar. 23, 2010

ENACTED-BILL: [111 H.R. 3590](#)

STATUTE AT LARGE: 124 Stat. 119

CONG-SESS: 111-2

USCS: 5 USCS § 552a, 18 USCS § 24, 18 USCS § 207, [more...](#)

DURABLE URL: http://congressional.proquest.com/legisinsight?id=PL111-148&type=LEG_HIST

The law text will be the most important document you search. Open it and read the summary of the law to help determine what the law is aiming to accomplish. Then identify if there are any official titles within the law. Double check the text of the law for any missed short titles (in certain cases, any errors found in the LI history may need correction at this point, as these will impact the FR articles pulled into the spreadsheet, so the review may need to wait until those items are fixed.)

Within a legislative history there are three types of titles: Short Titles, Alternate Titles (these include popular names and Titles of parts), and invented titles.

Short Title

- An official Short title for a law is one which is expressly cited as the Law name in the text of the law. The Slip law will use language such as "Act can be Cited as" to note the title.
- Not all laws have a cited short title. In fact, most laws pre 1970 do not have a Cited Act name. Alternatively, cited acts may be added as an amendment to a law after its original enactment.

Public Law 94-230 94th Congress

An Act

Summary of the Law

To amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations contained in such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Short Title

SECTION 1. This Act may be cited as the "Rehabilitation Act Extension of 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL REHABILITATION SERVICES

Alternate Titles

- Popular names are Act names which are not 'official' but hold official weight because they are what the law is generally known and referred to as in government publications. It is an unofficial title assigned to a public law by an agency, the public, the media or the OFR during the regulatory process. While LI attempted to capture as many of these titles as possible, there will always be ones which were missed. When discovered, they should be reported to Francesca for inclusion.
- Popular names are different from something like 'Obama Care' which is a name assigned and used EXCLUSIVELY by the media; it holds no official weight.
- A Popular Act/Alternate Titles may also be a cited act name for specific Titles within a law.

TITLE III—INTERNATIONAL COFFEE AGREEMENT ACT OF 1968

SHORT TITLE

SEC. 301. This title may be cited as the “International Coffee Agreement Act of 1968”.

Invented Titles

- If neither a short title nor an alternate title exists for a public law, then an invited title was given to the law. While these follow patterns, they hold no official weight as they were invented by the editor constructing the legislative history.
 - In general if a law amends another act use the amended act’s name followed by ‘amendment’ (example: Rehabilitation Act Amendment).
 - If this is an act which is regularly amended in small ways (such as a changing a dollar amount or year) consider adding a year on the end. (Agricultural Adjustment Act Amendments, 1952)
- **Invented titles may return too few results in the RI Congress spreadsheets or a vast number of false hits. When an invited title was used for a legislative history, an editor must rely more on the public law number and their own understanding of the law to determine if an article is related.**

Note: There can be OCR errors in the FR articles that incorrectly match or miss the PL number. The underlying original document may have drafting errors and citations may be incorrect, which may unfortunately be carried over from article to article if they are drafted in a series, such as “proposed” or “interim” rules and “final” rules. Similar issues may arise with Popular Act Names (see above).

In Adobe you can search for terms such as “cited as” or “short title” especially when you have a large law with multiple titles. Many newer laws will have an index that will break the cited acts out and show their short title section in the index.

Public Law 111–148
111th Congress

An Act

Entitled The Patient Protection and Affordable Care Act.

Mar. 23, 2010

[H.R. 3590]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Patient Protection and Affordable Care Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Patient
Protection and
Affordable Care
Act.
42 USC 18001
note.

When you view the PL full-text, you may see Short titles and Act names in the margins, as well as a high-level subject area of the legislation. This may help you select an Index term for the RI Workflow Doc if you are in doubt or unsure of which term to select. Not all of these will match our Index list, so select the best match when you have completed your review of the FR articles.

TITLE VII—IMPROVING ACCESS TO INNOVATIVE MEDICAL THERAPIES

Subtitle A—Biologics Price Competition and Innovation

Biologics Price
Competition and
Innovation Act of
2009.

42 USC 201 note.

SEC. 7001. SHORT TITLE.

(a) IN GENERAL.—This subtitle may be cited as the “Biologics Price Competition and Innovation Act of 2009”.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a biosimilars pathway balancing innovation and consumer interests should be established.

Reports, Documents, CRS reports etc.

After reviewing the text of the public law, review the rest of the documents in the legislative history if further clarification on the intent of the law is required. Use the information in the history’s reports, documents, CRS reports and debates to deepen your understanding of the law. It

is not required that you read the entire history, but you must have a good grasp as to what the law is doing and which agencies are involved.

Remember that everything which is included in a history may or may not have made it into the final law. The legislative process is one of debate and amendments, so always verify that provisions were enacted.

After Enactment

A legislative history ends with the enactment of the bill. However, for the purposes of a regulatory history, we need to have a sense of if the law is still in effect (and therefore, has the potential for new or continuing rulemaking) or if it has been repealed, amended or negated. Determining this can sometimes be a difficult task.

Search the law title in both Legislative Insight and on Congressional. Look for indications of if the law was repealed, negated or amended, such as new legislation or the appearance of the law title in a later legislative history. If stuck, you can always conduct a general internet search.

If the law was amended, you must determine what sections of the law were impacted.

Was the entire law repealed or impacted?

Were only certain titles amended?

Did the amendment only apply to certain sections or titles or to the entire law?

Did court action invalidate the law?

Make note of any amending act names and dates. This will give you a timeframe for the regulatory history.

FR articles which fall either before the date of enactment or after a law was repealed or negated will be EXCLUDED from a regulatory history.

If the law was amended, you must take note of the date of the amendment and if the law is being amended in total or in part. FR articles falling after the date of amendment need to be carefully reviewed to determine which history they belong to. An FR article should be associated with the public law which initiated the rulemaking. For example, if Title 1 of Law A was amended by Law B to add regulatory language, only articles which are about rule making associated with Title 1 after the enactment of Law B would go into the history for Law B.

Example:

History for Farm Credit Act of 1985 (PL99-205) returns 62 FR 15089.

However, when you open the article you can see this:

SUPPLEMENTARY INFORMATION:

I. Background

On August 28, 1996, the FCA proposed amendments to its regulations governing disclosure to shareholders and investors.¹ The rulemaking implements section 211 of the Farm Credit System Reform Act of 1996 (1996 Act).² addresses two regulatory petitions received by the Agency, and takes other related actions. To conform with the 1996 Act, the FCA proposed amending subpart C of part 620 to eliminate existing regulatory requirements for distribution of quarterly reports to shareholders. To improve shareholder access to timely information and disclosure regarding adverse events affecting their institutions, the FCA proposed a new requirement that System institutions provide notice to

The rulemaking being implemented here is being initiated by, not the 1985 Act, but the amendments which were a part of the 1996 Act. Therefore, this FR article implements the Farm Credit System Reform Act of 1996, not the PL99-205.

Identify and Examining Individual FRs Articles

Once you have a solid understanding of the public law that you will be working on, return to the Congress spreadsheet to begin reviewing individual FR articles. Take note of all the information provided on the spreadsheet. You can sort and filter the articles to help organize the records and help to determine the relationship between the different articles. While you will be determining if a record should be included into a regulatory history on an individual basis, remember that together the records should be creating a coherent whole which gives the end user a history of the regulations.

To open an FR article, select the link in Column H, labeled “**FR PDF**”.

	A	B	C	D	E	F	G	H	I	J	K	L
1	pl98-181	Supplemental Appropriations Act, 1984	1983-11-30	Document	84-35234	Regulatory Capital Rule: Simplifications to the Capital Rule Pursuant to the Economic Growth and Regulatory Paperwork Reduction Act of 1996	2019-07-22	FR PDF	Unchecked	Rule	RIN 1557-OCC-2017-De	
2	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-42646-a	Big Game Hunting; Loxahatchee National Wildlife Refuge, FL	1984-10-23	FR PDF	Unchecked	Notice		De
3	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-42765	Food Stamp Program; Food Stamp Allotment Adjustment--November 1984	1984-10-24	FR PDF	Unchecked	Notice		De
4	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-43218	Fiscal Year 1985 UMTA Formula Grant Apportionments	1984-10-26	FR PDF	Unchecked	Notice		De
5	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-44056	Control, Custody, Care, Treatment, and Instruction of Inmates	1984-11-01	FR PDF	Unchecked	Rule		De
6	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-44097	Paroling, Reccommitting and Supervising Federal Prisoners; Information Considered, Appeals, etc.	1984-11-02	FR PDF	Unchecked	Rule		De
7	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-45072-d	Refugee Resettlement Program; Proposed Formula for Allocations to States of FY 1985 Funds for Social Services for Refugees and Cuban/Haitian Entrants	1984-11-14	FR PDF	Unchecked	Notice		De
8	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-46696	Program Announcement; Information Regarding Emerging Clean Coal Technologies	1984-11-27	FR PDF	Unchecked	Notice		De
9	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-48960	Industrial Emissions of Sulfur and Nitrogen Oxides; Solicitation of Comments on Survey Design	1984-12-17	FR PDF	Unchecked	Notice		De
10	pl98-473	Continuing Appropriations for FY85	1984-10-12	LI	49-50008	Federal Action Loans	1984-12-24	FR PDF	Unchecked	Rule		In
11	pl98-473	Continuing Appropriations for FY85	1984-10-12	LI	49-50013	Currency Fluctuation Loans	1984-12-24	FR PDF	Unchecked	Rule		In
12	pl98-473	Continuing Appropriations for FY85	1984-10-12	Document	49-50642-b	Seizure, Forfeiture, and Disposition of Property; Conforming Amendments	1984-12-31	FR PDF	Unchecked	Rule		De

Open an article by selecting the PDF link in the spreadsheet. Read, skim or search for mention of the public law being researched. Take note at the top of the PDF what type of FR publication you are looking at, whether a Rule or Proposed Rule, a Presidential Document, or a Notice. Then, note in the heading for the FR record the particular action that is being taken by the record. These will vary based on the type of publication that you are reviewing.

A history will include all articles which are associated with **“rulemaking”** being initiated by the selected public law. This includes not only articles with actual proposed or final rules in them, but also articles which are an integral part of the regulatory process, for example public hearings. In general, although there are a few exceptions, those articles which are not related to the implementation and administration of new rules, or **“non-rulemaking”** articles, will be excluded from a history even if it specifically mentions the selected law.

Rulemaking Articles

- The terms "rules" and "regulations" are used interchangeably in the Federal Register publication system.
- The commonly accepted definition is “regulatory documents having general applicability and legal effect.”
- **Articles that change the CFR are called “rulemaking” articles.**
- Rulemaking related to a law can continue from immediately after its enactment up to the present day so you may be reviewing FR articles that span several Congresses and time periods.

Non-Rulemaking Articles

- Other non-rulemaking articles may be excluded from the RH because they do not impact the public in general or the executive branch's activity or functions.
- Articles are also considered non-rulemaking if they do not amend or impact an existing rule or regulation (the CFR code).
- This section of the Federal Register contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, issuances or revocation of licenses, grant application deadlines, availability of environmental impact statements, filing of petitions and applications, and agency statements of organization and functions are examples of documents appearing in this section.

Rulemaking Articles	Non-Rulemaking Articles
Notice of Proposed Rulemaking (NPRM, ANPRM)	Notices of hearings and investigations
Interim Rule	Committee meetings
Temporary Rule	Agency decisions and rulings
Emergency Rule	Delegations of authority
Final Rule	Issuances or revocation of licenses
	Grant application deadlines
	Availability of environmental impact statements
	Filing of petitions and application
	Agency statements of organization and functions

General Research Information

As you review each FR article, keep the following in mind: **Where** or in **which section** of the FR article your “law at issue” (the law for which you are creating a history) is mentioned or cited has great bearing on whether we want to include it in the Regulatory History (RH).

The format of FR articles has changed over time but the publishing requirements for included material have remained relatively consistent. We are reviewing the content of these articles so it is important to know where to pay special attention. The look and feel, font, headings, and written material included in FR articles has changed significantly over time. You should familiarize yourself with the different formats from different eras so that you are comfortable with where to look in the articles themselves to find the possible mention of the Law you are viewing.

Regardless of the method you use for reading/skimmming/searching your assigned articles, it is imperative that you read the first several sections/headings of the article. This is where you get a sense of what the document is trying to do, and in some cases will help you quickly determine whether to include it. Because the look and feel of the articles is a little different during different eras, here are some points to know:

- From 1947 to 1972 the first written section in rulemaking articles was called the PREAMBLE (although there were no headings in the article itself) and was the place drafters included a description of the proposed rule. Because the PREAMBLE was about the only place to find an explanation or rationale for a rule, you want to read this section to determine what the article is trying to do or seeking to accomplish.
- Beginning in the 1960s finalized rules began to be accompanied by brief explanations, usually just after the text of the rule, but it was not until 1973 that final rules were required to have in their preamble to the rule a statement summarizing the general subject matter of the rule.
- For Federal Register articles after April 1977 you will see labeled section headings.

Proposed Rules and Rules

Most of the articles chosen for inclusion in a regulatory history will be either Proposed rules or Rules. To determine if the articles should be included, you must pay careful attention to which section your law is being mentioned.

Effective April 1, 1977 rulemaking agencies were required to use seven headings in rulemaking articles. Paying attention to the heading under which the public law is mentioned can be critical for determining if the article should be included or not included in a regulatory history. Headings include:

- Agency
- Action

- Summary
- Dates
- Addresses
- For Further Information Contact
- Supplementary Information

A rule requires that comments to proposed rules and answers to them be summarized in the preamble before the rule and it also requires that agencies submit their final and proposed rules with specific preamble heading material. The preamble information is the primary published source for its “regulatory history” and one of the few means to determine “regulatory intent.”

TITLE (i.e., Subject Heading)

If the PL or Short Title is mentioned you can generally **include** this article in the RH- the TITLE is telling us that the article is directly related to the law.

ACTION

When reading ACTIONS of the type that use the word “Rule”, i.e. “Notice of Proposed Rulemaking” or NPRM, ANPRM, “Interim Rule”, “Temporary Rule” “Emergency Rule” “Final Rule”, etc., these are the types of articles we want to review carefully to determine whether the article associated with the law at hand and should be **included** in the regulatory history. Our aim is to help our customers research the impact that our law had on the executive branch and the activity that flowed from that law enactment in various executive agencies and bodies. The question to ask is does this rulemaking article implement the law at issue or is the law at issue directly impacting the need for the rule or the way that the rule is constructed or proposed? Therefore, actions of a RULE type are more likely to be **included** but only if they are directly related to the Law/EO at issue or help the researcher understand the implementation of that PL or the impact that PL had on the agency or the public.

SUMMARY

The SUMMARY gives the background of the change in the existing rule, the reason for issuing a new rule, or the rulemaking objectives. If your PL number or Short Title/Popular Act Name is mentioned here we want to **include** this article in the RH. Look for words such as “implement(ing)” or “pursuant to” or “as required by” or “to comply with” followed by a Popular Act name or Law/EO citation. In some instances, your law is not specifically mentioned but it is inferred- the language may simply say “recent enactments” or “recent changes in the applicable law”, and the elaboration may be in the SUPPLEMENTARY INFORMATION section. There may be more than one Act named in this section, or the law at issue may be named after “as amended by,” but as long as the law at issue is named, it is something we want to **include** in that law.

FYI From the Federal Register Document Drafting Guide:

Under the SUMMARY caption you explain the "what," "why," and "effect" of the document. In the SUMMARY, you must answer these three questions:

What action is being taken?

Why is this action necessary?

What is the intended effect of this action?

Refer to an act of Congress by the popular name of the act.

Examples

INCLUDE the article if the summary states specifically the rule is being implemented following the passage of the law.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-139-76]

**FIFO and Other Ordering Rules for
Investment Credit**

AGENCY: Internal Revenue Service,
Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the first-in-first-out rule (FIFO) and other ordering rules for the investment credit. The proposed regulations also contain special rules for determining the amount of the energy credit. Changes in the applicable tax law were made by the **Tax Reduction Act of 1975**, the Tax Reform Act of 1976, the Revenue Act of 1978, and the Energy Tax Act of 1978.

EXCLUDE the article, however, if the law initiating the rulemaking is not the public law for the history you are working on, but an amendment to that law. For example, the Farm Credit Act of 1985 was amended by a later 1996 law. Therefore, even though the article mentions the Farm Credit Act of 1985, the rulemaking is being implemented by the amendment in 1996 and therefore would not be included.

On August 28, 1996, the FCA proposed amendments to its regulations governing disclosure to shareholders and investors.¹ The rulemaking implements section 211 of the Farm Credit System Reform Act of 1996 (1996 Act),² addresses two regulatory petitions received by the Agency, and takes other related actions. To conform with the 1996 Act, the FCA proposed amending subpart C of part 620 to eliminate existing regulatory requirements for

SUPPLEMENTARY INFORMATION

This section comes before the text of the actual final or proposed rule (the “regulatory text” section) and contains the main discussion of the issues, and objectives of the regulation. In a **final rule**, a discussion of the history of the rulemaking, and a response to the comments that were received on the proposal will also be included under this caption. Sometimes a final rule will differ from a proposal as a result of comments, and those differences will be discussed here. There may be a table of contents or there may be paragraph headings to help readers. These headings can signal whether any mention or discussion of the law at issue should be included in the RH. For example, if the law at issue is mentioned in the first paragraph in a similar manner to the Summary section, you want to **INCLUDE** it.

From the Federal Register Document Drafting Guide:

SUPPLEMENTARY INFORMATION caption.

In this section, include the regulatory history of this rulemaking proceeding. You should present the background information and detail necessary to give adequate notice of the issues to be commented on as required by the Administrative Procedure Act. Present this information in language that the reader can easily understand, with descriptive headings to highlight and organize topics. If a reference to the Federal Register or Code of Federal Regulations is necessary, use the format shown in examples 66 and 67.

You may use the SUPPLEMENTARY INFORMATION section to provide additional information that is required by law, agency policy, or Executive order.

Answering some of these questions may help you draft your SUPPLEMENTARY INFORMATION.

What law or directive authorizes the rulemaking?

What existing regulations address the problem?

What problem does the rulemaking address?

How does this rulemaking attempt to solve the problem?

Have you identified other documents in this rulemaking, and included their Federal Register citations? (See example 66.)

Did you publish an Advance Notice of Proposed Rulemaking?

Have you announced meetings or hearings?

Have you discussed all necessary regulatory analysis and review requirements?

What other statutes apply to this rulemaking?

Where the mention in a comment or agency response simply provides background or historical/retrospective action we typically will **exclude** articles with this type of mention. If the Agency says they are changing their actions or regulations but NOT based on the Law/EO at issue but on another basis (the PL or subject matter of the final rule for example) then we would **exclude** the article from the RH.

Sometimes, the proposed or final rules have a REGULATORY ANALYSIS, or REGULATORY MATTERS, or REGULATORY EVALUATION, or STATUTORY AND EXECUTIVE ORDER REVIEWS (Analysis), depending on the agency, or PROCEDURAL REQUIREMENTS section. Your law/EO at issue and other statutes or executive orders can be mentioned in the section, to prove the agency considered matters the Congress and the president believe are important. Sometimes, especially when the agency considers a proposed action to be a mere routine matter, this analysis is simply folded into SUPPLEMENTARY INFORMATION.

REGULATORY TEXT

In rulemaking, the regulatory text is the section of the article that sets out the agency's proposed changes to the CFR. Where your Law at issue gives the agency authority to change the CFR they are required to cite it after the unit of the CFR that it changes. Most of the time the agency is required to cite to the US Code here, but you will see PL numbers. Because this is generally only a part of the overall action being taken by the Agency, keep in mind the broader context of the article as a whole. If the change is related to your law, **include** it. If the change to the CFR is just a part of something related to another law or action, you would **exclude** this mention. If the regulatory text where your citation appears says "the authority for this section **continues** to be ..." that is usually an indicator or signal that the article can be **excluded**.

Notices

In general, most articles falling under the 'Notices' category (this is different from a Notice falling under the 'Proposed Rules and Rules' section), will be **excluded** from a regulatory history as they are frequently not considered rulemaking.

Exceptions are articles which either are the direct consequence of a provision of your law or help to clarify the regulatory history in some way. A Notice requesting **public comments**, for example, would be included. Notices that **publish corrections** to rules/proposed rules/notices should always be **included** if the articles that they correct were **included**. Similarly, public hearings, as distinct from public meetings, are a significant part of the regulatory process and as such we should be including these in the regulatory histories.

Unified Agenda

In the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda) agencies report regulatory actions upcoming in the next year. Executive Order 12866 "Regulatory Planning and Review," signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memorandum implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

The Unified Agenda helps agencies fulfill these requirements by providing uniform reporting of data on regulatory and deregulatory activities under development. It covers approximately 60 departments, agencies and commissions. Agencies of the United States Congress are not included. Fall editions of the Unified Agenda include The Regulatory Plan, which presents agency statements of regulatory priorities and additional information about the regulatory activities planned for the coming year.

The agenda of each department or agency that participates in the Unified Agenda consists of a preamble together with individual entries. The entries correspond to the various rulemaking proceedings that are planned or under way at the department or agency. Individual entries contain a brief description or abstract of the rule, a timetable showing any past or projected actions in connection with developing the rule, the level of agency priority, citations of legal authority, a contact person for further information, plus several other fields concerning effects of the rule and related matters.

Unified Agenda articles are tagged accordingly in our spreadsheets. Although they are a part of the Federal Register, they are different because they themselves are not rulemaking, but instead about the planned rulemaking. However, they should be included as long as they detail specific planned regulatory actions which are related to the particular law being researched.

EXAMPLE:

PL 112-141 - Moving Ahead for Progress in the 21st Century Act (MAP-21_

80 FR 77709 - Introduction to the Unified Agenda

**91. +National Goals and Performance
Management Measures (MAP-21)**

Priority: Other Significant.

Legal Authority: Pub. L. 112-141 sec
1203; 49 FR 1.85

CFR Citation: 23 CFR 490.

Legal Deadline: NPRM, Statutory,
April 1, 2014, NPRM.

Section 1203 of MAP-21 requires the
Secretary to promulgate a rulemaking
within 18 months after the date of
enactment.

Abstract: This rulemaking would
create national performance
management measures and standards to
be used by the States to meet the
national transportation goals identified
in section 1203 of MAP-21. This

Flag FR Articles

Begin reviewing each article to determine if it should be included or not. After you have determined if the article should be included or not, change the “Unchecked” tag on the spreadsheet to either “Yes” or “No.”

Yes = Included

No = Excluded

Articles to Include

Proposed Rules and Rules

KEYWORDS: 'Implementation'; 'Authorized by'; 'Pursuant to'; 'As amended';
'in accordance with'

Rulemaking is in direct response or accordance to public law

PL number, Short/ Popular Title or cited Acts are mentioned in Title, Summary or Supplemental information as the legislation initiating the proposed for final rulemaking.

EXAMPLES:

Patient Protection and Affordable Care Act: Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, and Patient Protections (75 FR 37187) June 28, 2010

→ Include in history for PL111-148 (Patient Protection and Affordable Care Act)

Patient Protection and Affordable Care Act: Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, and Patient Protections

AGENCIES: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Office of Consumer Information and Insurance Oversight, Department of Health and Human Services.

ACTION: Interim final rules with request for comments.

SUMMARY: This document contains interim final regulations implementing the rules for group health plans and health insurance coverage in the group and individual markets under provisions of the Patient Protection and Affordable Care Act regarding preexisting condition exclusions, lifetime and annual dollar limits on benefits, rescissions, and patient protections.

Protection of Archaeological Resources (58 FR 65246), Dec. 13, 1993

→ Include in history for PL101-601 (Native American Graves Protection and Repatriation Act)

§ 262.8 Custody of archaeological resources.

(a) Archaeological resources excavated or removed from Indian lands, except for human remains of Indians, funerary objects, sacred objects and objects of cultural patrimony, remain the property of the Indian tribe or individual(s) having rights of ownership over such lands. Ownership and right of control over the disposition of the excepted items shall be in accordance with the order of priority provided in the Native American Graves Protection and Repatriation Act (Pub. L. 101-601), adapted for the purpose of this rule as follows:

- (1) In the case of human remains of Indians and funerary objects, in the lineal descendants of the Indian; or
- (2) In any case in which such lineal descendants cannot be ascertained, and in the case of sacred objects and objects of cultural patrimony:

Expansion of State Home Care for Parents of a Child Who Died While Serving in the Armed Forces (76 FR 52274) Aug. 22, 2011

→ Include in history for PL111-246 (Nursing Home Care for Parents Any of Whose Children Died While Serving in the Armed Forces)

veteran residents of the home are spouses of veterans or parents of veterans all of whose children died while serving in the Armed Forces of the United States. In Public Law 111-246, Congress mandated that VA administer § 51.210(d) to permit a State home to provide services to “a non-veteran any of whose children died while serving in the Armed Forces.” This final rule implements Public Law 111-246 by amending § 51.210(d) to incorporate the language mandated by Congress. As amended, § 51.210(d) allows States to admit parents, “any” of whose children died while serving in the Armed Forces, to State homes without affecting VA per diem payments to States for care provided to veterans.

Final Orders

Final orders are published along with Rules and Proposed Rules and should be handled as with any other rulemaking publications.

EXAMPLE:

Medical Devices; Immunology and Microbiology Devices; Classification of Clostridium Difficile Toxin Gene Amplification Assay (80 FR 51938), Aug. 27, 2015

→ Include in history for PL 112-144 (Food and Drug Administration Safety and Innovation Act)

This is a final order governing a particular type of medical device, clostridium difficile toxin gene amplification assay. The ruling in the order is elaborated in the summary of the publication:

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA-2015-N-2963]

Medical Devices; Immunology and
Microbiology Devices; Classification of
Clostridium Difficile Toxin Gene
Amplification Assay

AGENCY: Food and Drug Administration,
HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying *Clostridium difficile* (*C. difficile*) toxin gene amplification assay into class II (special controls). The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

And the statutory authority for the ruling is articulated in the background material:

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112-144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act.

Most Recent Amending Law

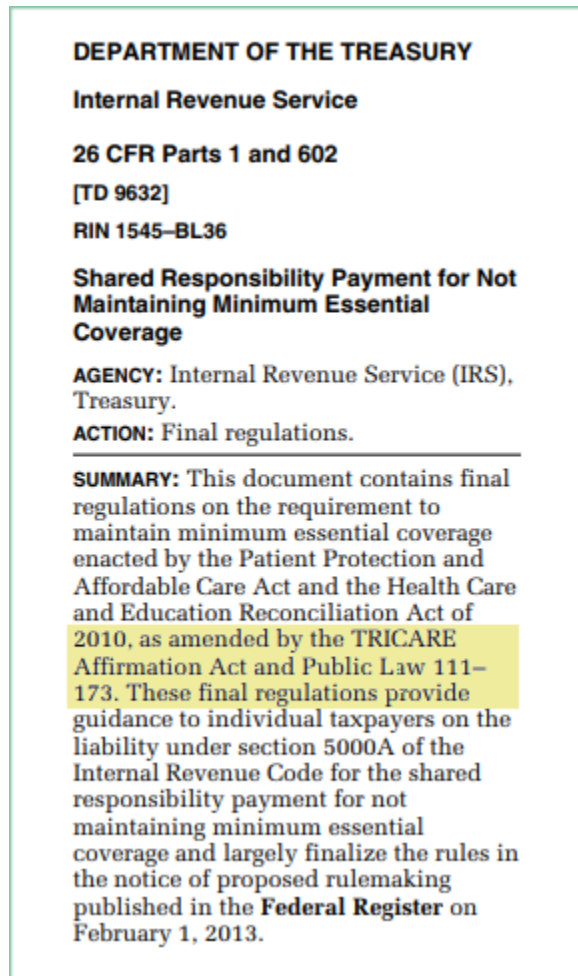
If your law at issue was the most recent amending law, this may be the case and it would be **included** because it is the law that required the ACTION to take place or it is related to the regulating language of the original law and/or the amendment.

Review carefully on a case-by-case basis.

EXAMPLE:

Shared Responsibility Payment for Not Maintaining Minimum Essential Coverage (78 FR 53646), Aug. 30, 2013

- Include in history for PL111-148 (Patient Protection and Affordable Care Act)
- Include in history for PL 111-152 (Health Care and Education Reconciliation Act of 2010)
- Include in history for PL111-173 (VA Minimum Essential Health Care Coverage)
- Include in history for PL111-159 (TRICARE Affirmation Act)



Though the rulemaking cites the Patient Protection and Affordable Care Act as generating the rule, the amendments are also listed as being applicable to the rules being generated. Therefore, it is likely that this publication should be included in all four histories. However, this is not always the case. When amendments are listed, be sure to only include the article in those histories which are directly related to the sections of the law being implemented.

Regulations promulgated that have either expired or superseded by subsequent legislation

If you review a rule or proposed rule that announces the expiration or superseding of rules promulgated as a result of your Law/EO at issue, you would want to include these in the regulatory histories.

EXAMPLE:

Defense Federal Acquisition Regulation Supplement; Restrictions on Totally Enclosed Lifeboat Survival Systems (70 FR 52030), Sept. 1, 2005

→ Include in history for PL103-335 (Department of Defense Appropriations Act, 1995)

SUPPLEMENTARY INFORMATION:

A. Background

This final rule removes DFARS 225.7008, Restrictions on totally enclosed lifeboat survival systems, and the corresponding contract clause at DFARS 252.225-7039. These restrictions implement Section 8124 of the Fiscal Year 1994 DoD Appropriations Act (Pub. L. 103-139), Section 8093 of the Fiscal Year 1995 DoD Appropriations Act (Pub. L. 103-335), and 10 U.S.C. 2534. The fiscal year 1994 and 1995 appropriations act restrictions are no longer considered applicable. 10 U.S.C. 2534 applies to the

A law is cited as part of a broader statutory framework

When a law is specifically cited, even if in a footnote, as an integral part of a broader statutory framework governing the subject matter of a rule.

EXAMPLE:

Notice of proposed rulemaking (NPR) and request for comment (84 FR 3910), Feb. 13, 2019

→ Include in history for PL112-210 (American Energy Manufacturing Technical Corrections Act)

The foundational legislation governing energy conservation standards is the Energy Policy and Conservation Act of 1975 (EPCA) and as such it is featured prominently as the authority for the rules being generated. Having said that, the publication explains in a footnote that all references to the EPCA refer to the statute as amended by PL112-210 - American Energy Manufacturing Technical Corrections Act:

SUMMARY: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including single package vertical air conditioner (SPVAC) and single package vertical heat pump (SPVHP) equipment (collectively referred to as single package vertical units or SPVUs). EPCA also requires the U.S. Department of Energy (DOE) to determine whether more-stringent standards for SPVACs and SPVHPs would be technologically feasible and economically justified, and would save a significant amount of energy. In this final rule, DOE is adopting standards equivalent to the American National Standards Institute (ANSI)/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/Illuminating Engineering Society (IES) Standard 90.1–2013 levels for four SPVU equipment classes, and adopting amended energy conservation standards for two other equipment classes of single package vertical units more stringent than the SPVU standards in ASHRAE Standard 90.1–2013. DOE has determined that the amended energy conservation standards for this equipment are technologically feasible and economically justified, and would result in the significant conservation of energy.

² All references to EPCA in this document refer to the statute as amended through the American

Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

In cases such as this, we would include the publication in the regulatory history for PL112-210.

Definitions or citations of limitations

From time to time a law will be cited in a FR publication, whether a Rule, Proposed Rule, or a Notice, in order to establish the definition of a term or terms or to delineate limitations imposed upon the action described in the notification. As a general rule, if a law is being cited simply for purposes of establishing definitions or delineating limitations, we would exclude these notifications.

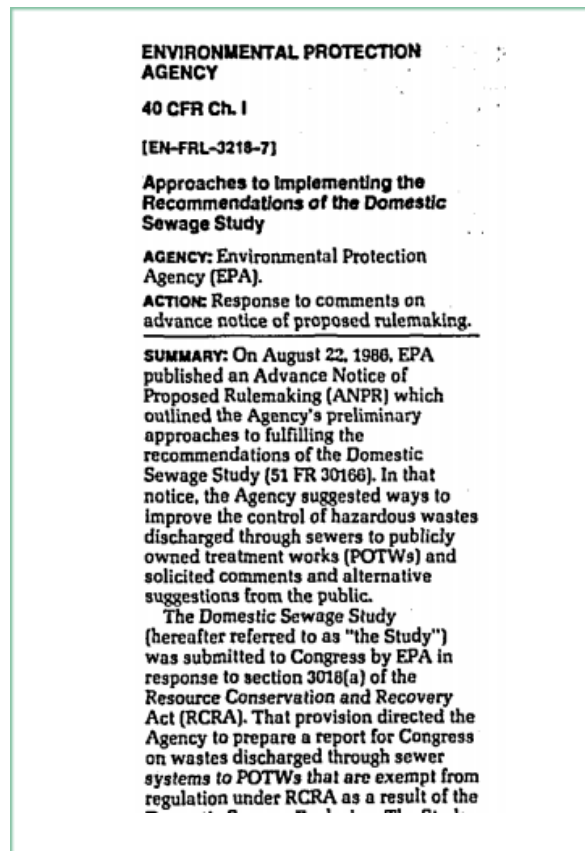
Agency response to comments or Cases involving statutory histories

Agencies will sometimes publish responses to comments received on an advanced notice of proposed rulemaking. Although it may not be rulemaking, the response to comments normally includes some extensive discussion of future rulemakings that will address provisions of the Act as well as many of the concerns raised by the commenters. Though there is no regulatory action pertinent to the Act happening in this publication, the presence of extensive and detailed discussion of upcoming rulemakings pertinent to the law warrant its inclusion in the regulatory history.

EXAMPLE:

Approaches to Implementing the Recommendations of the Domestic Sewage Study (52 FR 23477-b), June 22, 1987

→ Include in history for PL100-4 (Water Quality Act of 1987)



Rules concerning exceptions

Rules which relate to specific inclusions or exclusions from controlled lists need to be included.

EXAMPLE:

Polychlorinated Biphenyls; Exclusions, Exemptions and Use Authorizations (52 FR 25838), July 8, 1987

→ Include in history for PL100-4 (Water Quality Act of 1987)

The publication here is a proposed rule concerning exceptions to regulations governing PCBs. The discussion of the proposed rule includes the following relevant to the Water Quality Act:

“EPA's current plans call for the promulgation of a risk-based PCB standard in the context of new regulations required under section 405(d) of the CWA, as amended by the Water Quality Act of 1987. Congress intended the section 405(d) provisions to serve as authority for the comprehensive regulation of sewage sludge use and disposal practices. Land application restrictions are one aspect of the sewage sludge program under section 405(d), which requires EPA to prescribe sewage sludge management practices and maximum numerical concentrations for toxic pollutants as necessary to protect human health and the environment . . . These provisions will specify management practices and risk-based maximum PCB concentrations in sewage sludge which will affect sewage sludge use practices more comprehensively than the previously issued Part 257 rules. When these new land application regulations pertaining to PCBs in sewage sludges are issued, they will govern land application practices involving sewage sludge and supersede in part the existing Part 257 regulations.”

In this case, though the rulemaking at hand is not pertinent to the Water Quality Act, EPA is giving advanced notice and discussion of imminent rulemaking related to the law that will have an impact on the subject matter (PCBs) at hand and for this reason we should include it in the regulatory history for the Water Quality Act.

Suspension of a rule in response to Federal court decision

If a rule that implements a provision of a law is suspended in response to a Federal court decision, we will include such a record in a regulatory history.

EXAMPLE:

Suspension of Pre-employment Alcohol Testing Requirement (60 FR 24765), May 10, 1995

→ Include in history for PL102-143 (Department of Transportation and Related Agencies Appropriations Act, 1992)

60 FR 24765

SUPPLEMENTARY INFORMATION: In its April 5, 1995, decision in *American Trucking Associations, Inc. v. FHWA*, the U.S. Court of Appeals for the Fourth Circuit vacated the FHWA's pre-employment alcohol testing rule and remanded it to the agency for further rulemaking consistent with its opinion. The rule implemented the Omnibus Transportation Employee Testing Act of 1991, which required pre-employment testing "for use, in violation of law or Federal regulation, of alcohol or a controlled substance." The rule required commercial motor vehicle employers to administer pre-employment tests to a new driver. The test could occur at any time up to the performance of the driver's first safety-sensitive activity and thus permitted administration of the test either before or after the driver was hired. In vacating and remanding the rule, the court made the following key findings:

Additions to Controlled Lists

When a rule or proposed rule includes the addition, subtraction, or exceptions of a specific element, location, or item to a 'controlled' list required by the law, this notice should be included in the history. Examples may include animals, chemicals, plants, locations, etc.

EXAMPLE:

Endangered and Threatened Wildlife and Plants; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*) (78 FR 47268) Aug. 5, 2013

→ Include in history for PL 93-205 (Endangered Species Act of 1973)

Endangered and Threatened Wildlife and Plants; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of intent to prepare an environmental impact statement.

SUMMARY: We, the U.S. Fish and Wildlife Service, will prepare a draft environmental impact statement pursuant to the National Environmental Policy Act of 1969, as amended, in conjunction with a proposed rule to revise the existing nonessential experimental population designation of the Mexican wolf (*Canis lupus baileyi*)

Federal Regulations Repealed under the Congressional Review Act (PL 104-121)

Subtitle E of the Contract with America Advancement Act of 1996 is cited as the Congressional Review Act. Following the publication of a final regulation, Congress has a window of 60 legislative days to disapprove of any given rule by simple majority vote. After 60 days, the Congressional Review Act goes into effect. The law empowers Congress to review new federal regulations issued by government agencies and, by passage of a joint resolution, to overrule a regulation. Once a rule is repealed, the law also prohibits the reissuing of the rule in substantially the same form or the issuing of a new rule that is substantially the same.³

All articles which are published before the date of enactment for the public law or the executive order are normally automatically excluded from histories. Laws directly repealing specific federal regulations under the authority of the Congressional Review Act are the sole exception to this rule.⁴

Because of this Regulatory Act, when a law's exact purpose is to repeal a regulation, an exception occurs, where the FR being repealed is included in the history for the public law, even though it is published before the date of enactment of the law.

EXAMPLES:

³ Exceptions are "unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule" (5 U.S. Code § 801(b)(2)).

⁴ Currently there are only 15 laws which fall into this category. (Aug. 6, 2019)

Federal Acquisition Regulation: Fair Pay and Safe Workplaces (81-58562) Aug. 26, 2016

→ Include in history for PL115-11 (Congressional Disapproval of DOD, GSA and NASA rule on Federal Acquisition)

Text from law:



H. J. Res. 37

One Hundred Fifteenth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and seventeen*

Joint Resolution

Disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation (published at 81 Fed. Reg. 58562 (August 25, 2016)), and such rule shall have no force or effect.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 4, 9, 17, 22, 42, and 52

[FAC 2005-90; FAR Case 2014-025; Docket
No. 2014-0025, Sequence No. 1]

RIN 9000-AM81

Federal Acquisition Regulation; Fair Pay and Safe Workplaces

AGENCY: Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are
issuing a final rule amending the

The FR citation 81-58562

Also include the Federal Register article which formally repeals the previous regulation.

82-51358-a

DEPARTMENT OF LABOR

Office of the Secretary

48 CFR Parts 22 and 52

ZRIN 1290-ZA02

**Guidance for Executive Order 13673,
"Fair Pay and Safe Workplaces"**

AGENCY: Department of Labor.

ACTION: Final guidance; rescission.

SUMMARY: Under the Congressional Review Act, Congress has passed, and the President has signed, Public Law 115-11, a resolution of disapproval of the rule promulgated by the Department of Defense, General Services Administration, and National Aeronautics and Space Administration to implement Executive Order 13673, Fair Pay and Safe Workplaces, as amended (the "Order"). Additionally, the President has issued an Executive Order revoking the Order, and directing all executive departments and agencies, as appropriate and to the extent consistent with law, to consider promptly rescinding any orders, rules, regulations, guidance, guidelines, or policies implementing or enforcing the Order. Accordingly, the Department of Labor is rescinding its guidance on the Order, published on August 25, 2016.

Resource Management Planning (81-89580) Dec. 12, 2016

→ Include in history for PL115-12 (Congressional Disapproval of BLM Land Use Plans Rule)

Text from the Law:



H. J. Res. 44

One Hundred Fifteenth Congress
of the
United States of America

AT THE FIRST SESSION

*Began and held at the City of Washington on Tuesday,
the third day of January, two thousand and seventeen*

Joint Resolution

Disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Land Management of the Department of the Interior relating to "Resource Management Planning" (published at 81 Fed. Reg. 89580 (December 12, 2016)), and such rule shall have no force or effect.

The FR citation 81-58562

89580 Federal Register / Vol. 81

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1600

[Docket ID: BLM-2016-0002;
LLWO210000.17X.L16100000.PN0000]

RIN 1004-AE39

Resource Management Planning

AGENCY: Bureau of Land Management,
Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is amending its regulations that establish the procedures used to prepare, revise, or amend land

Notices

KEYWORDS: 'Implementation'; 'Authorized by'; 'Pursuant to'; 'As amended'; 'in accordance with'

Rulemaking is in direct response or accordance to public law

PL number, Short/ Popular Title or cited Acts are mentioned in Title, Summary or Supplemental information as the legislation initiating the proposed for final rulemaking.

EXAMPLE:

Federal Management Regulation; Redesignation of Federal Building (80 FR 60147 a) Oct. 5, 2015

→ Include in history for PL114-16 (Raul Hector Castro Port of Entry)

SUPPLEMENTARY INFORMATION: This bulletin announces the redesignation of a Federal building. Public Law 114-16, 129 STAT. 200, dated May 22, 2015, designated the United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, as the "Raul Hector Castro Port of Entry."
Dated: September 28, 2015.

Notices of Public Hearings

Public hearings, as distinct from public meetings, are a significant part of the regulatory process and as such we should be including these in the regulatory histories. A public hearing encourages debate, while a public meeting provides an opportunity for the public to learn about the proposed regulations.

EXAMPLE:

Public Hearing Concerning the Pascagoula Railroad Bridge Across the Pascagoula River, Mile 1.5, at Pascagoula, MS (53 FR 50485), Dec. 15, 1988

→ Include in history for PL100-448 (Coast Guard Authorization Act of 1988)

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Eighth Coast Guard District, at Pascagoula, Mississippi. The purpose for the hearing is to provide an opportunity to all interested persons to present data, views and comments orally or in writing concerning the alteration of the railroad bridge across the Pascagoula River, mile 1.5, at Pascagoula, Mississippi.

DATE: February 16, 1989, commencing at 2:00 p.m., until all speakers in attendance wishing to comment have provided comments.

ADDRESS: The hearing will be held at the Jackson County Courthouse, Board of Supervisors Room, 3109 Canty Street, Pascagoula, Mississippi 39561.

FOR FURTHER INFORMATION CONTACT: Mr. Perry Haynes, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130-3396, (504) 589-2965.

SUPPLEMENTARY INFORMATION: Section 18 of Pub. L. 100-418 declared the bridge to be an unreasonable obstruction to be altered under the Truman-Hobbs Act. All interested parties shall have full opportunity to be heard and to present evidence as to what alterations are needed; giving due consideration to the necessities of free and unobstructed navigation, the necessities of land traffic and environmental concerns.

Requests for public input/interaction

Solicitations for interaction between the public (including private sector entities) and Federal agencies tasked with executing aspects of legislation. These can take a number of forms, including requests for public comments, fomenting “national dialogue.” Notices which extend or change the period for public comments should be included.

EXAMPLES:

National Dialogue and Pilot To Reduce Reporting Compliance Costs for Federal Contractors and Grantees (80 FR 17438), Apr. 1, 2015

→ Include in history for PL113-101 (DATA Act)

SUPPLEMENTARY INFORMATION:

This notice announces a dialogue to explore opportunities to streamline processes and reduce or eliminate burden in federal procurement and grants processes. This dialogue furthers the goals of the President's Management Agenda, which lays the foundation for creating a 21st century government that delivers better results to the American people, and addresses requirements in the Digital Accountability and Transparency Act of 2014 (Public Law 113–101) to gain a better understanding of the costs of compliance with Federal contracting and grants awards as well as recommendations to standardize data, eliminate unnecessary duplication, and reduce compliance costs.

Public Input on the Establishment of Financial Data Standards (Data Exchange) (79 FR 58045), Sept. 26, 2014

→ Include in history for PL113-101 (DATA Act)

DEPARTMENT OF THE TREASURY**Fiscal Service****Public Input on the Establishment of Financial Data Standards (Data Exchange)**

AGENCY: Bureau of the Fiscal Service, Treasury.

ACTION: Notice and Request for Information.

SUMMARY: The Digital Accountability and Transparency Act of 2014 (DATA Act) was enacted for purposes that include expanding the Federal Funding Accountability and Transparency Act of 2006 (FFATA) to require the disclosure of direct Federal agency expenditures and information that links “Federal . . . spending information to programs of Federal agencies to enable taxpayers and policy makers to track Federal spending more effectively.” Public Law 113–101, 2(1). FFATA, as amended by

Definitions or citations of limitations

From time to time a law will be cited in a FR publication, whether a Rule, Proposed Rule, or a Notice, in order to establish the definition of a term or terms or to delineate limitations imposed upon the action described in the notification. As a general rule, if

a law is being cited simply for purposes of establishing definitions or delineating limitations, we would exclude these notifications.

Notice of Funding Opportunities/Awards

These are generally related to appropriations laws or legislation that has some appropriations component. Notices will be published to announce the availability of funds under a particular program as well as to announce funding awards.

N.b. if your law/EO is listed as one of the requirements that all grant applicants must meet to apply or qualify, the article should be excluded. The criteria to keep in mind here is if your law either authorizes the funding award or appropriates the funds being awarded, then you want to include the notice.

EXAMPLE:

Notice of Availability of Funds and Funding Opportunity Announcement for Reentry Demonstration Projects for Young Adults Grants (81 FR 15752), Mar. 24, 2016

→ Include in history for PL 113-128 (Workforce Innovation and Opportunity Act)

DEPARTMENT OF LABOR

**Employment and Training
Administration**

**Notice of Availability of Funds and
Funding Opportunity Announcement
for Reentry Demonstration Projects for
Young Adults Grants**

AGENCY: Employment and Training
Administration, Labor.

ACTION: Notice of Funding Opportunity
Announcement (FOA).

Funding Opportunity Number: FOA-ETA-
16-06

SUMMARY: The Employment and
Training Administration (ETA), U.S.
Department of Labor (the Department),
announces the availability of
approximately \$30,250,000 in grant
funds authorized by the Workforce
Innovation and Opportunity Act
(WIOA). The Department intends to
award these grants to a combination of
rural- and urban-serving organizations.

Determinations/findings/rulings

These are more or less enforcement notifications and can take a number of forms, such as responses to applications to certain federal programs or determinations of violations of federal law or regulations.

EXAMPLE:

City of Cheyenne, Wyoming; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene (80 FR 57804-b), Sept. 25, 2015

→ Include in history for PL113-23 (Hydropower Regulatory Efficiency Act of 2013)

Here an applicant has proposed opening a Hydropower facility according to the terms of PL113-23 and the FERC is issuing its preliminary determination:

DEPARTMENT OF ENERGY

**Federal Energy Regulatory
Commission**

[Docket No. CD15-33-000]

**City of Cheyenne, Wyoming; Notice of
Preliminary Determination of a
Qualifying Conduit Hydropower
Facility and Soliciting Comments and
Motions To Intervene**

On August 26, 2015, the City of Cheyenne, Wyoming, by and through its Board of Public Utilities, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Sherard Hydroelectric Generation Facility would have an installed capacity of 950 kilowatts (kW), and would be located along an existing 48-inch-diameter raw water pipeline within the city's water treatment plant. The project would be located near the City of Cheyenne, Wyoming.

Required reporting

Legislation frequently mandates agencies to publish periodical reporting. Only include reporting which are very specifically required and are a result of the Act itself. Exceptions are general administrative regulations, or 'housekeeping', reporting. For instance, DO NOT include reporting which result from the Paperwork Reduction Act or the National Environmental Policy Act.

EXAMPLE:

2014 Fiscal Transparency Report (80 FR 2997) Jan. 15, 2015

→ Include in history for PL113-76 (Consolidated Appropriations Act, 2014)

Delegations of authority

Department or Agency heads will publish notifications announcing the delegation of authorities granted under a particular piece of legislation to a subordinate.

EXAMPLE:

Delegation by the Secretary of State to the Under Secretary of State for Arms Control and International Security With Respect to Authority Under Section 1203 of the Fiscal Year 2014 National Defense Authorization Act (80 FR 12246-a) Mar. 6, 2015

→ Include in history for PL 113-66 (National Defense Authorization Act for Fiscal Year 2014)

DEPARTMENT OF STATE

[Delegation of Authority No. 382]

Delegation by the Secretary of State to the Under Secretary of State for Arms Control and International Security With Respect to Authority Under Section 1203 of the Fiscal Year 2014 National Defense Authorization Act

By virtue of the authority vested in me as Secretary of State, including Section 1 of the State Department Basic Authorities Act and by the Fiscal Year 2014 National Defense Authorization Act, Public Law 113-66 (NDAA), I hereby delegate to the Under Secretary of State for Arms Control and International Security the authority to provide concurrence on Department of Defense security assistance activities pursuant to Section 1203 of the NDAA.

Terminations of Investigation

A company or individual will sometimes decide to drop a lawsuit or investigation as it relates to a particular law, and a notice is published to make this public knowledge.

EXAMPLE:

Altadis U.S.A. Inc. McAdoo, PA; Notice of Termination of Investigation (67 FR 70253-c) Nov. 21, 2002

→ Include in history for PL103-182 (North American Free Trade Agreement Implementation Act)

DEPARTMENT OF LABOR

Employment and Training
Administration

[NAFTA—6534]

**Altadis U.S.A. Inc. McAdoo, PA; Notice
of Termination of Investigation**

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called NAFTA-TAA and in accordance with Section 250(a), Subchapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on September 9, 2002, in response to a petition filed by the International Brotherhood of Teamsters, Local 401, on behalf of workers at Altadis U.S.A. Inc., McAdoo, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 28th day of October, 2002.

Richard Church,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 02-29629 Filed 11-20-02; 8:45 am]

BILLING CODE 4510-30-P

Privacy Act notifications

Any Privacy Act notification that you encounter relevant to the law you are researching indicates that the agency intends to amend, initiate a new use, or otherwise alter or consolidate an existing system of records. For example, for PL 113-146 - Veterans Access, Choice, and Accountability Act of 2014, 80-45590 announces the agency's intention to amend an existing system of records authorized by PL 113-146. We will keep notifications like this.

NOT all Privacy Act notifications are kept (see below).

Additions to Controlled Lists

When a notice includes the addition, subtraction, or exceptions of a specific element, location, or item to a 'controlled' list required by the law, this notice should be included in the history. Examples may include animals, chemicals, plants, locations, etc.

EXAMPLES:

Notice of Inventory Completion: University of California Berkeley, Berkeley, CA (84 FR 17191) April 24, 2019

→ Include in history for PL101-601 (Native American Graves Protection and Repatriation Act)

<p>DEPARTMENT OF THE INTERIOR</p> <p>National Park Service</p> <p>[NPS-WASO-NAGPRA- NPS0027603; PPWOCRADN0-PCU00RP14.R50000]</p> <p>Notice of Intent To Repatriate Cultural Items: University of Georgia, Laboratory of Archaeology, Athens, GA</p> <p>AGENCY: National Park Service, Interior.</p> <p>ACTION: Notice.</p> <hr/> <p>SUMMARY: The University of Georgia, Laboratory of Archaeology in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the University of Georgia, Laboratory of Archaeology. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.</p>	<p>DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the University of Georgia, Laboratory of Archaeology at the address in this notice by May 24, 2019.</p> <p>ADDRESSES: Amanda Roberts Thompson, University of Georgia, Laboratory of Archaeology, 1125 Whitehall Road, Athens, GA 30605, telephone (706) 542-8737, email arobthom@uga.edu.</p> <p>SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the University of Georgia, Laboratory of Archaeology, Athens, GA, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.</p>
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Regulatory Plan/Unified Agenda

Regulatory Plan and Unified Agenda publications insofar as they detail specific planned regulatory actions related to the Law being researched.

EXAMPLE:

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions (80 FR 77709) Dec. 15, 2015

→ Include in history for PL 112-141 (Moving Ahead for Progress in the 21st Century Act)

91. +National Goals and Performance Management Measures (MAP-21)

Priority: Other Significant.

Legal Authority: Pub. L. 112-141 sec 1203; 49 FR 1.85

CFR Citation: 23 CFR 490.

Legal Deadline: NPRM, Statutory, April 1, 2014, NPRM.

Section 1203 of MAP-21 requires the Secretary to promulgate a rulemaking within 18 months after the date of enactment.

Abstract: This rulemaking would create national performance management measures and standards to be used by the States to meet the national transportation goals identified in section 1203 of MAP-21. This

Articles to Exclude

All articles which are published before the date of enactment for the public law or the executive order are automatically excluded from histories. Laws directly repealing specific federal regulations under the authority of the Congressional Review Act are the sole exception to this rule.⁵

Proposed Rules and Rules

Background Reference

Where the mention in a comment or agency response simply provides background or historical/retrospective action we typically will **exclude** articles with this type of mention. If the Agency says they are changing their actions or regulations but NOT based on the Law/EO at issue but on another basis (the PL or subject matter of the final rule for example) then we would **exclude** the article from the RH.

EXAMPLES:

Hazardous Materials Regulations; Penalty Guidelines (60 FR 12139) Mar. 6, 1995

→ Exclude for history for PL103-122 (Department of Transportation and Related Agencies Appropriations Act, 1994)

“SUPPLEMENTARY INFORMATION: 1. Background In response to a request contained in Senate Report 103-150 that accompanied the Department of Transportation and Related Agencies Appropriations Act,

⁵ Currently there are only 15 laws which fall into this category. (Aug. 6, 2019)

1994, RSPA is publishing its hazardous material transportation (hazmat) enforcement civil penalty guidelines as an appendix to its regulations. This action will provide the regulated community and the general public with information concerning how RSPA generally begins its hazmat penalty assessment process and types of information that respondents in enforcement cases should provide to justify reduction of proposed penalties.”

**Government National Mortgage Association Mortgage-Backed Securities
Program-Payments to Securityholders; Book-Entry Procedures (66 FR 44258) Aug. 22,
2001**

→ Exclude for history for PL100-86 (Competitive Equality Banking Act of 1987)

In this Final Rule, the issuing authority (the Government National Mortgage Association, or, Ginnie Mae) invokes the Competitive Equality Banking Act in response to commenters who claimed that the requirement stipulated by the proposed rule would constitute a taking under the Fifth Amendment to the Constitution:

(b) Changes over time in the speed of mail delivery and check collection and clearing processes also belie the notion that issuers have a property right in their float. In particular, inefficiencies in the collection of checks and the corresponding availability of funds led Congress to enact in 1987 the Expedited Funds Availability Act (Title VI of the Competitive Equality Banking Act of 1987), which set out standardized funds availability schedules and directed the Board of Governors of the Federal Reserve System (the “Federal Reserve Board”) to take further steps to reduce check clearing and processing times.

Though the response here does provide some analysis with respect to Congress's intent in passing PL 100-86, there are likely to be other, more regulatory pertinent cases in which Congressional intent can be established, so we would not want to include this.

Nondiscrimination in Health Programs and Activities (80 FR 54171) Sept. 8, 2015

→ Exclude for history for PL100-259 (Civil Rights Restoration Act of 1987)

In this proposed rule implementing Section 1557 of the Affordable Care Act, the Civil Rights Restoration Act is referenced to provide an analogous case to elucidate the definition of "health program or activity"

Health program or activity. The term “health program or activity” is defined to include the provision or administration of health-related services or health-related insurance coverage and the provision of assistance in obtaining health-related services or health-related insurance coverage. Similar to the

approach of the Civil Rights Restoration Act ¹⁴ and except as specifically set forth otherwise in this part,¹⁵ the term further includes all of the operations of an entity principally engaged in providing or administering health services or health insurance coverage, such as a hospital, health clinic, community health center, group health plan, health insurance issuer, physician’s practice, nursing facility, or residential or community-based treatment facility.¹⁶ OCR intends to interpret “principally engaged” in a manner consistent with civil rights laws that use this term.

Though the analogy does help to provide context for how this specific terminology is defined in the rulemaking at hand, it is more pertinent to understanding the operation of the Affordable Care Act than the Civil Rights Restoration Act and therefore we would not want to include it in the regulatory history for PL100-259.

Aid to Families With Dependent Children; Job Opportunities and Basic Skills Training (JOBS) Program; Child Care and Supportive Services; Conforming Changes to Existing Regulations (54 FR 42146) Oct. 13, 1989

→ Exclude for history for PL100-360 (Medicare Catastrophic Coverage Act of 1988)

In this final rule, which implements PL100-485, the Medicare Catastrophic Coverage Act (PL100-360) was referenced by a commenter questioning the implications of the rulemaking at hand on compliance with PL100-360:

Comment: One commenter raised the issue of whether States who currently have a special need item covering training-related needs could eliminate such an item from their standard (as required by our NPRM) and still comply with the requirement of the Medicare Catastrophic Coverage Act of 1988, Pub. L. 100-360, which prohibits lowering their AFDC payment levels below the levels in effect on May 1, 1988.

Response: Yes, they could. Based on the legislative history of the Medicare legislation, we have concluded that Congress intended to include only basic needs and not special needs in this maintenance of effort provision.

In cases where a law is referenced in comments strictly as legislative history or background or in a way, as here, that is not directly related to the present rulemaking, we do not want to include them in the regulatory history for that law.

Referenced as Example

Where the Law at issue is referenced to provide historical background to describe how certain cases have been handled in the past, but does not directly relate to the agency's current or future actions, we would **exclude** it from the RH.

Also exclude when the law is referenced as an example of a similar law.

EXAMPLES:

Closed, Transferred, and Transferring Ranges Containing Military Munitions (62 FR 50796) Sept. 26, 1997

→ Exclude for for PL101-601 (Native American Graves Protection and Repatriation Act)

b. American Indian tribes: The U.S. Government has a unique legal relationship with Native American tribes as set forth in the U.S. Constitution, treaties, statutes, and court decisions. In implementing this rule's proposed process, the Department of Defense will act in a manner that is consistent with the "Government-to-Government Relations With Native American Tribal Governments" memorandum issued by President Clinton (59 FR 22951, May 4, 1994), the Native American Graves and Repatriation Act (as mentioned in Section IV.F.1.b. of this preamble. Relationship to Other Laws)

Munitions Response Site Prioritization Protocol (68 FR 50900) Aug. 22, 2003

→ Exclude for history for PL 111-296 (Healthy, Hunger-Free Kids Act)

Title name appears in the explanation notes for a table.

Cultural resources means there are recognized cultural, spiritual, traditional, religious, or historical features (e.g., structures, artifacts, symbolism) on the MRS. For example, American Indians or Alaska Natives deem the MRS to be of spiritual significance or there are areas that are used by American Indians or Alaska Natives for subsistence activities (e.g., hunting, fishing). Requirements for determining if a particular feature is a cultural resource are found in the National Historic Preservation Act, Native American Graves Protection and Repatriation Act, Archeological Resources Protection Act, Executive Order 13007, and the American Indian Religious Freedom Act.

PL 111-296: Healthy, Hungry-Free Kids act of 2010

RIN: 0584-AC24 (Exclude)

“Readers of this preamble should note that, although this final rule continues to refer to “renewal applications” at § 226.6(b)(2), enactment of Public Law 111–296, the Healthy, Hunger-Free Kids Act of 2010, made substantial changes to the process by which participating institutions verify their continuing compliance with Program requirements. These changes were addressed in implementing guidance issued on April 8, 2011 (“CACFP 19–2011, “Child Nutrition Reauthorization 2010: CACFP Applications”), as well as in forthcoming proposed and final rulemaking actions.”

Although the PL no and or the title is there, it specifically does not address rulemaking changes for PL 111-296.

Not Most Current Amendment for Rule

When the law is cited in a “string cite” as one of a number of law/EOs that amended the Act that is the basis of the instant rulemaking, then we typically **exclude** this article, unless the section describes in detail why your law changed or required the new action or proposed rule, or it is clear from your review of the text of the law that the present action derives directly from it.

Definitions or Citations of limitations or pre-existing statutory requirements

From time to time a law/EO will be cited in a FR publication, whether a Rule, Proposed Rule, or a Notice, in order to establish the definition of a term or terms or to delineate limitations or requirements imposed upon the action described in the notification. As a general rule, if a law/EO is being cited simply for purposes of establishing definitions or delineating limitations or requirements, we would exclude these mentioned articles.

Response to a Report on a Public Law and not the Law itself

Do not include an FR which is a publication responding to a request from a Senate or House Report that accompanied a law but not specifically to the law.

EXAMPLE:

Hazardous Materials Regulations; Penalty Guidelines (60-12139) Mar. 6, 1995

→ Exclude for history for PL103-122(Dept. of Transportation Appropriations Act)

“SUPPLEMENTARY INFORMATION: 1. Background In response to a request contained in Senate Report 103-150 that accompanied the Department of Transportation and Related Agencies Appropriations Act, 1994, RSPA is publishing its hazardous material transportation (hazmat) enforcement civil penalty guidelines as an appendix to its regulations. This action will provide the regulated community and the general public with information concerning how RSPA generally begins its hazmat penalty assessment process and types of information that respondents in enforcement cases should provide to justify reduction of proposed penalties.”

Notices

Review Requirement

Where the Agency is performing a required review or analysis of a **rule** under the requirements of the law or EO at issue, we would **exclude** this. This part of the article is really describing action on the underlying proposed rule that is unrelated to your law/EO and the analysis under your law/EO is an administrative step they must comply with.

EXAMPLE:

“Energy Impact (analysis)” or “Federalism” analysis, or “Environmental” or “Drug-Free Workplace”.

XI. Energy Impact Analysis

TSA has assessed the energy impact of this rule in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94-163, as amended (42 U.S.C. 6362). We have determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

IX. Executive Order 13132, Federalism

TSA has analyzed this final rule under the principles and criteria of **Executive Order 13132**, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have federalism implications.

X. Environmental Analysis

We have analyzed this interim final rule under DHS Management Directive 5100.1 “Environmental Planning Program” (see also 71 FR 16790, Apr. 4, 2006), which guides DHS in complying with the **National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–**

Notices of Intent

These are commonly seen in relation to EIS (Environmental Impact Statements). The notices themselves merely announce the agency's intention to produce an environmental impact statement pertinent to a particular law. We do not need to include these.

EXAMPLE:

Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Olympic Experimental State Forest Management and Research Plan (59 FR 10162-b) Mar. 3, 1994

→ Exclude for history for PL102-436 (Land Exchange in Tacoma, Washington)

Announces the intent to produce an Environmental Impact Statement.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) and Washington State Department of Natural Resources (WDNR) intend to gather information necessary for the preparation of an Environmental Impact Statement (EIS). This notice is being furnished pursuant to the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) regulations (40 CFR 1508.22). The Service will consider a proposal to recommend that the Secretary of Interior (Secretary) approve a management and research plan for the Olympic Experimental State Forest upon its submission by the WDNR. The Secretary will determine whether the plan provides for the conservation of listed species within the plan area, under the general provisions of Public Law 102-436 title II and the federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

To satisfy both Federal and State environmental policy act requirements, the Service and WDNR are conducting joint scoping processes for the preparation of an EIS. Interested agencies, organizations, and individuals are encouraged to provide written comments on the issues which should be addressed in the EIS, to the Service or WDNR.

Notice of Availability

Certain types of Actions are **excluded** from the history because they are not substantive. They represent actions that the Agency took in the past that are required but contain no discussion of the law or regulatory process. Notice of Availability: typically an Environmental Impact Statements (EIS), or a Plan

If the "action" of an FR is listed as a "Notice of Availability," and there is no request for comments from the public, we will want to **exclude** it. These are frequently just published guidelines for agencies being announced or modified, which are not rule-making.

EXAMPLES:

DEPARTMENT OF THE INTERIOR

Office of the Secretary

1 Great Lakes Coastal Barrier Act of 1938; Availability of Draft Maps of Undeveloped Coastal Barriers Along the Shore Areas of the Great Lakes

AGENCY: Department of the Interior.

ACTION: Notice of availability. **2**

SUMMARY: Under the provisions of Pub. L. 100-707, the Secretary of the Interior is required to make recommendations to the Congress and prepare maps identifying undeveloped, unprotected coastal barriers along the Great Lakes shoreline appropriate for inclusion in the Coastal Barrier Resources System (System). The final maps will be transmitted to Congress and Congress will determine which areas to include in the System. This notice is to announce the availability of draft maps for public review and comments prior to transmittal of the final maps to Congress.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Environmental Assessment of the Addition of Blue-Fronted Amazon Parrots (*Amazona aestiva*) From a Sustainable Use Management Plan in Argentina to the Approved List of Non-Captive-Bred Birds Under the Wild Bird Conservation Act of 1992

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of a draft Environmental Assessment.

SUMMARY: The public is invited to comment on the draft Environmental Assessment of the addition of blue-fronted amazon parrots (*Amazona aestiva*) from a sustainable use management plan in Argentina to the approved list of non-captive-bred birds under the Wild Bird Conservation Act of 1992 (WBCA). We have prepared a draft Environmental Assessment under regulations implementing the National Environmental Policy Act of 1969 (NEPA). Council on Environmental Quality regulations in 40 CFR 1501.3(b) state that an agency "may prepare an environmental assessment on any action at any time in order to assist agency planning and decision making." Future regulations implementing the WBCA may be subject to NEPA documentation requirements on a case-by-case basis.

Meeting Notice- Public, Board or Commission

If a notice simply announces a regular meeting initiated by a law you are researching, we no longer want to include these in the regulatory histories. This is a change from previous practice.

An example from PL101-71, Financial Institutions Reform, Recovery, and Enforcement Act of 1989:

EXAMPLE:

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Olympic Experimental State Forest Management and Research Plan (59 FR 10162-b) Mar. 3, 1994

→ Exclude for history for PL101-71 (Financial Institutions Reform, Recovery, and Enforcement Act of 1989)

**FEDERAL FINANCIAL INSTITUTIONS
EXAMINATION COUNCIL
[Docket No. AS13-20]
Appraisal Subcommittee of the Federal
Financial Institutions Examination
Council; Notice of Meeting**

Description: In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting

Member Nominations

Exclude member nominations for boards, commissions, advisory groups or councils.

Notices of Compliance

Exclude notices which state that the regulation complies with regulations/reporting of other laws or executive orders. These are generally considered housekeeping or administrative. Reporting which results from [Sunshine Acts](#) (see below) typically fall into this category.

Agency Information Collection/Submission to OMB

These notices are typically a requirement of the Paperwork Reduction Act. If you have notice of an information collection authorized by the Law/EO at issue, we do not need to include these in the histories.

Accompanying Conference Reports

References to a Conference report accompanying a bill or amendment that became the PL- where the article is responding to a request from a Senate or Conference Report that accompanied the law/EO but is not specific to the implementation of the law/EO itself we would not want to include it in the history.

Definitions or Citations of limitations or pre-existing statutory requirements

From time to time a law/EO will be cited in a FR publication, whether a Rule, Proposed Rule, or a Notice, in order to establish the definition of a term or terms or to delineate limitations or requirements imposed upon the action described in the notification. As a general rule, if a law/EO is being cited simply for purposes of establishing definitions or delineating limitations or requirements, we would exclude these mentioned articles.

EXAMPLE:

Prospective Grant of Exclusive License: Method To Treat Psoriasis in Humans (73 FR 23263-b) Apr. 29, 2008

→ Exclude for history for PL 112-74 (Consolidated Appropriations Act, 2012)

Funding Restrictions

The Consolidated Appropriations Act, 2012 (Pub. L. 112-74), enacted December 23, 2011, limits the salary amount that may be awarded and charged to ACF mandatory and discretionary grants. Award funds issued under this announcement may not be used to pay the salary, or any percentage of salary, to an individual at a rate in excess of Executive Level II.

Here the public law is being cited simply to establish a restriction on the ways in which grant funds can be used, but it is not otherwise cited as the source of the appropriated funds and therefore the notice should be excluded.

Ceremonial Presidential Documents

In addition to executive orders, the Executive Office of the President publishes documents in the Federal Register that have a primarily ceremonial function. These can include the designation of non-continuous holidays or so-called "awareness" periods, such as National Breast Cancer Awareness Month. Often in these documents, the EOP will highlight legislative and policy efforts that reflect a commitment to the issue at hand. As a general rule, we will not include these in Regulatory Histories as the purpose of the publications is almost wholly promotional and does not have any impact on policy or the day-to-day operations of government.

EXAMPLE:

National Mental Health Awareness Month, 2016 (81 FR 26665) May 3, 2016

→ Exclude for history for PL114-s (Clay Hunt SAV Act)

This is a Presidential Document proclaiming May 2016 as National Mental Health Awareness Month. In the course of the proclamation, the President draws attention to a number of policy initiatives and public laws, including PL114-2, the Clay Hunt SAV Act. As a result of this allusion, this document will generate a hit in the spreadsheets for this law, however we do not want to include it since the publication has no effect on the implementation of the law or the execution of its provisions.

Privacy Act of 1974 Notifications

The Privacy Act of 1974, PL 93-579, governs how agencies may use, maintain and share information in records systems they operate. For our purposes, the Privacy Act dictates that an agency must:

- 1) Publish at least annually a notice in the Federal Register a notice of the existence, character and intent to continue to use a current system of records
- 2) Publish in the Federal Register a notice of any new use or intended use of information or alteration of a system of records at least 30 days in advance.

There are a couple of other stipulations in the law, but these two are the ones that we are going to come across most frequently.

For our purposes, we should handle Privacy Act notifications in the following way:

- Include: Any Privacy Act notification that you encounter relevant to the law/EO you are researching that indicates that the agency intends to amend, initiate a new use, or otherwise alter or consolidate an existing system of records.
- Exclude: Notifications of the first type described above that are simply the required annual notice of an agency's continued maintenance of an existent system of records without amendments. The language here frequently uses the verb "to update," which is merely indicating that the agency intends to continue to collect these records. If there is no language indicating an intent to alter, amend, or apply a new use for an existing system of records, you can reject the notification.

RIN Series

Regulatory Identification Numbers (RIN)

Every entry appearing in the Unified Agenda or Regulatory Plan is assigned a Regulation Identifier Number (RIN), in accordance with the requirements for the Unified Agenda set forth in section 4 of Executive Order 12866. RINs help the public to identify and follow the progress of each regulatory action or rulemaking proceeding in the Unified Agenda, the Federal Register, and on the Reginfo.gov website. Each regulatory action retains the same RIN throughout the entire rulemaking process. It is important to note that not all Federal Register articles are assigned RIN numbers and some are assigned RIN numbers retroactively.

A RIN consists of a 4-digit agency code plus a 4-character alphanumeric code, assigned sequentially when a rulemaking is first entered into the database, which identifies the individual regulation under development. For example, all RINs for the Occupational Safety and Health Administration have agency code 1218. The RIN for OSHA's rulemaking on hazard communication is 1218-AC20.

Note: RIN numbers are not always assigned when a rule is first proposed, but are sometimes assigned after the fact to link all the related articles together.

The RIN is the unique identifying feature for each entry in the Unified Agenda, which enables a user to access entries of interest discovered through searches. These are entries which we need to be sure to include in a Regulatory History.

Including RIN Series

When researching a law, if you determine a particular FR article should be included, you need to verify if there is an associated RIN number with that article. If so, you must search and consider all of the other articles in that RIN series. **In most cases, you will want to include the entire RIN series.** Additionally, be sure to do a quick search on the application for the RIN number to ensure no articles were missed from the spreadsheet.

If when looking at the rest of the RIN series, the other articles in the series do not apply to your law, you must consider if the article should, in fact, be included. If it should, you must have a solid reasoning for it as an exception to this rule.

When the history goes online, Federal Register articles will be organized around their RIN numbers automatically, allowing researchers to chart regulations as they are proposed, amended and finalized.

If an article has an associated **RIN number**, it will be pulled into the spreadsheet in **column K** on the Laws tab.

If you accept a rule with a RIN series you **MUST** include the rest of the RIN series or have a very compelling reason why it should not be included.



EXAMPLE:

RIN 1018-AV78 (Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx)

→ Include in history for PL 93-205 (Endangered Species Act of 1973)

Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx

History of actions published in the Federal Register for RIN 1018-AV78



528 Archived Comments

Comment period closed

Action: Final rule

Category: Rule

FR Citation: 74 FR 8616

View FR Article: [Publication Details](#) [PDF - Full Text](#)

Title: Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx

Date: February 25, 2009

Volume/No: 74/36

RIN: RIN 1018-AV78

Docket: 92210-1117-0000-B4; FWS-R6-ES-2008-0026 [528](#)
[Archived Comments](#)

Department/Agency: Department of the Interior (DOI): Fish and Wildlife Service (FWS)

CFR Parts: [50 CFR 17 \(2009\)](#)

Action: Revised proposed rule; reopening of comment period and announcement of public hearings, notice of availability of draft economic analysis, amended required determinations, and draft environmental assessment

Category: Proposed Rule

FR Citation: 73 FR 62450

View FR Article: [Publication Details](#) [PDF - Full Text](#)

Title: Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx (*Lynx canadensis*)

Date: October 21, 2008

Volume/No: 73/204

RIN: RIN 1018-AV78

Docket: 92210-1117-0000-B4; FWS-R6-ES-2008-0026 [528](#)
[Archived Comments](#)

Department/Agency: Department of the Interior (DOI): Fish and Wildlife Service (FWS)

CFR Parts: [50 CFR 17 \(2009\)](#)

Cross-Referenced FR Citations

Sometimes RIN series are not applied until after several proposed rules have been printed and, moreover, prior to the introduction of RIN series there was no similar system for grouping the articles relevant to a particular rulemaking. Because of this, when you determine that a rulemaking document you are reviewing is relevant to the history you are compiling, you must search the article for any citations for other FR articles. These will typically be located at the beginning or the end of an article, but this is not always so.

Moreover, many regulations will cite previously published regulations, creating a history of the regulation, even if those regulations are in different RIN or Docket series, generally in the **Background** section. In these cases, you still want to include the cited Federal Regulation articles (unless there is significant reason not to) as these regulations are considered related and relevant to the regulation at hand.

If previous Federal Register articles are referenced in an article you chose to include, you MUST include the referenced articles unless there is significant reason to exclude them.

EXAMPLE:

RIN 1018-AV78 (Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx)

→ Include in history for PL 93-205 (Endangered Species Act of 1973)

Canada lynx, refer to the final listing rule published in the **Federal Register** on March 24, 2000 (65 FR 16052), the clarification of findings published in the **Federal Register** on July 3, 2003 (68 FR 40076), the proposed rule to designate revised critical habitat rule published in the **Federal Register** on February 28, 2008 (73 FR 10860), and the notice announcing the availability of the draft economic analysis (DEA), draft environmental assessment, and reopening the comment period that published on October 21, 2008 (73 FR 62450).

From this paragraph we can determine that the following FR articles **MUST** be included in our history.

- 65 FR 16052
- 68 FR 40076
- 73 FR 10860
- 73 FR 62450

In older histories, the citation may be incomplete, listing only that the previous article was published and the date of publication. In these situations, you must search the Federal Register on the related day in order to find the associated article.

This secondary research becomes especially critical the further back historically we go in compiling histories (e.g. 1970s and before), as the older FR publications are less standardized in format and often the quality of the scanned documents can result in missed or erroneous OCR. Compiling these older histories will take more time, but it is critically important that this secondary research be conducted fastidiously in order to assure that we aren't missing relevant documents in the histories for these older laws.

If at any point you find that a related FR article is missing from your spreadsheet, you must add it. To do this, insert a row and enter the public law number and the FR article number in the appropriate columns. All other columns may be left blank.

Unusual Situations

There will always be articles which do not fall neatly into any of our categories. In moments such as these, careful consideration of the content by the editor is critical. Always use your best judgment as to if the article would be useful for a researcher. Solicit input from your teammates and ask for assistance from your supervisor.

For laws which have a large number of apparently unique articles associated with them, for example something which potentially relates to the implementation of the law itself, always bring these to Manager's attention. They will need to be addressed on an individual basis.

Examples:

PL 103-272 - Codification of Certain U.S. Transportation Laws As Title 49, United States Code

This law effectively repealed and re-enacted without substantive change a variety of general and permanent transportation laws for the purpose of organizing these laws in a particular part of the code. Because the purpose of this law is primarily consolidation of the code, rather than transportation regulations, per se, any rulemaking should be applied

to the original statutes and not to PL 103-272. For example, PL102-365, the Rail Safety Enforcement and Review Act, was repealed and re-enacted under PL 103-272, but any regulations responding to the provisions of PL102-365 should be applied to the regulatory history for that law and not to the regulatory history for PL 103-272.

59-43666

On September 3, 1992, the President signed into law the Rail Safety Enforcement and Review Act (RSERA), Pub. L. 102-365, 106 Stat. 972, which mandated in § 3 the issuance of rules requiring submission of remedial actions reports. On July 5, 1994, the general and permanent provisions of the RSERA and of all the other Federal railroad safety laws were simultaneously repealed, reenacted without substantive change, and recodified as positive law in title 49 of the U.S. Code by Public Law 103-272. See H.R. Rep. No. 103-180, 103d Cong., 1st Sess. (1993). Section 3 of the RSERA provided as follows:

Or, in another example, the language looks like this:

Background

49 U.S.C. § 20141 (formerly contained in Section 7 of the Rail Safety Enforcement and Review Act (RSERA), Pub. L. No. 102-365 (September 3, 1992), amending Section 202 of the Federal Railroad Safety Act (FRSA) of 1970, formerly codified at 45 U.S.C. 421, 431 et seq.), by adding a new subsection related to power brake safety which states:

In both of these cases, the rule would be applied only to PL102-365.

PL102-366 - Small Business Credit and Business Opportunity Enhancement Act of 1992 (Include)

In this case, an agency (Nuclear Regulatory Commission) that is not otherwise subject to or tasked with implementing the law is using the provisions of this law to alter its own regulations. We will keep cases like this.

59-61293

The rule is the NRC reclassifying what it considers a small entity under the Regulatory Flexibility Act because there are different ways that regulations apply to small entities. Here is the relevant text regarding our law:

The Small Business Credit and Business Opportunity Enhancement Act of 1992 (Pub. L. 102-366) amended the Small Business Act concerning the establishment of agency specific small business size standards. The proposed NRC size standards have been developed so as to meet the criteria specified in Pub. L. 102-366. The NRC has submitted these proposed size standards for the review and approval of the Administrator, SBA.

Regulatory or Sunshine Acts

Regulatory Acts are laws which impact the regulation process itself, while 'Sunshine' Acts are ones which are designed to increase transparency in the government. Typically, these laws require as a part of their implementation the publication of specific reports. For the purposes of our research, this means they create a lot of false hits being that they are frequently mentioned within FR articles relating to other laws. Be careful when dealing with these laws to ensure that all FR articles included in their histories have to deal with the law itself rather than the reporting required by the law.



Federal Register Act – **PL74-220**

Administrative Procedure Act – **PL79-404**

National Environmental Policy Act – **PL 91-190**

Government in the Sunshine Act – **PL 94-409**

Regulatory Flexibility Act – **PL 96-354**

Paperwork Reduction Act – **PL 96-511, PL 104-13**

Unfunded Mandates Reform Act – **PL 104-4**

Congressional Review Act – **PL 104-121**

Data Quality Act-Consolidated Appropriations Act, 2001 – **PL 106-554**

PL 74-220, Federal Register Act (FRA)

SUMMARY

To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

This law essentially governs what the Federal Register publishes, in what format, and how often.

Include FRs that describe amendments or discontinuance of specified publications, or price changes.

PL 79-404, Administrative Procedure Act (APA)

SUMMARY

To improve the administration of justice by prescribing fair administrative procedure.

This law essentially gives the public 30 days in which to comment on implementation or changes made to other laws, however the language surrounding the discussion of whether this law applies can be very confusing.

Include FRs that say, “constitute final agency action under the Administrative Procedure Act and may be subject to challenge in court” or “prior notice and opportunity for public comment for the changes in this rulemaking are required pursuant to the APA.”

Exclude FRs that say “prior notice and comment ... are unnecessary” or that there is “good cause to waive” the 30-day comment period.

PL 91-190, National Environmental Policy Act of 1969 (NEPA)

SUMMARY

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

This law requires that the environmental impact of other laws and rules must be considered, documented, and mitigated as much as possible. NEPA requires that agencies include in their decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions and their alternatives, of ways to avoid or minimize adverse effects of proposed actions, and ways to restore or enhance environmental quality. It also generates many “Environmental Impact Statements” that we exclude because there are simply too many of them.

Include Proposed and (Final) Rules that describe compliance guidelines, implementation procedures, or state “This rule constitutes a major Federal action significantly affecting the quality of the human environment. We have prepared the FEIS under the NEPA. The FEIS is summarized above and is available online [at such and such a website address].”

PL 94-409, Government in the Sunshine Act (Sunshine Act)

SUMMARY

To provide that meetings of Government agencies shall be open to the public, and for other purposes.

This law is supposed to encourage transparency in government goings-on. It generates many notices of meetings and advisory board happenings that we typically exclude, because they are simply announcements that people are getting together to discuss things.

Include FRs that discuss circumstances in which an agency finds that any of ten exemptions enumerated in the Sunshine Act applies, or in which the Act further sets forth the procedures that must be followed by agencies in invoking one of these exemptions. (See 60 FR 45335 for a more detailed explanation.)

PL 96-354, PL 104-121- Regulatory Flexibility Act (RFA) and Small Business Regulatory Enforcement Fairness Act of 1996

PL 96-354, Regulatory Flexibility Act

SUMMARY:

To amend title 5, United States Code, to improve Federal rulemaking by creating procedures to analyze the availability of more flexible regulatory approaches for small entities, and for other purposes.

PL 104-121, Contract with America Advancement Act of 1996 (Title II is cited as the Small Business Regulatory Enforcement Fairness Act of 1996.)

SUMMARY:

To provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

Both laws instruct all federal agencies to review any regulations that have been identified as having a significant economic impact on a substantial number of small entities.

Include FRs labeled Semiannual Regulatory Agenda/ Unified Agenda, and FRs that describe the law as being a “major rule” having an impact on small entities.

PL 96-511, PL 104-13 - Paperwork Reduction Act

PL 96-511, Paperwork Reduction Act of 1980 (PRA)

SUMMARY

To reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.

PL 104-13, Paperwork Reduction Act of 1995

SUMMARY

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

Both laws seek to limit the amount of necessary paperwork generated by the government.

Include FRs that include phrases like “approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980,” “these provisions are removed in accordance with the PRA of 1980,” and “[Agency] requested OMB approval for these requirements under the Paperwork Reduction Act of 1995.”

PL 104-4, Unfunded Mandates Reform Act of 1995 (UMRA)

SUMMARY:

To curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

This law is meant to keep the Federal Government from imposing costs on State/local/tribal governments they cannot afford.

Include any FR that states a law is expected to cost States/local or tribal governments \$100 million or more in any one year (adjusted for inflation).

PL 104-121, Congressional Review Act

SUMMARY:

To provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

Subtitle E of the Contract with America Advancement Act of 1996 is cited as the Congressional Review Act.

Following the publication of a final regulation, Congress has a window of 60 legislative days to disapprove of any given rule by simple majority vote. After 60 days, the Congressional Review Act goes into effect. The law empowers Congress to review new federal regulations issued by government agencies and, by passage of a joint resolution, to overrule a regulation. Once a rule

is repealed, the law also prohibits the reissuing of the rule in substantially the same form or the issuing of a new rule that is substantially the same.⁶

Because of this Regulatory Act, when a law's exact purpose is to repeal a regulation, an exception occurs, where the FR being repealed is included in the history for the public law, even though it is published before the date of enactment of the law.

PL 106-554, Data Quality Act

SUMMARY:

Making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes.

The Data Quality Act or Information Quality Act is Section 515 the Consolidated Appropriations Act, 2001. The law directs the Office of Management and Budget to issue government-wide guidelines "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies". Other federal agencies are also required to publish their own guidelines for information quality and peer review agendas.

Executive Orders

Dealing with executive orders (EOs) is similar to public laws, but with a few details that set them apart.

- First, all EOs are published in the Federal Register. Therefore, there will always be at least one FR article attached to an EOs publication. However, we do not want to put an EO up online without a more substantive history. Therefore, if it is just the FR for the EO, include the FR but do not mark the EO for export. If there is more than the FR for the EO, mark the EO history for export. If the FR for the EO publication is not present, open the EO PDF in the spreadsheet, note the volume and page for the FR and add it to the bottom of the sheet with the EO number and a "yes" in the checked column.
- Secondly, many EOs are very often continued through an additional EO, without any amendments. These types of extension EOs will mention the original EO and will give a date through which the EO will remain in effect.

⁶ Exceptions are "unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule" (5 U.S. Code § 801(b)(2)).

These EOs should be kept in the history of the original EO and in their own history, in order to show the ongoing implementation of the EO. An EO history may, therefore, contain other EOs.

If these continuation EOs also amend the original EO, they will NOT be kept for the original EO, but will only be kept for their own history.

- Another important point about EOs, is that a lot of the time, they are ministerial and are part of regulatory review processes. In these types of FR articles, the EO is usually mentioned in its own section, explaining ways in which the EO is “complied with”, “not complied with”, or that “review under EO_____ was unnecessary because of [...]”

These EOs are common and usually hold no value for the EO history, so they should NOT be kept.

Exceptions to this rule are if the mention of the EO is linked with funding opportunities, or if the EO is being implemented in addition to being complied with, or if there are any mentions of public hearings, or comments which inform how an EO will be implemented.

Other than these types of occurrences, EOs are dealt with in the same way as public laws.

Frequently Mentioned Executive Orders

This is not an exhaustive list, but these EOs do pop up frequently in the spreadsheets with potential for inclusion and cannot be simply determined by FR title or producing Agency.

Instead, the EO is likely to have a devoted paragraph explaining why it is or is not applicable. If those paragraphs contain any of the following phrases (or similar variations), they can generally be excluded:

- Not Subject To
- Not Economically Significant
- Exempted
- Not Required
- Does Not Apply
- Will Not Have Substantial Effects

However, below are some words and phrases that usually indicate cause for inclusion.

1994-eo-12898 - Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Purpose: Identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

Keywords/Phrases:

- This action may have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples.

1997-eo-13045 - Protection of Children From Environmental Health Risks and Safety Risks

Purpose: Make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children, and ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.

Keywords/Phrases:

- This action is subject to Executive Order 13045 [...] because the environmental health or safety risk addressed by this action may have a disproportionate effect on children.

1999-eo-13132 - Federalism

Purpose: To limit intrusive, Federal oversight of State administration by identifying the extent to which the policy imposes additional costs or burdens on the States, including the likely source of funding for the States and the ability of the States to fulfill the purposes of the policy; and the extent to which the policy would affect the States' ability to discharge traditional State governmental functions, or other aspects of State sovereignty.

Keywords/Phrases:

- The proposed regulation may have federalism implications.
- This regulation has Federalism implications due to direct effects on the distribution of power and responsibilities among the state and federal governments relating to determining standards relating to [subject]...

2000-eo-13175 - Consultation and Coordination With Indian Tribal Governments

Purpose: To establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

Keywords/Phrases:

- Has Tribal Implications

These 4 are closely related, with the same general topic: *The Regulatory Philosophy*—Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need.

1993-eo-12866, Regulatory Planning and Review

2011-eo-13563, Improving Regulation and Regulatory Review

2017-eo-13771, Reducing Regulation and Controlling Regulatory Costs

2017-eo-13777, Enforcing the Regulatory Reform Agenda

Purpose: To enhance planning and coordination with respect to both new and existing regulations; to reaffirm the primacy of Federal agencies in the regulatory decision-making process; to restore the integrity and legitimacy of regulatory review and oversight; and to make the process more accessible and open to the public.

Agencies are instructed to identify and assess the problem and available alternatives, evaluate costs and benefits, and then make recommendations.

Keywords/Phrases:

- Economically Significant
- Significant Regulatory Action
- Expected to be a Deregulatory Action

Troubleshooting

If after going through all of the above rules you still are having difficulty determining if a FR article should be included in the history begin by going through a few questions:

Go back to the public law-

- What does it look to achieve? What is the law's legislative intent?
- What agencies are involved? Is the FR article being published by an agency that makes sense?
- Was the law amended, repealed or negated by later legislation?

Will the article be useful for researching in helping to understand or explain the rulemaking being initiated by the public law? If yes, then it should most likely be included.

Will the article potentially "clutter up" the history, making it more difficult for a researcher to get to the real rulemaking articles, without helping to clarify the rule? If yes, then it should be excluded.

Finally, you can always ask your manager or your teammates to get a second opinion on if an article should be included or not.

Completing a History

Whitelist a History

When you have determined that a history is complete, return to the “Export” tab, locate your law number and change the flag from ‘No’ to ‘Yes.’ This step happens regardless of if there are any FR’s with the ‘Yes’ (whitelisted) tag. If a law has zero whitelisted FR articles, when the spreadsheets are processed through the content store, the spreadsheet will return an error of “WARNING: Law has 0 whitelisted FRs!”.

pl78-508	Act]	1944-12-20	Yes	whitelisted FRs!	
pl78-509	[Second War Powers Act Extension]	1944-12-20	No		
pl78-51	[Hospitalization of Naval and Marine Corps Dependents]	1943-05-10	Yes	WARNING: Law has 0 whitelisted FRs!	
pl78-510	[Virgin Islands Development Act of 1944]	1944-12-20	Yes	WARNING: Law has 0 whitelisted FRs!	
pl78-511	[Revenue Act of 1942 Amendments]	1944-12-20	Yes	WARNING: Law has 0 whitelisted FRs!	
pl78-514	[Presidential Inauguration Expenses Authorization]	1944-12-20	No		
pl78-518	[Compromise, Adjustment, or Cancellation of Indebtedness of Farmers, 1944]	1944-12-20	Yes	WARNING: Law has 0 whitelisted FRs!	
pl78-52	[Merchant Marine Insignia]	1943-05-10	Yes	WARNING: Law has 0 whitelisted FRs!	
pl78-520	[Selective Service System Criminal Code Exemption]	1944-12-20	Yes	WARNING: Law has 0 whitelisted FRs!	
pl78-521	Federal-Aid Highway Act of 1944	1944-12-20	Yes		
pl78-522	[Naval Ordnance Manufacturing]	1944-12-20	Yes	WARNING: Law has 0 whitelisted FRs!	
pl78-523	[D.C. National Memorial Stadium Commission Act, 1944]	1944-12-20	No		
pl78-524	[Permanent Appropriation Repeal Act Amendments, 1944]	1944-12-21	No		

Remove all the filters from the spreadsheet and save.

Congratulations! You have completed your Regulatory History. The last steps include exporting your history to the platform and tracking the work!

Update RI Workflow

Open the 'Regulatory Insight Workflow,' locate the law number. Place your name in the 'Editor' Column.

If the law has no associated FR articles, write “No FRs” in the appropriate column.

Bill Number	Bill Title	Emergency Clause	Author	Effective Date	Committee	Staff	Impact Date	Impact Description	Impact Category	Impact Link
p114-87	Surface Transportation Extension Act of 2015, Part II	Yes	Daryl	01/03/2017	No FRs					
p114-88	Recovery Improvements for Small Entities After Disaster Act of 2015	Yes	Daryl	01/03/2017					Business, industry, and	Online
p114-89	Improving Regulatory Transparency for New Medical Therapies Act	Yes	Daryl	01/03/2017					Health and safety	Online
p114-90	U.S. Commercial Space Launch Competitiveness Act	Yes	Daryl	01/09/2017					Science, technology, a	Online
p114-91	Protecting Our Infants Act of 2015	Yes	Daryl	01/09/2017		Jessica	1/23/17		Health and safety	Online
p114-92	National Defense Authorization Act for Fiscal Year 2016	Yes	David	10/10/2016		Jessica	6/6/16		National Defense and	Online
p114-93	Equity in Government Compensation Act of 2015	Yes	Daryl	01/03/2017	No FRs					
p114-94	Fixing America's Surface Transportation Act	Yes	David	10/10/2016		Jessica	1/16/17		Transportation	Online
p114-95	Every Student Succeeds Act	Yes	Daryl	01/06/2017					Education	Online
p114-96	Further Continuing Appropriations Act, 2016	Yes	Daryl	01/03/2017					Budget of the U. S.	Online
p114-97	Improving Access to Emergency Psychiatric Care Act	Yes	Daryl	01/03/2017	No FRs					
p114-98	Grassroots Rural and Small Community Water Systems Assistance Act	Yes	Daryl	01/03/2017	No FRs					
p114-99	Breast Cancer Research Stamp Reauthorization Act of 2015	Yes	Daryl	01/03/2017					Government organiza	Online
p114-100	Further Continuing Appropriations	Yes	Daryl	01/03/2017	No FRs					
p114-102	Hizballah International Financing Prevention Act of 2015	Yes	Daryl	01/03/2017					Foreign Relations and	Online
p114-103	Phyllis E. Galanti Arboretum	Yes	Daryl	01/03/2017	No FRs					
p114-104	Stem Cell Therapeutic and Research Reauthorization Act of 2015	Yes	Daryl	01/03/2017	No FRs					
p114-106	Securing Fairness in Regulatory Timing Act of 2015	Yes	Daryl	01/03/2017	No FRs					

If It does have associated FR articles, you must select a **high-level subject term** for the overall law. Some laws will not be perfectly represented by the available terms, just pick the best fit from the given options.

RI Laws Workflow

File Edit View Insert Format Tools Add-ons Help Last edit was made 2 days ago by anonymous

Agriculture and Fishing

	A	B	C	D	E
1	Agriculture and Fishing				
2	Banking and finance				
3	Budget of the U.S.				
4	Business, industry, and labor				
5	Civil Rights				
6	Communications				
7	Education				
8	Employment and economic security				
9	Energy				
10	Environment and natural resources				
11	Federal-State and Federal-local relations				
12	Foreign Relations and International Affairs				
13	Government organization and procedures				
14	Health and safety				
15	Housing				
16	Immigration and citizenship				
17	Law enforcement and justice				
18	National Defense and Security				
19	Native Americans				
20	Patents, trademarks and copyright				
21	Public welfare and public service				

Laws Subjects

Personal Tracking

Keep track of the number of FR articles you have reviewed each week along with the number of laws set to 'Yes'. Add this information to your weekly report to the manager. **Note: only laws**

which have not previously been set to 'Yes' will be included in your laws total for the week or sent to your partner for peer review.

Be sure to note any new laws which will be displayed online.

Reviewing

The review process allows editors to correct mistakes, reverse decisions and ensure accuracy of all histories. Therefore, the first immediate goal of the peer review process is to review the publications that are compiled in a particular public law's regulatory history to assure that nothing is there that should not be there, whether it is a false positive hit that is completely unrelated to the law at hand, or a category of publication that we have determined should not be included in the histories. For this reason, the peer review process should always begin in the Regulatory Insight application itself.

When the law appears on the application, it also allows editors to verify that all 'mini histories' such as RIN series or related federal regulations with the same titles are complete. Complete histories include both the 'Proposed Rule' and the 'Rule' or 'Final Rule.'

The Review Process

1. Open the legislative history for that law in the LI application. Get a look at the key details of the law: popular titles, the list of amended acts and, importantly, the list of cited act titles. The cited acts in particular will help you to get a grasp of the sorts of ground covered by the law. As you undoubtedly will know by this point, very often a single piece of legislation will cover several, seemingly unrelated subject areas, and the list of cited act titles will give you first indication of this.
2. Open the full text PDF of the law. It is not necessary to read the entire law, but ancillary to the review of the LI history, scanning the text of a law will give you a good sense of the ground that it covers. It will also be useful to have the PDF of the full text of the law at hand during your review. If something comes up that you aren't sure looks right, going to the law itself will help you to make a determination as to whether something does or does not belong in the regulatory history.
3. Open the regulatory history for the law in the RI application. When reviewing laws with only a handful of publications in the regulatory histories, it is easy to take a glance at all or most of them. For longer laws, however, you will need to conduct your review strategically so that your work is both effective and efficient. In the case of more extensive laws, you can start by taking a look at the first several publications to get an idea of the type of regulatory work that is being done relevant to the law. Once you have a solid sense of the types of rulemakings being generated by the law, continue your review of the RI history with a special eye open for outlying publications.

Things to watch for:

- a. Publications issued by an agency that seems unrelated to the subject matter of the law

- b. Rulemakings occurring several years or even decades after the enactment of the law
- c. Notices which administrative in nature
- d. Non-primary rulemaking articles
- e. Incomplete RIN series
- f. Final Rules without related Proposed Rules, or Proposed Rules without the Final Rule

It is important to note that none of these instances necessarily rules out a publication for inclusion in a regulatory history. Very often laws treating one subject matter, such as health care policy, will have implications affecting another, such as tax policy or even agriculture. Moreover, though primary rulemaking for any particular law more commonly occurs within a decade of passage of the law, many laws grant agencies broad yet loosely specified authority to regulate a particular activity and the agencies granted that authority will continue to refine their enforcement of the law for years and even decades after passage of the law. The idea, though, is to get a sense of the sorts of publications that are more likely to have been mistakenly included in the regulatory history and pay special attention to those cases when conducting your review.

4. When you find a publication that you think was either included erroneously or you disagree with the decision to include it, remove it from the law in the spreadsheet. If you believe there are FRs missing from a history, locate them in the spreadsheet and add them to the history.
5. Though we are primarily concerned in the review process with making sure that the regulatory histories do not include any erroneous publications, we also want to take a glance at FR records that were rejected, particularly for important and extensive laws. This is especially the case if you are looking at what you know or sense to be significant legislation, e.g. PL 111-148, the Patient Protection and Affordable Care Act, and it seems like there are fewer records compiled in the history than you otherwise might expect.

In such a case, you will then want to take a look at the checked tab of the spreadsheet for that Congress and review some of the publications that were rejected by the editor, particularly if, by the subject matter, they seem like they might be relevant. Make a note of any rejected FRs that you think should have been included and your reasoning for this and then bring them to the RI Manager's attention.

6. Once you've completed the review for a particular law, you will then go to the RI Workflow, enter your name in column G and the date of your review in column H and mark that the law is online in column J. Also glance at the Subject Term column to ensure you agree with the original editor's assessment of the main topic. Then move on to the next law.

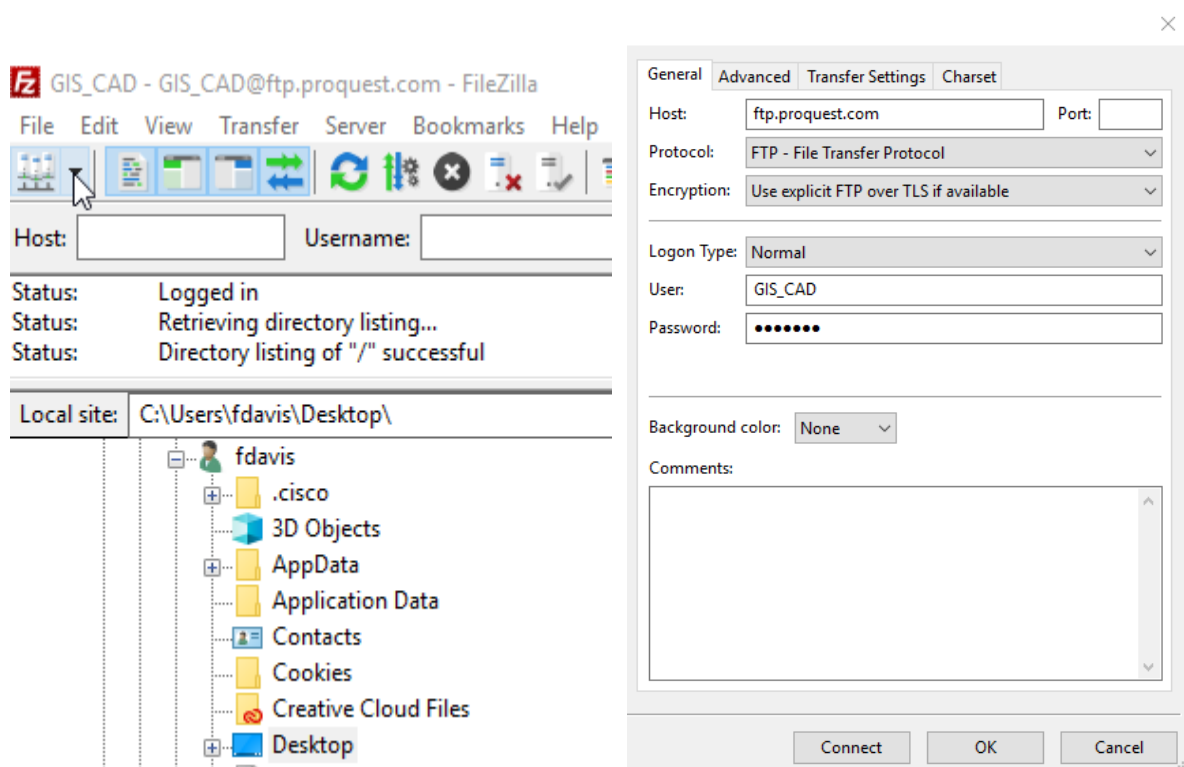
- When you've completed your review, inform either the RI Manager or the Senior Editor so the spreadsheets can be exported and the histories updated on the application.

Exporting Spreadsheets

To export the spreadsheets, you will need to load the Congress spreadsheets to the GIS content drive through FileZilla.

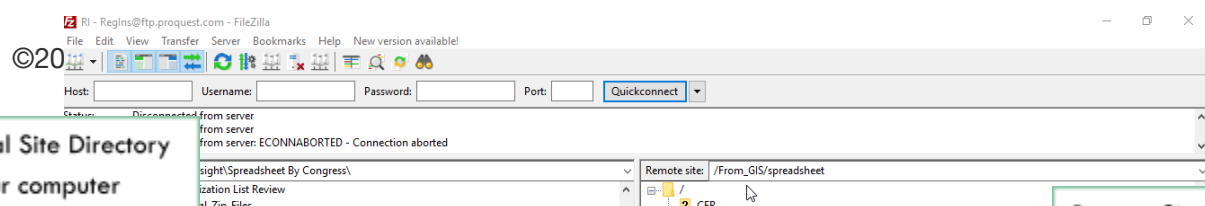
- Open FileZilla and connect to the Regulatory Insight FTP site. To connect, select the Site Manager tab in the upper left-hand corner and enter the site information.

LI (GIS):
<ftp.proquest.com>
Username: RegIns
Password: 4bd6a5Z0



Select 'Connect'.

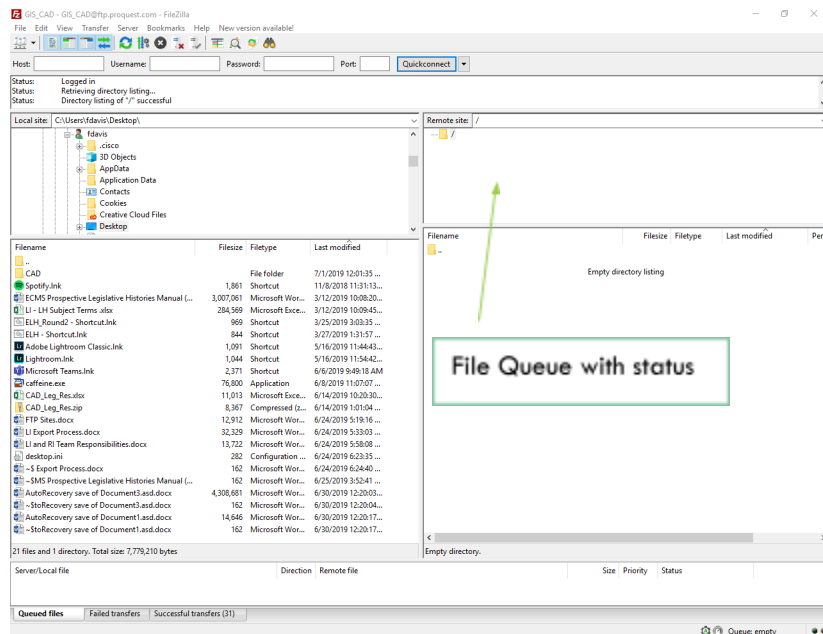
- Once connected, the right-hand of the screen will display your local source (your computer), the Remote site directory will now be open on the left-hand side.



- On the Remote Site navigate to the “To GIS” folder, followed by the ‘Spreadsheet’ Folder (the right-hand side of the screen).

Drop Location: /To_GIS/spreadsheet

- On the Local Site, navigate to the “Spreadsheet by Congress” Folder on the team shared drive.
- Upload all of the Congress spreadsheets to the FTP site by either double clicking or dragging the files from the local site directory (the left) to the FTP site (the right). The file will appear in your queue at the bottom of the screen. Once it is completed loading, it will disappear from the queue and show in the right-hand side of the screen under the folder.



6. On the shared drive, navigate back to the Regulatory Insight/Spreadsheets by Congress folder. Create a new folder with the days date on it. After the spreadsheets have finished loading to the FTP remote site, move the spreadsheets to this folder. This step creates a record of the work done that week and ensures that if something goes wrong with the export process, work is not lost.

After the spreadsheets have loaded to the remote site, you're done! Close out of FileZilla and wait for your spreadsheets to process. For all the spreadsheets to process it will take between 24 and 28 hours.

Importing Spreadsheets

Once the spreadsheets have finished processing, you will need to import them off the GIS remote site. This process will be a reverse of the export process.

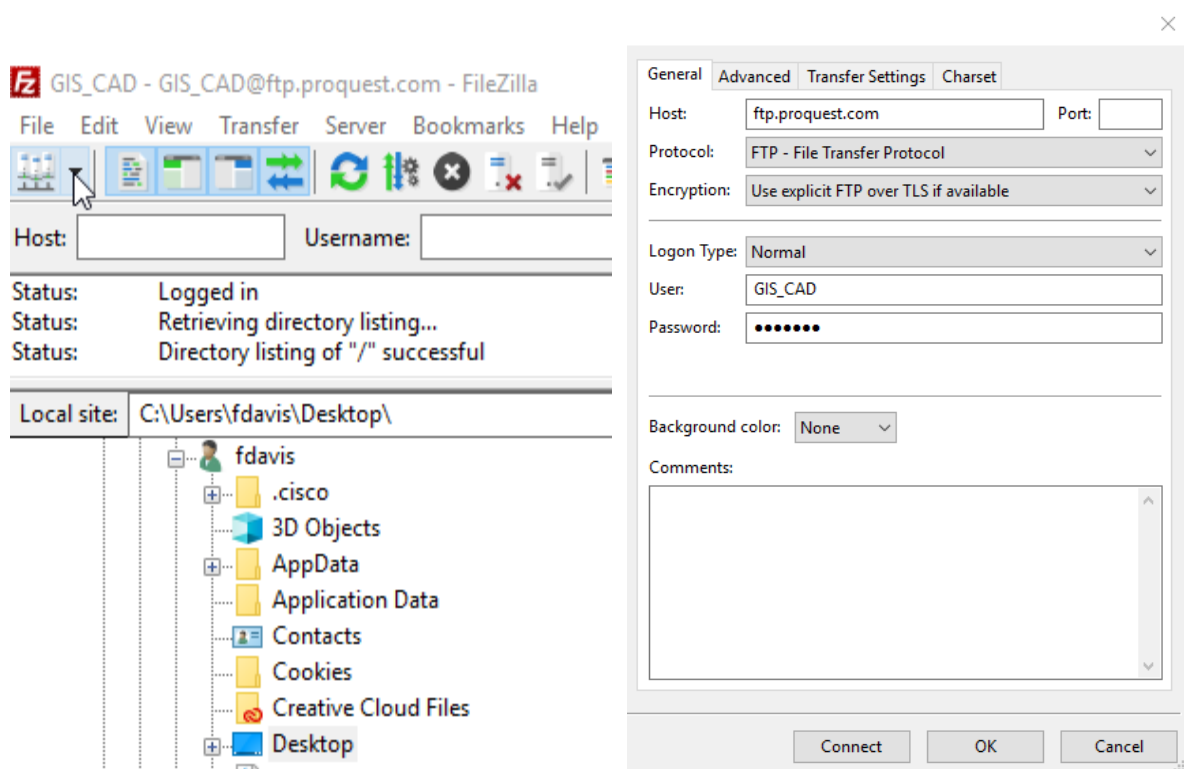
1. Open FileZilla and connect to the Regulatory Insight FTP site. To connect, select the Site Manager tab in the upper left-hand corner and enter the site information.

LI (GIS):

<ftp.proquest.com>

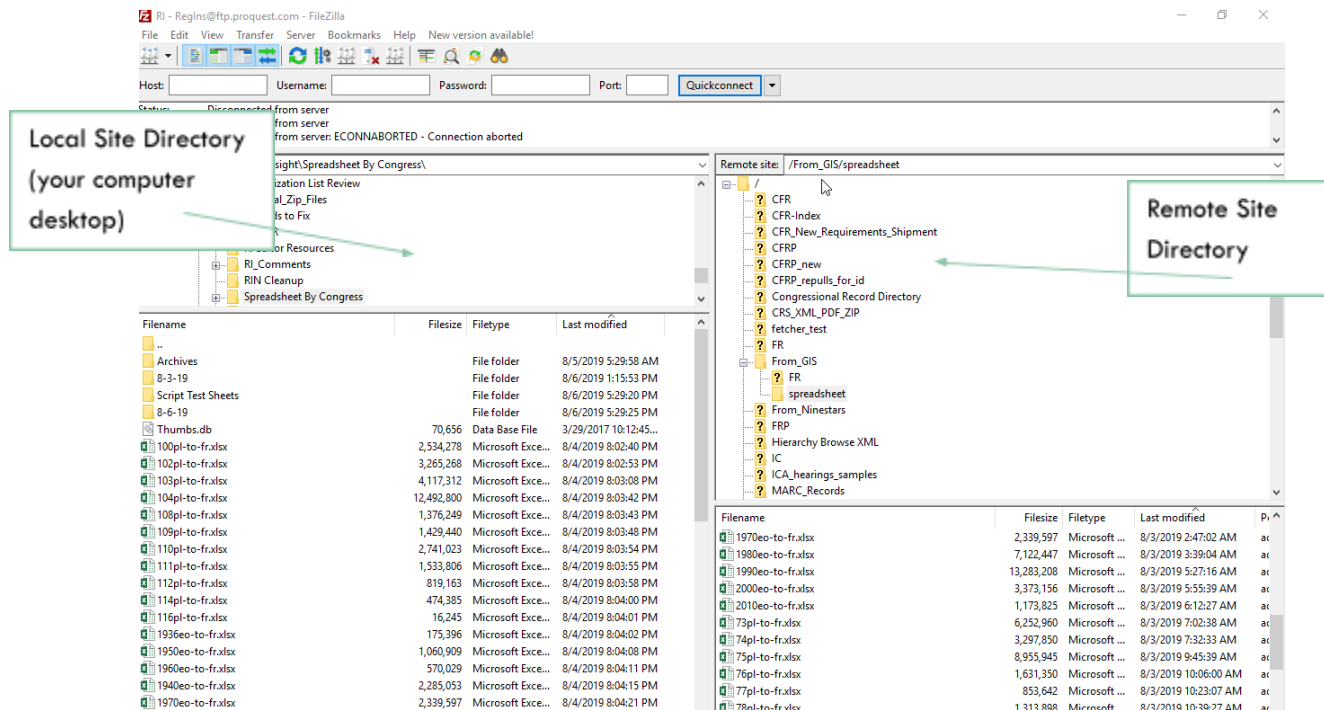
Username: RegIns

Password: 4bd6a5Z0



Select 'Connect'.

- Once connected, the right-hand of the screen will display your local source (your computer), the Remote site directory will now be open on the left-hand side.

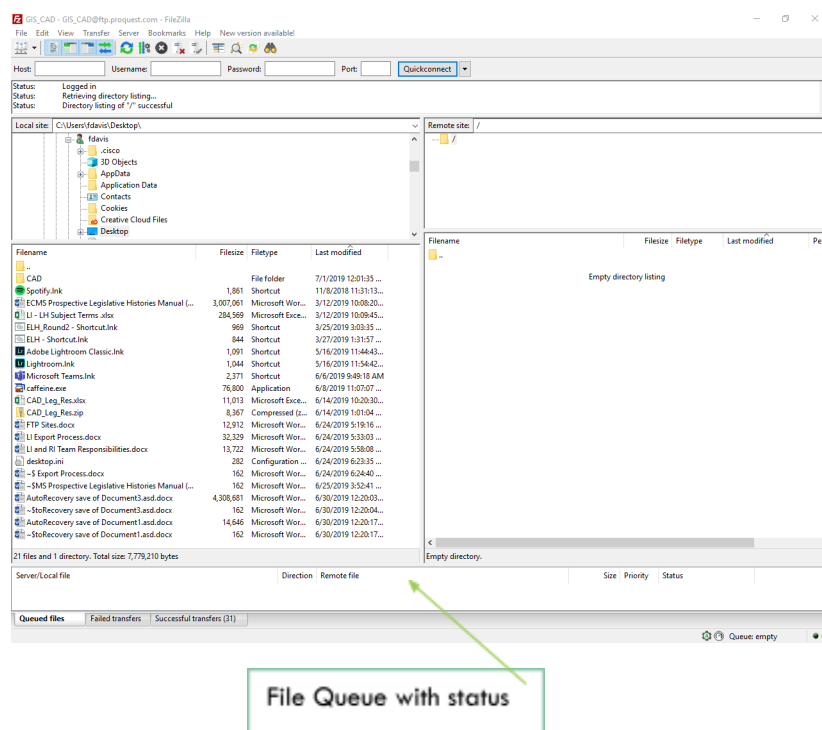


- On the Remote Site navigate to the “From GIS” folder, followed by the ‘Spreadsheet’ Folder (the right-hand side of the screen).

Pickup Location: /From_GIS/spreadsheet

Unlike the drop location for RI spreadsheets, this folder will not be empty. There will always be the most recent version of the RI Spreadsheets in this folder. For this reason, you need to verify the dates of the Spreadsheets to ensure that the Spreadsheets available are new (they should have dates and time stamps after the last date of export). If the dates are from the previous week or export, it means that either something has gone wrong with the export process or the spreadsheets have not finished processing.

- On the Local Site, navigate to the “Spreadsheet by Congress” Folder on the team shared drive.
- Upload all of the Congress spreadsheets to the local site from the FTP site by either double clicking or dragging the files from the FTP site (the right) to the local site directory (the left). The files will appear in your queue at the bottom of the screen. Once they have completed loading, it will disappear from the queue and show in the left-hand side of the screen under the folder.



After the spreadsheets have loaded to the team site, you're done! Close out of FileZilla and begin reviewing the spreadsheets!

RI:

<ftp.proquest.com>

Username: RegIns

Password: 4bd6a5Z0

Drop Location: /To_GIS/spreadsheet

Pickup Location: /From_GIS/spreadsheet