Overview of OFR legal authorities and the Document Drafting Handbook

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The Federal Register Act

44 U.S.C. CHAPTER 15
Background

- Enacted: July 26, 1935
- Central location for filing documents for public inspection
- The daily Federal Register
- The Code of Federal Regulations
44 U.S.C. § 1503

- Requires that an original and 2 certified copies be filed with the Office of the Federal Register.
- Once filed one copy must go on public inspection.
44 U.S.C. § 1505

- Documents that must be published
  - Executive Orders and Proclamations
  - All documents of **general applicability** and **legal effect**
    - Any document that has a penalty
  - Documents required to be published by Congress
- Establishes an alternative publication system in the event of an emergency
44 U.S.C. § 1506

Establishes the Administrative Committee of the Federal Register
- Types of documents published in the Federal Register
- Manner and form of publication
- Number of copies
- Prices
Cost structure of publishing in the Federal Register and CFR
44 U.S.C. § 1510

- Establishes the Code of Federal Regulations as a special edition of the Federal Register
  - Complete codification of documents of general applicability and legal effect
  - Requires the publication of findings aids (indexes)
  - Prima facia evidence of the text of the documents as published in the Federal Register
  - ACFR must publish regulations to carry out this Act
  - Presidential documents published not codified in Title 3 of the CFR
Administrative Committee of the Federal Register
1 CFR part 2

- General information about the publication system
  - 2.4 delegates the authority to enforce ACFR regulations to the Director
  - 2.6 unrestricted use of the contents of the daily Federal Register and CFR
1 CFR part 5

- General Federal Register requirements
  - 5.4 what types of documents can’t publish in the Federal Register
  - 5.9 categorizes the documents in various sections of the daily Federal Register
1 CFR part 16

- Establishes Federal Register Liaisons and their duties
- Includes Certifying officers
1 CFR part 17

- Receipt and processing of documents
  - 17.2 regular schedule
  - 17.3 emergency filing
  - 17.7 deferred filing
1 CFR part 18

- Preparation and submission of documents
  - 18.3 don’t combine document types
  - 18.7 signature requirements
  - 18.12 preamble requirements
  - 18.13 withdrawal or correction of documents
  - 18.16 reinstating of expired regulations
  - 18.17 calculating effective dates
• Preparing proposed and final rule documents
  ○ 21.6 notice of expired regulations
  ○ 21.11 codification structure
  ○ 21.14 requests for deviations for the standard structure
  ○ 21.21 cross referencing
Summaries

- What action is being taken?
- Why is this action necessary?
- What is the intended effect of this action?
DDH Chapters 1 & 2

- Discuss drafting proposed and final rules

- 1.13 and 2.13 Amendatory language
  - One amendment per CFR section

- 1.14 and 2.14 Asterisks

- 1.15 and 2.15 Cross-referencing
DDH Chapters 1, 2 &

- Legal Citation style

Be careful with tables

Keep them simple
- Printing costs
- 508 compliance
Question and Answer chapter

- 8.10 withdrawing or correcting documents
- 8.13 combined documents
- 8.17 quoting materials