

# 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

# 44 U.S.C. § 1509



- **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 facie 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 CHAPTER I**

# 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

# 1 CFR part 21



- **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

# Document Drafting Handbook



**[WWW.ARCHIVES.GOV](http://WWW.ARCHIVES.GOV)**

# DDH Chapters 1 & 2



## 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**

**Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990  
Comp., p. 306; 5 CFR 2635.105.**

# DDH Chapter 7



- **Be careful with tables**
- **Keep them simple**
  - Printing costs
  - 508 compliance

# DDH Chapter 8



## Question and Answer chapter

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