Regulations! Regulations! Read All About It! Insights Into the Regulatory Process

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Kenya Flash, Librarian for Political Science, Global Affairs, and Government Information
Yale University, kenya.flash@yale.edu

Jennifer Castle, Assistant Professor, Reference and Government Documents Librarian
Tennessee State University, jcastle@tnstate.edu
Learning Outcomes

- Define pertinent statuses, terms, and ideas within regulatory processes
- Describe the steps of the regulatory process
- Select appropriate sources for locating plans for regulations, and how to analyze regulations
Key Concepts and Ideas

- Regulation
- Rule
- Unified Agenda
- Federal Register
- Federal Register document
Key Concepts and Ideas

❖ OIRA

❖ Code of Federal Regulations

❖ Regulations.gov

❖ RegMap
Key Concepts and Ideas

- Administrative Procedure Act of 1942
- EO 12866
- EO 13566
RegMap and Informal Rulemaking

The Reg Map®
Informal Rulemaking

What is the Reg Map?
This Reg Map is a primer on the federal government agency “informal” rulemaking process. The Reg Map reflects general requirements that apply to most federal agencies and rulemakings. In rare cases, the APA requires trial-type, or “formal,” procedures to develop a rule. Other statutes that apply to a specific agency, program, or subject may impose different procedural steps (e.g., mandating negotiated rulemaking to develop a proposed rule).

Most all rulemakings follow all Reg Map steps.
In typical cases, a rulemaking action would proceed from Step 1 to Step 9, including OMB review at the proposed and final stages for certain kinds of significant regulatory actions, per E.O. 13286. As the Reg Map shows, however, Congress has exempted some rulemakings actions from APA notice requirements. In addition, when stakeholders have challenged regulatory actions, courts have interpreted APA requirements over time, influencing how agencies carry out “informal” rulemaking procedures at a practical level, some of which is explained in the Reg Map.

The requirements described in the Reg Map are applicable to all federal agencies.
Some of the procedures described in the Reg Map, such as OMB review, only apply to executive agencies and agencies that administer and enforce federal law (e.g., the President, other than, such as APA public notice and comment requirements and the APA, which applies to independent regulatory agencies (e.g., boards and commissions)). Following APA requirements and other applicable authorities that affect the rulemaking process is the best way for all agencies to develop final rules that will meet regulatory objectives and survive judicial review.

The Reg Map: An Informal Rulemaking Procedure

The Reg Map is a conceptual outline of the key regulatory steps that agencies take when developing new regulations. The Reg Map is divided into 10 steps, each of which is described in detail below. The Reg Map is designed to provide a general overview of the rulemaking process, highlighting the key points that agencies should consider at each step.

The Reg Map is intended to be used as a tool for both agencies and others who are involved in the rulemaking process. It is not a substitute for detailed legal analysis or specific guidance from the APA or other sources. Agencies should consult with their general counsel or other legal advisors to ensure that they are complying with all applicable laws and regulations.

Visit the Reg Map at www.reginfo.gov/public/ for more detailed information and resources.

Informal Description of Rulemaking

Step 1- Consider initiating event

Step 2- Determine the need for public notice

Step 3- Develop a Proposed Rule

Step 4- Send to Office of Management and Budget (OMB and potentially other agencies) for review

Step 5- Publish the Notice of Public Rulemaking
Informal Description of Rulemaking

Step 6- Analyze public comments

Step 7- Develop a final rule.

Step 8- Send Final Rule to OMB for review.

Step 9- Publish final rule.
Web Resources

- Unified Agenda
- Regulations.gov
- Federal Register
- Electronic Code of Federal Regulations
Unified Agenda
OIRA is responsible for reviewing the information collection activities for all federal government agencies. The graphs below show the information collections currently under review at OIRA. For more information on the Information Collection Review (ICR) process, please see the FAQ page.

**INFORMATION COLLECTIONS CURRENTLY UNDER REVIEW BY TYPE**

**GROUP of 10 AGENCIES**

**PENDING COLLECTIONS OF HHS BY TYPE**

- New collection
- Extension without change
- Revision
- Reinstatement without change
- Reinstatement with change
- Existing collection in use without an OMB Control Number
- Discontinue

View: By Type

Total Pending ICRs: 958
Spring 2020 Unified Agenda of Regulatory and Deregulatory Actions

The Trump Administration's Unified Agenda of Regulatory and Deregulatory Actions (Agenda) reports on the actions administrative agencies plan to issue in the near and long term. Released by the Office of Information and Regulatory Affairs, the Agenda demonstrates this Administration's ongoing commitment to fundamental regulatory reform and a reorientation toward reducing unnecessary regulatory burdens on the American people.

By amending and eliminating regulations that are ineffective, duplicative, and obsolete, the Administration can promote economic growth and innovation and protect individual liberty.

Fulfilling longstanding principles to review and assess existing regulations, the Agenda includes new deregulatory actions, as well as the withdrawal and reconsideration of other regulatory actions. Agencies are committed to careful assessment of the costs and benefits of each regulatory and deregulatory action and to ensuring that the benefits of regulations substantially justify the costs. The Agenda recognizes that reform will take time and require rigorous analysis, public input, and careful consideration of legal requirements. To this end, the Agenda provides greater information and transparency about regulatory actions proposed by agencies.

The Agenda represents ongoing progress toward the goals of more effective and less burdensome regulation. This Spring Agenda reflects the following broad regulatory reform priorities:

- **Advancing Regulatory Reform.** In this Spring Agenda, agencies continue to identify ineffective regulations for revision and repeal across a variety of sectors. Consistent with Administration priorities, agencies pursue actions that streamline infrastructure development, promote emerging technologies, and provide relief for small businesses.
- **Public Notice of Regulatory Development.** In order to provide timely and accurate notice to the public of upcoming deregulatory and regulatory actions, agencies have targeted actions likely to occur in the next 12 months. A clear and accurate Agenda helps avoid unfair surprise and achieves greater predictability of upcoming actions.
- **Transparency.** In support of the Administration's commitment to transparency, the Spring Agenda has enhanced search capabilities and functionality. Agencies have also provided consistent and unique identifiers that will allow the public to track regulatory policy from beginning to end.
- **Consistent Practice across the Federal Government.** The Agenda reflects core Administration priorities for reducing regulatory burdens across administrative agencies, including in the anticipated deregulatory and regulatory actions from the historically independent agencies.

Select Agency [ ]

Active Regulatory Actions Listed by Agency

(Only agencies with information relevant to this report appear in the list.)
Historical Unified Agenda and Regulatory Plan

This page allows you to select a specific edition of the Unified Agenda and view its published information. To view published information across several editions please use the SEARCH function.

The Reginfo.gov site currently includes editions beginning with fall 1995.

Spring 2020 Unified Agenda of Federal Regulatory and Deregulatory Actions
Fall 2019 The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions
Spring 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions
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Submit
## Agency Rule List - Spring 2020

**Department of Health and Human Services**

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The Regulations.gov beta is a re-envisioning of Regulations.gov, with enhanced search capabilities, a simplified commenting process, and a brand new design to improve the user experience in public commenting.

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Comments Due Soon

Today  21
Next 3 Days  98
Next 7 Days  177
CARES Act Programs; Equitable Services to Students and Teachers in Non-Public Schools

Posted by the Department of Education on Jun 30, 2020

Action
Interim final rule with request for comments.

Summary
The U.S. Department of Education (Department) issues this interim final rule to clarify the requirement in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) that local educational agencies (LEAs) provide equitable services to students and teachers in non-public schools under the Governor’s Emergency Education Relief Fund (GEER Fund) and the Elementary and Secondary School Emergency Relief Fund (ESSER Fund) (collectively, the CARES Act programs).

Dates
Effective Date: This interim final rule is effective July 1, 2020.
Federal Register
Executive Orders

The President of the United States manages the operations of the Executive branch of Government through Executive orders. After the President signs an Executive order, the White House sends it to the Office of the Federal Register (OFR).

The OFR numbers each order consecutively as part of a series and publishes it in the daily Federal Register shortly after receipt. For a table of Executive orders that are specific to federal agency rulemaking, see https://go.usa.gov/xv9cZ.

Donald Trump 175  Barack Obama 276  George W. Bush 291  William J. Clinton 254

Proclamations

The President of the United States communicates information on holidays, commemorations, special observances, trade, and policy through Proclamations. After the President signs a Proclamation, the White House sends it to the Office of the Federal Register (OFR).

The OFR numbers each proclamation consecutively as part of a series and publishes it in the daily Federal Register shortly after receipt.

Donald Trump 490  Barack Obama 1228  George W. Bush 941  William J. Clinton 600

Other Presidential Documents

The President of the United States issues other types of documents, including but not limited to: memoranda, notices, determinations, letters, messages, and orders. After they are signed, the White House sends it to the Office of the Federal Register (OFR).

The OFR does not number these documents but does publish them in the daily Federal Register shortly after receipt. They are
Code of Federal Regulations (primarily E-CFR)
General Provisions
Electronic Code of Federal Regulations

e-CFR data is current as of July 29, 2020

USER NOTICE

Browse: Select a title from the list below, then press "Go".

Title 1 - General Provisions

Need assistance?
The Code of Federal Regulations (CFR) is the official legal print publication containing the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. The Electronic Code of Federal Regulations (eCFR) is a continuously updated online version of the CFR. It is not an official legal edition of the CFR.

You can learn more about the eCFR, its status, and the editorial process here.
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Contact

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