



## USING REGULATORY INSIGHT FOR ADMINISTRATIVE RESEARCH

### Research Scenario #1 -- Locating the most Recent Final Regulations

Research Robin is rather old school and has just found out that she has access to a new database called Regulatory Insight. As she goes through her day, she is going to learn how to use it to do some common research tasks that she used to do using the print publications. She has just received a fax from one of her firm's better clients, Fass In It, Inc. Fass In It, Inc. manufactures various kinds of clothing fasteners and its new CFO is most concerned about the potential economic impact of Congress' last amendment to the Fastener Quality Act. The fax requests any information concerning recently promulgated regulations pursuant to that amendment.

Here is how she used to do it:

*The CFR Index's Parallel Table of Authorities and Rules won't help her because she doesn't know the citation. If she knew the citation, Research Robin know that to find the text of a final regulation for a recently passed law of Congress, she must consult the updating tool, List of Sections Affected. The List of Sections Affected (LSA) is a monthly updating tool which has a table indicating additions to the Parallel Table of Authorities and Rules for that month. When consulting the most recent LSA, she would discover that there is a new regulation for Public Law 106-34 in the CFR at 15 Part 280. She would next look at the listings for Title 15 in the LSA and find that this new regulation was added at page 30703 of the Federal Register. The Table of Federal Register Issue Pages and Dates, also found in the LSA, will tell her in which Federal Register she will find that page and that regulation. This table takes her to the issue of the Federal Register which contains the newly promulgated additions to Part 280 to Title 15 of the Code of Federal Regulations. She may now fax her findings to Fass In It, Inc.*

This is where Regulatory Insight makes this kind of research easy. You show her that the Basic Search suggests Popular Law names as she types, so the researcher doesn't need to know the citation or Congress. The Regulatory Histories draw together all the relevant



Federal Register articles that are related to these Acts or amendments and allow her to filter or search for specifics.

- a. On the Home or Basic Search screen, type Fastener. You will receive several suggested act names in the pop-up. Since we don't know which one is the latest, select the most generic name, "Fastener Quality Act".
- b. In your results, there are 3 Regulatory Histories, the most recent is 106-34.
- c. Click on the history link and notice that there are 10 items- rule-making and notice articles. The Regulatory History summary at the top contains a link to the CFR part(s) affected by the implementation of this legislation- the proposed and/or final rules that may have amended the CFR on the authority of that public law. This link is always to the most current version of the CFR that is in effect today.
- d. Since we are interested in final rules only, use the "Filter This History" box at the top of the page to filter the articles to view Rules only. Each final rule has a link to the CFR section affected which takes you to the version of the Rule that took effect as a result of that rule.

## Research Scenario #2 -- Locating a Recently Proposed Regulation

Research Robin has just returned from a telephone call with a former colleague who is working for a Legal Services Corporation. The friend is interested in locating a *recently proposed* rule governing fee-generating cases.

Here is how she used to do it:

*To locate the text of a proposed regulation presently under consideration, Robin would either use the Federal Register Index (which is updated monthly during the calendar year) or scan for the agency's name in the daily Federal Register table of contents. The choice between the two starting places depends upon how recent the regulation.*

*Research Robin suspects that the regulation at issue was proposed several months ago. So, she begins by using the most recent Federal Register Index and there she finds a listing for Legal Services Corporation. The Federal Register Index has separate categories for Rules (meaning Final) and Proposed Rules. Under Proposed Rules, she finds a listing for fee-generating cases at a page number. She*



*must again convert this page number to a specific issue of the Federal Register. To do this, she consults her old friend, Table of Federal Register Pages and Dates, which is found towards the end of, and covers the time period of, the Federal Register Index. She can now refer her friend to that Federal Register issue where the proposed regulation may be found.*

Here is another case where ProQuest Regulatory Insight indexing can help her quickly locate relevant FR's.

- a. On the Basic Search or Home screen, click on the "Find Terms" link directly below the search box. While a harmonized subject index is currently being developed, each document is indexed by Agency and sub-agency. Select Legal Services Corporation from the L list. This populates the search box for you and retrieves all regulatory histories, FR and CFR documents tagged with "Legal Services Corporation"
- b. In the results we want to filter for Federal Register articles that are Proposed Rules.
- c. Check the "Search Within" box below the search box and enter "fee-generating cases" in the search box. You can sort your list by date to see the most recent proposed rule.

### Research Scenario #3 -- Locating a Proposed Regulation that was not promulgated

*So, as a variation on the previous question, Research Robin has to locate the text of a proposed regulation that was never promulgated. She knows that the Federal Register is the only official source of proposed regulations. Therefore, by using either the official or commercial indexes, she is able to locate older proposed regulations. She simply identifies the time period when the regulation was proposed, as best she can, and starts with an index to the Federal Register for that time period. Remember that any page number references that she finds will need to be converted to a particular Federal Register issue using one of the tables.*

This is where Regulatory Histories can make this type of research much easier. Because regulatory histories organize the proposed and final rules into a single place, you can easily see as you look at a history whether a proposed rule became a final rule.

Using PL 112-95, FAA Modernization and Reform Act of 2012 as the starting point, you



can see that the TSA published a NPRM about passenger screening using advanced imaging technology (AIT). We do not see a final rule (yet) on this same subject.

Instead of an index, the researcher can use the Basic Search form to enter terms and have Public Laws suggested or retrieve all documents that have the desired search string. The researcher can use Boolean terms and connectors to search across content and can use the Advanced search form to search specific content types and fields where certain information is known or sought.

For example, if Research Robin wants to look for proposed regulations on the subject of unmanned aircraft systems (drones), she can use the Advanced Search form.

- a. On the Advanced Search, select Proposed Rules from the Content Types under Federal Register on the left.
- b. In the search box, enter "unmanned aircraft systems" (the quoted phrase to look for an exact match) AND hobbyist
- c. Select all fields including full text (You can use both visible box rows and connect the terms with the AND connector in the pull-down, or enter the terms in a single box with the AND connector typed between them.
- d. Your result is 80 FR 9543, a proposed rule on "Operation and Certification of Small Unmanned Aircraft Systems"

## Research Scenario #4 -- Locating a Final Regulation that is No Longer in Force

After a long morning on the regulatory research trail, Research Robin describes stories of past research scenarios. It seems that there used to be a now retired senior partner at the firm, named Fred Forgotten. Mr. Forgotten had an uncanny ability to rely on sections of the CFR which were no longer valid. Needless to say, this infuriated his partners. It did, however, give Research Robin practice in fine tuning her skills in tracing the prior history of sections of the Code of Federal Regulations.

Here is how she used to have to do this:

*The "simple" way to do this, as Robin explained, was to consult the List of CFR Sections Affected table which appears at the end of any of the CFR volumes for the title she was interested in. This listing contains a year by year report, covering 1986 to the present, of changes to that title of the Code of Federal Regulations. For earlier years, check the LSA bound volumes, covering time periods back to 1949, for detailed information concerning the history of a CFR reference.*



On Regulatory Insight, she can use the Search by Number form to enter the citation to the part she wishes to check. She can restrict by year to see the regulation at a particular point in time, or search ALL YEARS to see each version.

- a. Search by Number, enter 20 CFR 655, All years
- b. Note that your results also include Regulatory Histories- yes, you can also tell when, how, why, and BY WHAT AUTHORITY the regulation changed. Or you can filter for just the CFR's to see the regulations themselves. Sort by date to see the most current regulation on the top of your list.
- e. If you go into the regulatory history, each history summary has a list of the CFR parts affected by the implementation of this legislation- the proposed and/or final rules that may have amended the CFR on the authority of that public law. (This is replacing the Print LSA that we used to have to consult each time we wanted to verify the currency of a rule.) This link is always to the most current version of the CFR that is in effect today.
- c. In addition, in the proposed and final rules, each document has a link to the THEN IN FORCE version of the CFR that is subject to amendment, or in the case of a final rule, the resulting CFR at that point in time.

## Research Scenario #5 -- Locating the Original or Proposed Text of a Regulation before Codification

Research Robin return from lunch to find Steven Swamp waiting with a floodplain regulation issue. Mr. Swamp has the relevant CFR part, 10 CFR 1022, which he is holding, but now wishes to look at the original text of the regulation before it was codified in the Code of Federal Regulations. Robin explains that the Federal Register is the source of all proposed rules and regulations as well as final rules before being published by subject matter in the Code of Federal Regulations.

*Here is Research Robin's old school way:*

*Robin points out that the information Swamp seeks is right in his hand. A researcher looking for the original text of a federal regulation should consult the source note. The source note appears after the outline of the CFR part and will indicate the date and citation for when the Federal Register last published the*



*regulation in full. For instance, the source note for the Floodplain regulation, 10 CFR 1022 gives a citation to the original regulation published in the Federal Register. She will then consult the FR for that document.*

Now that Robin has Regulatory Insight, everything is hyperlinked and easily connected:

- a. Use the Search by Number and the CFR form enter 10 CFR 1022. Select 2016 for the year.
- b. Note the Source link to 68 FR 51432
- c. Click on the link and open the full text PDF. In the final section of this document you will see the changes to the existing regulatory text detailing what was changed.

## Research Scenario #6-- Locating the Enabling Authority for a Known Regulation

Steven Swamp's real question is this. Knowing that all federal agencies receive the authority to promulgate rules and regulations from either Congress or the President, he would like to find the authority for this particular regulation.

Research Robin knows that a researcher who is looking for the enabling or authorizing authority for a regulation should examine the authority note. Such enabling authority may be a reference to an act of Congress or to an Executive Order of the President. The authority note will appear at the beginning of a CFR part. And indeed, Swamp's photocopy shows an authority note for the relevant CFR part, just above the source note previously pointed out.

ProQuest's online version of the CFR also includes the Authority note for each CFR part. Customers with access to ProQuest Executive Orders and Presidential Proclamations (EOPP) module can use E.O. numbers to retrieve these documents. We will be creating Regulatory Histories in the future for these Executive Orders as well.

## Using the Regulatory History to find mention of specific issues or terms

Using the "drone" example, you want to show Research Robin how to find the mention of very specific things in a regulatory history. Sometimes her lawyers want to know what



comments were made on a particular proposed rule and how the agency responded. You know that the drafting manual for the Federal Register required the Agency to include this material in the final rule.

- a. Use search by number to enter Public Law 112-95, the law you know authorized the FAA to regulate this area of law.
- b. This is a large regulatory history containing over 110 items with many different subject matters included.
- c. Using the “Filter this history” box at the top of the page, in the “Find In Full Text” box type hobby\* (the wildcard allows you to search for forms of the word that begin with hobby such as hobbyist). “Only show docs matching full text search filters out the other docs from your screen so you only see those results that have you search terms in the full-text, i.e. the PDF. Your search string can be as simple or complex as you’d like, using Boolean and proximity connectors listed in the HELP.
- d. Filter for Rule to find the type of documents that will have public comments and agency responses. Use Adobe Reader to open the PDF and search for your term(s).