



Better Than Government Work:

Finding Federal Regulations on the Web

by Kurt X. Metzmeier

Government legal publishing has taken a beating from legal research professors over the years. We roll our eyes as we compare the leisurely publishing schedule for the United States Reports to the corporate efficiency of West's Supreme Court Reporter. We advise students that the pocket-parts and regular advance sheets used by the commercial federal annotated statutes are vastly superior to the official United States Code's arcane one-every-few-years supplementation method. And don't get us started about the index to the Code of Federal Regulations...



However, in one area the government publishers have outdone the for-pay competition: online federal regulations. At no cost, lawyers can access the latest federal regulations in a much more transparent and authoritative manner than provided by Westlaw and Lexis. In addition, results can be printed off from PDF files that look exactly like the original printed documents. They can even monitor—and comment on—proposed regulations, all with the click of a mouse.

GPO Access

The federal regulatory materials are provided by GPO Access www.gpoaccess.gov, the online gateway of the Government Printing Office. GPO Access has very bipartisan roots: it was created in 1994 under the prodding of former House Speaker and futurist Newt Gingrich at about the same time the geekish Vice President Al Gore was inventing the Internet.

Code of Federal Regulations

The starting point for regulatory research is the Code of Federal Regulations www.gpoaccess.gov/cfr/, which contains the “general and permanent” regulations of the United States. The GPO website has all the same content as the print version, but with all the search capabilities of an online database.

Researchers can query by keyword or by citation, or browse a title-outline. Results can be viewed as plain text or formatted just as they look in the print version. In addition to the current version of the CFR, the full contents of every edition of the CFR since 1997 are provided (with Titles 40 to 50 also available for 1996). A relatively new feature uses a wizard to help users create a link to a CFR section that they can paste into a document, a web page or, perhaps, their blog www.gpoaccess.gov/cfr/link.htm.

Of course, research in the annually issued CFR must be updated to catch changes since the particular volume was published and to do so researchers must use the dreaded List of CFR Sections Affected (LSA).

Use of this tool in print is torturous; the web version (while not actually much different) eases the process by allowing researchers to check their citation by typing it into a search box. They still need to search multiple tables (Last Month's List, Current List, Today's List), but at least they can check them from one webpage www.gpoaccess.gov/lsa/. The tables reference any changes to a CFR section found in the Federal Register, and the LSA page has a helpful link to the Retrieve a Federal Register page www.gpoaccess.gov/fr/retrieve.html so that researchers can quickly check the text of any citation found.

Federal Register

The Federal Register www.gpoaccess.gov/fr/ sometimes known as the “daily newspaper of the federal bureaucracy,” is where “rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents” are published. The GPO Access version, published electronically each morning, has pretty much eclipsed its snail-mailed print sibling for all but the most “inside-the-beltway” user.

There are three ways to search: a simple search, an advanced search, and the above-described search-by-page-number feature. Users can also browse by table of contents. The results of searches are displayed as PDFs identical to the print edition. The database includes full coverage from 1995 forward; 1994 can be searched by the simple search only.

One handy feature for lawyers who practice in federally regulated areas is a listserv where they can sign up to receive the daily Federal Register table of contents by email at <http://listserv.access.gpo.gov/archives/fedregtoc-1.html>. It's a good way to see if any new regulations in one's practice area have been proposed or finalized.

Regulations.gov

While it is possible to follow proposed new regulations in the Federal Register, the best way is to do so is to access Regulations.gov www.regulations.gov, a website authorized under Section 206 of the 2002 E-Government Act to enhance the public's access to federal regulatory decision-making.

All proposed regulations still open to comment can be searched on the web by topic, by agency, or by keyword. Because keyword searches of regulatory language is often hit-or-miss, for most searchers the best strategy is to view all open regulations promulgated by the agency most relevant to the subject matter. This is done by choosing the agency with a simple drop-down menu.

The coolest feature (if the adjective “coolest” can ever be used while discussing federal regu-

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Websites You'll Want to Bookmark

www.gpoaccess.gov

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The Federal Register page.

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latory research) is that users can post comments on proposed regulations (from most agencies) directly from the website, either by typing them into a text-entry box or by attaching a file. In addition, previously posted comments can often be read on the site (again, this depends on the issuing agency).

Why Not Westlaw or Lexis?

Taken together, free federal resources can be used to search for authoritative, current, and printable regulations, to track regulatory changes, and, perhaps, to influence those changes. Yes, but isn't it all also on Westlaw and Lexis, and easier to use there? Besides the cost, there are a number of reasons that, for serious federal regulatory research, one should stick to the official sources.

First, the commercial databases do not render the text of regulations in a way that transparently shows where the official text ends and their editorial "enhancements" begin. Too frequently I have found that important features located in the original text of the regulation (source notes, for example) have been omitted in the version found in a commercial database.

Second, the commercial databases take Federal Register changes found in the LSA and "helpfully" add them as annotations to the CFR sections to which they relate. While good in theory, there are problems with this approach. Often the context where these references are placed (alongside other enhancements of varying usefulness) obscures the importance of reading this vital material. In addition, you have to explicitly trust that the editorial process insures that the LSA is checked daily and any changes are posted promptly—call me paranoid, but I don't have that kind of trust.

Finally, the results of searches of these databases are facsimiles of the official print sources. What you see is what you get. Which is ... better than government work.

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Alito

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counsel for the Judicial Confirmation Network. "He has said, for example, that it is not enough to overturn a prior case just because it was wrongly decided."

O. Carter Snead, a professor at Notre Dame Law School, said opposition to Alito based on his views in the document "illustrates the fact that for some senators there's only one acceptable view" on *Roe* for a Supreme Court nominee.

"I fully expect that a significant number of senators who strongly support abortion rights will regard this as automatically disqualifying," Snead said. "But that's a purely results-oriented viewpoint that ignores the host of thoughtful critiques of *Roe* raised by both liberal and conservative scholars."

Jan Crawford Greenburg writes for the Chicago Tribune and will speak at the annual Bench & Bar Dinner on January 19. Reprinted with permission of the Chicago Tribune; copyright Chicago Tribune; all rights reserved. ■

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