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# Federal Register Document Drafting Handbook

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## Appendix C: Laws That Affect Federal Register Publication

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This Appendix lists laws that you will use to determine what documents your agency may need to publish in the *Federal Register*, or the procedures you will use to publish in the *Federal Register*, or the procedures you will use to conduct a rulemaking. These laws are:

- Federal Register Act (44 U.S.C. chapter 15)
- Administrative Procedure Act (5 U.S.C. subchapter II)
- Federal Advisory Committee Act (5 U.S.C. appendix)
- Freedom of Information Act (5 U.S.C. 552)
- Privacy Act (5 U.S.C. 552a)
- Government in the Sunshine Act (5 U.S.C. 552b(e)(3))
- Negotiated Rulemaking Act (5 U.S.C. 561 *et seq.*)
- Small Business Regulatory Fairness Enforcement Act (5 U.S.C. 801 *et seq.*)
- Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)
- Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

The Federal Register Act and the Freedom of Information Act require that documents published in the *Federal Register* be official agency actions.

The Federal Register Act (44 U.S.C. chapter 15) requires publication of the following documents in the *Federal Register*:

- Presidential proclamations and Executive orders, except those not having general applicability and legal effect or effective only against Federal agencies or persons in their capacity as officers, agents, or employees of a Federal agency. For purposes of the act, every document that prescribes a penalty has general applicability and legal effect.
- Documents or classes of documents that the President may determine from time to time to have general applicability and legal effect.
- Documents or classes of documents that may be required to be published by Act of Congress.
- Documents authorized to be published by regulations except for comments and news items.

The Freedom of Information Act (5 U.S.C. 552) requires publication of the following documents in the *Federal Register*:

- Descriptions of central and field organizations of each Federal agency;
- Descriptions of the course and method by which each Federal agency's functions are channeled and determined;
- Rules of procedure and a description of forms available;
- Substantive rules of general applicability;
- Statements of general policy or interpretations of general applicability; and
- Each amendment, revision, or repeal of the above materials.

The Freedom of Information Act also authorizes the Director of the Federal Register to approve the incorporation by reference of eligible material in the *Federal Register*.

The regulations of the Administrative Committee of the Federal Register provide that whenever the Director of the Federal Register finds that publication of a document would be in the public interest, the document may be published in the *Federal Register*.