How Do You Update the Code of Federal Regulations Using FDsys?

by Patrick J. Charles

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One of the most challenging tasks that researchers face is updating federal regulations. Official government publications traditionally provide minimal indexing and limited readers' aids. In 1996, Lydia Potthoff offered advice on how to update the Code of Federal Regulations (CFR) in print, on Westlaw, and on Lexis. Over the past decade, although Web-based access to the Federal Register and the CFR has simplified the process, updating federal regulations still requires several steps.

After demonstrating how to update the CFR on GPO Access to scores of students, I decided to create an illustrated research guide with sequential screen shots and step-by-step how-to instructions, which was published in 2009 in Perspectives. In March 2012, the Government Printing Office shut down GPO Access and migrated over to the Federal Digital System (FDsys).

Basing a research guide on screen shots has its risks and rewards. One risk is that the changing nature of the Web means the screen shots will become outdated. On the other hand, users are rewarded with a visually attractive guide that illustrates a fairly dry procedure. The key to the longevity of the guide is pairing clear narrative with the screen shots. My hope is that the illustrated research guide provides useful assistance to law students, summer associates, and attorneys who need to update the CFR.

A Guide to Updating the CFR Using FDsys

The CFR contains the final rules and regulations promulgated by federal administrative agencies. The CFR is published annually in four quarterly installments. Titles 1 through 16 are updated on January 1 of each year, titles 17 through 27 on April 1, titles 28 through 41 on July 1, and titles 42 through 50 on October 1. The CFR is not updated by pocket parts; new or amended regulations are published in the Federal Register. These changes are not incorporated into the CFR until a new set is published. Therefore, one needs to look at the List of CFR Sections Affected (LSA) and the Federal Register to see if a regulation has been changed. Although there are several ways to update a CFR citation online, including on Westlaw and LexisNexis, the advantage of using FDsys is that FDsys is current to the day, unlike Westlaw and LexisNexis, which are current within a week. Also, FDsys is free!


1 Lydia Potthoff, Teachable Moments ... "How Do You Update the Code of Federal Regulations?" 5 Perspectives: Teaching Legal Res. & Writing 28 (1996).

1. Retrieve your section in the most recent version of the CFR using Browse Government Publications on FDsys. For purposes of this guide, we are focusing on 40 C.F.R. § 140.4. Note the date this section was last revised. The revision date is included at the top of each page of the CFR in parentheses after the citation information. You can view PDFs of the most recent version of the CFR on the FDsys site at: http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.
2. At the main page, click **List of CFR Sections Affected** in the right column to display the main page for the LSA.

3. At this page, click **Monthly LSA** for the most recent year. You can either click the entire month's LSA or you can click the relevant title. Click the most recent month listed, e.g., **January** and title **40**.
4. Consult the most recent monthly List of CFR Sections Affected to see if your CFR part or section is listed. Click either the PDF or TEXT options.

5. Check to see if your CFR part or section has been affected by looking for final rules or proposed rules. Entries for rules are arranged numerically by CFR title, chapter, part, and section. If there has been a change, the LSA will refer you to the pages in the Federal Register in which the change is published. Check the referred pages to determine the changes made to your regulation. Make certain the coverage of the LSA begins the day after the date of revision for your CFR section in the main volume.

Recall that 40 C.F.R. § 140.4 was current to July 1, 2011. This January 2012 LSA covers changes to title 40 of the CFR from July 1, 2011, through January 31, 2012.
6. After you have consulted the most recent monthly LSA, return to the List of CFR Section Affected page and click the Browse the CFR Parts Affected from the Federal Register link. In the pull-down menu, you can select either the Latest Month or Choose Date Range options.

7. Check to see if your CFR part or section has been affected by looking for final rules or proposed rules. If there has been a change, the LSA will refer you to the pages in the Federal Register on which the change is published.

Note that there is a change to 40 C.F.R. § 140.4 listed as appearing on pages 11401–11411 of the 2012 Federal Register. You should examine these pages of the 2012 Federal Register (volume 77) to confirm the changes.

This covers changes to 40 C.F.R. § 140.4 from February 1, 2012, to February 29, 2012.
8. If there has been a change to the regulation, the LSA will reference the pages in the *Federal Register* that include these changes.

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Accessing Perspectives

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