



Federal and Illinois Administrative Law Research

Federal Administrative Law Research

The Administrative Procedure Act

The federal Administrative Procedure Act (APA) is located in the U.S. Code at 5 U.S.C. §501 et seq. The Act details authority for rulemaking, regulatory power, publication, adjudication of regulatory issues, and more. Other material relating to administrative law is at 5 U.S.C. §701 et seq. (judicial review of administrative decisions) and then at various other places in Title 5 (generally relating to administrative law judges).

The Administrative Process and Resources

Various federal agencies have the power to regulate an activity by creating rules, and adjudicating relevant issues before administrative panels in a quasi-court structure. Most agency power flows from the act (as amended) that created the Agency, and the APA. The Federal Communications Act of 1934, for example, created the FCC, and that act defines its regulatory purview. The APA defines the standard procedures the Commission must use to carry out its oversight. This applies to all executive and administrative agencies.

Most agencies issue rules, and these are published in the Federal Register and the Code of Federal Regulations (discussed below). Their formal opinions in specific matters are documented in the reports they issue. The organization and scope of administrative reports of a commission or agency will vary with each government entity. The precedential value of these decisions will also vary as disputes can follow various paths of appeal once an administrative decision is rendered. Some cases get to the federal courts through the standard appeals process, or by litigants challenging the validity of an agency's rules directly in federal court. Administrative decisions can be appealed to the federal courts under the authority of the APA. Some administrative litigation, however, is capped with administrative appellate tribunals. Congress has passed acts, for example, that prevent the federal courts from reviewing some administrative labor decisions, making the Secretary of Labor's decision final in those cases.

A typical agency web site should contain—at the very least—the agency rules, a collection of formal and informal opinions, a docket of pending matters, reports and other publications, contact information, an FOIA reading room containing electronic copies of the most requested documents, and links to related sites. The coverage time for agency decisions varies from web site to web site, as does the interface for searching and browsing. Decisions also appear on databases in Lexis and Westlaw, usually in databases organized by legal subject. For example, decisions of the National Labor Relations Board would be a database within the Labor collections of electronic materials on Lexis and Westlaw.

The paper (and by extension, electronic) reports of an agency tend not to be indexed or digested



by any companion official governmental publication. Most commercial publishers do not have general administrative reporters that compliment the case reports. Some publishers, such as CCH, will publish administrative decisions and other agency action as part of a reporter devoted to a particular topic. The Securities Law Reporter, for example, will compile materials from the Securities and Exchange Commission as part of their coverage of securities regulation. Keep in mind, however, that the market for information in relation to the securities industry is sufficient to support these materials. Many of the lesser agencies do not have significant reporters that cover their areas of regulation.

In paper, the Administrative Law reporter from Pike and Fischer compiles selected court and agency decisions that cover the regulatory process. The set includes opinions, a digest, and a bulletin. The contents are updated every two weeks. The various Federal Digests will have annotations to federal administrative law decisions from the federal courts, but not the agencies. With the various agencies placing their decisions on the Internet, the need for the Pike and Fischer reporter has declined somewhat.

There is a Shepards Administrative Citations paper publication that gives subsequent citation history for print decisions categorized by selected agency. Shepards online and KeyCite can also give citation reports for administrative decisions, just as they would for any court decision.

The United States Government Manual

The United States government is organized into three branches of Government. These branches are sub-categorized into department, agencies, offices, authorities, commissions, public corporations, and a host of other entities. The U.S. Government Manual identifies all of the parts of the United States government, and provides descriptions, physical addresses, web addresses, and other information for all of them. The Manual is issued every year and is a standard reference item within the reference collection of most libraries. There is a PDF version available on GPO Access at: <http://www.gpoaccess.gov/gmanual/index.html>. The current edition is 2004-2005. There are online copies back to the 1995-1996 edition.

There are two kinds of agencies: executive and independent. An example of an executive agency is the National Library of Medicine, which is a part of the Department of Health and Human Services. Thus, on an organizational chart of HHS, the NLM will appear as an entity which is under the ultimate supervision of the Secretary of Health and Human Services. The Social Security Administration, however, is an independent agency (as of March 31, 1995; prior to that time it was part of HHS, and its predecessor department, Health, Education, and Welfare). In another example, The National Labor Relations Board is an independent agency and is not part of the Department of Labor.

The manual is useful, as the government regularly reorganizes itself. The details are found in reorganization plans submitted by the executive to congress and passed (or not) as the case may be. The manual (and older versions of it) gives a portrait of the federal government as it adds, deletes, and consolidates operations within a given year. Appendix B identifies the agencies that have been terminated, transferred, or changed in name since March 4, 1933.

Code of Federal Regulations



The Code of Federal Regulations (CFR) is the codified general and permanent rules of the executive department and independent federal agencies of the United States. The code includes presidential proclamations and executive orders (Title 3). The Code is broken into 50 broad titles, which are divided into chapters that provide the rules of the issuing agency. These are further divided into parts that cover a specific regulatory area, and, for large parts, these may be divided into sub-parts. All parts are further divided into sections. Citation is usually to title and section, and year. Consult the Bluebook for correct citation format.

Only a few titles in the CFR correspond to titles in the U.S. Code by subject. For example, titles 7 in both sets cover the subject of agriculture; title 26 in both sets is based on the subject of revenue. Other titles do not necessarily correspond to their numerical counterpart in the U.S. Code.

The Code is updated on an annual basis with one-fourth of the Code having a revision date at the beginning of a different quarter:

Title 1 through Title 16 ... as of January 1 Title 17
through Title 27 ... as of April 1 Title 28 through
Title 41 ... as of July 1 Title 42 through Title 50 ...
as of October 1

The dates listed on the Code covers essentially state that the contents are in effect as of that date. The annual revisions to the CFR incorporate the changes published in the Federal Register since the last revision of the specific Code volume. The Federal Register is discussed in more detail below.

The only title that isn't revised is Title 3, which corresponds to the President. Title 3 contains executive orders, proclamations, and other presidential material. Every year a new volume is issued that supplements the previous years' issue. Libraries keep all issues of Title 3 as part of their CFR collection even though they may not retain older yearly compilations.

The government provides the CFR Index and Finding Aids as a one-volume index to the entire CFR. The Index has limited utility, as it is very general in scope. The commercial publication CFR Index prepared by CIS is a four-volume set that indexes both the CFR and the Federal Register. The CIS edition is highly detailed and is a better resource than the volume issued by the government. However, it ceased publication in 2004. The CIS set was recompiled annually. The government publication is replaced annually.

The government edition of the CFR Index does contain a Parallel Table of Authority and Rules. This table cross-references the statutory authority to the rules put in place under that authority. This table is organized in several parts, utilizing several parallel citation forms:

U.S. Code Section to CFR Citation (Titles 1 – 50) Statutes At Large Citation to CFR Citation (7 Stat. 491 to present) Public Law Number to CFR Citation (P.L. 80-806 to present) Presidential Notices (November 12, 1993 to present) Presidential Proclamations (April 28, 1916 to present) Executive Orders (1209 to present) Presidential Directives (May 17, 1972 to present) Presidential Memorandums (November 10, 1961) Presidential Notices (August 3, 2000 to present)



Reorganization Plans (1940 Plan Number 4 to present)

The CFR is available in paper in most libraries. Libraries generally do not keep an archive past one or two years in paper. Microform is an alternative in this situation. There are online versions (text and PDF) at GPO Access (<http://www.gpoaccess.gov/cfr/index.html>) starting with the 1997 edition, and some volumes from the 1996 edition. Online versions of the CFR on are on Lexis (archived back to 1980) and Westlaw (archived back to 1984) to the present. Lexis and Westlaw also have databases that combine the current Federal Register and the Code of Federal Regulations.

Federal Register

The Federal Register is an official daily publication of the United States Government (excluding weekends and federal holidays) containing the proposed rules, final rules, amendments to rules, notices of activity by federal agencies and organizations, and executive documents such as Presidential Proclamations, Executive Orders, and other miscellaneous documents. The combined yearly publication of the Federal Register can be 80,000 or more pages.

The Register issues are arranged by proposed rule, rule, and notice, and organized by agency, CFR title and section order within those sections. A table within each Register issue also contains a handy list of sections affected for that issue and a cumulative list for the month in which the issue appears. Thus, revisions to the CFR are easy to track within individual issues of the Register. Each entry in the Register usually has contact information for an individual within the agency who can provide more information about the specific item. These usually provide name, address, phone number, and email address. An agency that has not contributed content to an issue will not be listed in that issue.

The Register is available in paper at most libraries for at least the past one or two years. Older issues are usually available on microform. There is an online version (both text and PDF) at GPO Access starting with Volume 60 (1995). The text is searchable by keyword and can be limited to year and document type. Both Lexis and Westlaw have versions of the Register back to 1980. A complete set of the Federal Register is available in PDF format from Hein Online (available through the DePaul Libraries database page).

List of Sections Affected

The List of Sections Affected (LSA) appears quarterly and gives a cumulative list of revisions made to the CFR by materials from the Federal Register and supplemented with monthly issues. The book is organized by the quarterly revision dates of the CFR, then by title, section, and part. Entries in the list will correspond to pages in the current volume of the Federal Register where the changes were made.

There is an online version of the LSA at the Government Printing Office web site. The main database is a static copy of the text as it appears in the paper version. There is a second database called the Current List of CFR parts affected which will update the LSA until the next quarterly issue.



GPO Web Site Search Page describes the process:

To bring these regulations up to date by [Searching](#) or [Browsing](#) the online LSA Service:
 (1) consult the most recent issue of the LSA for any changes, additions, or removals published after the revision date of the CFR volume you are using; and
 (2) then access the [Current List of CFR Parts Affected](#) for less detailed but timely changes published after the final date included in the LSA. Though already incorporated in the Current List of CFR Parts Affected, the [List of CFR Parts Affected Today](#) is extracted from each issue of the daily Federal Register to assist those monitoring changes on a daily basis.

From a research strategy standpoint, the best opportunity to research the Code of Federal Regulations is through the databases on Lexis and Westlaw. Both of these can provide up to date versions of the current code along with historical snapshots of prior versions. For historical research, the likely alternative is CFR editions on microforms or the HeinOnline Federal Register PDF library.

SuDoc Numbers

Federal government publications have a catalog number provided by the Superintendent of Documents (SuDoc). The cataloging scheme organizes government documents by issuing entity, sub-entity, and then chronologically. Many libraries use SuDoc classification numbers to organize their document collections. However, these collections do not always appear in the library's general online catalog. There is usually a secondary database of government documents holdings to locate these items within a collection. Libraries sometimes do integrate documents into their main classification scheme, so it's possible to locate a document by searching for it in the online catalog. Check at the individual library to learn how it tracks government documents.

The example below shows how a Superintendent of Documents classification number is constructed using the FBI Law Enforcement Bulletin as a sample: (J 1.14/8: 48/983)

J	1.14/8	48/	983
Justice Department (issuing agency)	FBI (subordinate bureau within the agency)	Number designating the volume	Year of publication (1983)

Catalog of Government Publications

As the name implies, this is a catalog issued by the Government Printing Office of documents generated by various parts of the United States government. This publication was formerly known as the Monthly Catalog of Government Publications.

GPO Access has a search page for the Catalog of U.S. publications:
<http://www.gpoaccess.gov/cgp/index.html>

Coverage begins with 1994 publications. Searching is by keyword, keyword for online titles, title



word, SuDoc class number, depository item number, GPO stock number, and publication date. New publications are added daily. Aside from bibliographic information the search report will list any URL's for electronic copies of an item (usually in PDF), and an option to search for depository libraries that are likely to have the item.

Another database of government publications is available through WorldCat. The database is called GPO. Coverage begins with 1976, and there are approximately more than 522,000 records in the database. There are 30 different search categories, with the ability to search 3 at one time. There are limits available for date and material type. This database is updated monthly. The GPO database through WorldCat is a commercial database and is not maintained or provided by the Government Printing Office.

Agency Reports and Miscellaneous Documents

Various federal entities issue single documents which stand alone as an agency publication. These reports are sometimes found in libraries depending on the nature and importance of the document. Even libraries who act as a Government Depository might not receive these documents if they do not select them as an item type. Lexis and Westlaw do not usually add these types of documents to their databases. The best place to find this material is by searching the agency's own web site or using the Catalog of U.S. Publications.

Illinois Administrative Law Research

The Illinois Administrative Code

The Code is the Illinois equivalent of the Code of Federal Regulations. There are 95 titles in the Code, each covering a different administrative subject and Illinois agency. The Joint Committee on Administrative Rules of the Illinois Legislature now places an electronic copy of the Illinois Administrative Code on its web site (<http://www.ilga.gov/commission/jcar/admincode/titles.html>).

The Illinois Secretary of State at one time distributed the Code in CD-ROM form to libraries and other organizations on a quarterly basis. This was the only form in which the Code otherwise appeared as distributed by the State of Illinois. There were never paper copies. Versions prior to the CD-ROMs appeared in fiche. Administrative Code databases are on both Lexis and Westlaw in their respective Illinois materials libraries. These databases are probably the most reliable and up to date versions of the Code, from any online source.

A growing number (more than half) of Illinois agency web sites publish their sections of the Code. Not all agencies have their rules or decisions on the web. FindLaw maintains a list of some available Code sections with hyperlinks at <http://www.findlaw.com/11stategov/il/laws.html>. The FindLaw list is not comprehensive, nor organized for a comprehensive search. It is therefore important to check at the individual agency's web site for the existence of a rules page, as indexes and other lists of links may not be updated with current information.



The Illinois Register

This is the Illinois equivalent of the Federal Register. The publication appears weekly, in paper, as a compendium of new and proposed rules issued by an agency in the past week. One volume covers an entire calendar year. Each issue that has an index cumulates the entire year up to the publication date of that issue, with the last issue of the year containing the final cumulative index for the year/volume.

The Illinois Register is now on the web at the Secretary of State's web site from starting with the August 2002 issues. Copies of individual issues in PDF form are available at <http://ilsos.net/departments/index/register/home.html>. Aside from this online version from the Secretary of State, the only other databases that contain the full text of the Register are databases that appear respectively on Lexis and Westlaw. Both services not only provide single databases, but also offer a combined search with the Administrative Code with a single query. The Lexis and Westlaw databases have the text for the full run of the Illinois Register.

Research issues with Illinois regulations

Frequently, research requires locating the citation and current text of a particular regulation. This is relatively easy, given the options for searching text electronically on the General Assembly website or the Lexis and Westlaw sources. However, neither these databases nor any paper version of the Code contain archived versions. The common way to see what a Code provision read five years ago is to trace back the amendments in the Illinois Register and interpolate the text from the subsequent amendments from the point of time in which you are interested. Be forewarned that this is a tedious and time-consuming process. As the Register is on Lexis and Westlaw, some tracing may be done by section or key word search. However, coverage starts in 1995, limiting its use to no earlier than that. Check with a library to see if it has archived copies of the Code in CD-ROM or microform.

Illinois Administrative Procedures Act

The Illinois Administrative Procedures Act is located at 5 ILCS 100/1-1 through 100/15 10. The act covers the standard issues in administrative procedure: rulemaking, regulatory oversight, adjudication of administrative issues, publication, licensing, and a host of other procedural matters in fine detail.

Other States

The administrative codes from other states are generally in full text on their official government web sites. Some states also include their Register-type products online. All administrative codes and updates that exist for an individual state are on Lexis and Westlaw. These are probably the best sources for out of state codes, as very few law libraries will subscribe to these out of state materials. There is a directory of state administrative codes located in individual state resources through FindLaw.



Administrative Law Research Web Links

This is a list of selected online resources that cover administrative law. To expand and update this list, search the phrases “federal administrative law” and “research guide” in Google, or any other search engine. Quite a few law libraries have posted commentary with links on administrative law research, and these type of sites should show up in the results list.

Government agencies links through GPO Access. Regulatory information links are at http://www.access.gpo.gov/su_docs/regulatory.html.

An extensive list of links to federal agencies from Louisiana State University Libraries. <http://www.lib.lsu.edu/gov/fedgov.html>.

Agency index from Washburn University School of Law. This is another extensive set of web links to federal agencies. <http://www.washlaw.edu/doclaw/executive5m.html>.

U.S. agency links from Duke University. This page features a comprehensive set of web links to all federal agencies, using the listings from the U.S. Government Manual as the guide. <http://www.lib.duke.edu/tehis/searchdb/uslinks/uslinks#Browsing>.

Administrative law research guide, from the Georgetown University Law Library. This page is a description of major administrative law documents, and their uses. There are also links to government document collection sites on the web. <http://www.ll.georgetown.edu/lib/guides/admin.html>

A FAQ style administrative law research guide from the New England School of Law, <http://www.nesl.edu/research/RSGUIDES/FEDAM.HTM>

A short research guide on administrative law with links to many agencies, from the University of Miami Law Library. <http://library.law.miami.edu/fedadminguide.html>

Research web links, from Roger Williams University School of Law. <http://law.rwu.edu/LawLib/legalws4.htm>

The site has a large number of legal research guides on a variety of topics, including administrative law, from the Wisconsin State Law Library.. <http://wsll.state.wi.us/legalresearch.html>

Illinois administrative law web links from Southern Illinois School of Law Library.



DEPAUL UNIVERSITY
COLLEGE OF LAW

Rinn Law Library

<http://www.law.siu.edu/lawlib/guides/IIIAdminCode.pdf>

<http://www.law.siu.edu/lawlib/guides/IIIadmin.pdf>

Federal Agency Administrative Links from LexNotes. LexNotes is a legal portal with categorized links to many subjects. Go to their home page for more information.

<http://www.lexnotes.com/sources/fed/admincases.shtml>

Comments on pending regulatory matters can be made and reviewed at

<http://www.regulations.gov>.