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ADS Chapter 516

Federal Register Notices

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ADS 516 – Federal Register Notices

516.1

OVERVIEW

Effective Date: 04/19/2019

This chapter provides USAID’s mandatory policy directives and required procedures for preparing and submitting documents to publish in the Federal Register (FR). The FR is the official daily publication for rules, notices of federal agencies, and Presidential documents. It is updated daily by 6 a.m. ET and is published Monday through Friday, except federal holidays. The FR is compiled by the Office of the Federal Register (OFR) within the National Archives and Records Administration (NARA). Each daily issue is organized into four categories:

- Presidential documents – Documents signed by the President of the United States, including Executive Orders, Presidential Memoranda, Proclamations and Administrative Orders.
- Proposed Rules – Documents that announce and explain a specific regulatory change that will affect the rights and interests of outside parties and provide the opportunity for public comment.
- Final Rules – Regulations that apply to the general public and have final legal effect.
- Notices – Non-rulemaking documents that are applicable to the general public and named parties. These include notices of public meetings, information collections, and other announcements of public interest.

The FR notices most common for USAID are rulemaking documents required by the [Administrative Procedures Act](#) and other notices required by law, including:

- Meeting [and establishment/renewal](#) notices required by the [Federal Advisory Committee Act \(FACA\)](#),
- System of Records Notices (SORNs) required by the [Privacy Act](#), and
- Information Collection Notices required by the [Paperwork Reduction Act](#).

Some notices may require public comment. The initiating office, in accordance with regulatory policy and the policies in this ADS chapter, will determine when a notice is considered final or if a subsequent publishing is warranted.

516.2 PRIMARY RESPONSIBILITIES

Effective Date: 04/09/2012

- a. The **Bureau for Management, Office of Management Services, Information and Records Division (M/MS/IRD)** implements the Agency's Federal Register notices program.
- b. The **Federal Register Liaison Officer (FRL), or alternate**, serves as the main point of contact between the OFR and the Agency. The FRL ensures that notices are in compliance with FR notice procedures and resolves any problems concerning documents submitted for publication. The Agency FRL is located in M/MS/IRD.
- c. **Issuing Officials** are responsible for the substance and clearance of notices submitted for publication in the FR.
- d. The **Office of the General Counsel (GC)** ensures that each document for publication in the FR is in compliance with applicable laws and regulations concerning the subject matter and for the legal citations contained within the document.

516.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 04/09/2012

USAID must submit notices to the Federal Register in accordance with the [Federal Register Act, 44 USC Chapter 15](#) and the requirements established in statutes and regulations applicable to the Agency's programs and operations.

516.3.1 Writing and Clearing Federal Register Documents

Effective Date: 04/09/2012

Federal Register documents must comply with the OFR's format and editorial requirements and must be written in plain language in accordance with [Executive Order 12866](#) and the [Plain Writing Act of 2010](#).

The [Federal Register Document Drafting Handbook](#) provides detailed guidance and examples of the format and editorial requirements for FR documents. Issuing officials must prepare documents in accordance with the guidelines for the type of document requiring publication, i.e., rule or notice.

The issuing official must obtain the required clearances for the content and format of FR documents. The following clearances are required:

- a. The issuing official's supervisor;
- b. Stakeholder Bureaus/Independent Offices;

- c. Office of the General Counsel; and
- d. Policy Division, Office of Management Policy, Budget and Performance, Bureau for Management (M/MPBP/POL) for rulemaking documents.

516.3.2 Preparation and Processing of Federal Register Package

Effective Date: 04/19/2019

All documents for publication in the FR and special handling letters are submitted through the FR Document Submission Portal. The issuing official must send the FR package to the FRL electronically for submission to the OFR after obtaining all required clearances, as appropriate. The package must include the following:

- a. The document for publication, digitally signed by the issuing official (see [ADS 516sae, Preparation of Documents for Electronic Submission to the Office of the Federal Register](#));
- b. Letter requesting emergency publication of a notice (if applicable); and
- c. A scanned copy of the clearance sheet. Provide emails if clearances are provided by email.

The issuing official must submit a complete package to the FRL at least seven business days prior to the desired publication date to allow time to make corrections in the event that the submission is rejected by the OFR. The FRL promptly submits the package to the OFR upon receipt and notifies the issuing official of submission. In the event that OFR rejects the rule or requires changes other than minimal format changes, the FRL must contact the issuing official within one business day to make changes or concur with them. The FRL is not authorized to make or approve substantive changes to an FR document proposed by OFR.

The FRL will submit the package via OFR's Web portal. The OFR assigns each document to the regular publication schedule. If a document is received before 2:00 p.m. ET, the OFR will publish the document in three business days. If a document is received after 2:00 p.m. ET, the OFR will publish in four business days (see [ADS 516sab, Example of the Office of the Federal Register Regular Publication Schedule](#)).

516.3.3 Public Inspection of Documents

Effective Date: 04/19/2019

The OFR files each document for public inspection at 8:45 a.m. ET on the business day before the date of publication ([44 USC 1503](#) and [1504](#), Appendix C). The public inspection docket is located at:

Office of the Federal Register
 National Archives and Records
 Administration
 7G Street, NW
 Suite A-735
 Washington, DC 20401

Anyone may inspect or copy filed documents during the business hours of 8:45 a.m. to 5:15 p.m. ET, Monday through Friday, except for federal holidays. The OFR will not release information concerning a document to the public until the document is on file for public inspection. The list of documents currently on file for public inspection can be viewed at <https://www.federalregister.gov/public-inspection>. This link only provides the list of documents, not the text of those documents.

516.3.3.1 Correcting or Withdrawing a Federal Register Submission

Effective Date: 04/09/2012

The issuing official must immediately contact the FRL in M/MS/IRD to correct or withdraw a document that has been submitted to the OFR for publication.

516.3.3.2 Emergency Publications

Effective Date: 04/09/2012

If emergency publication of a notice is needed, the issuing official must include a letter in the notice package explaining the need for expedited publication. (For more information on the notice package, see **516.3.2**). The OFR does not approve all emergency requests. See [Sample Letter Requesting Emergency Publication](#).

516.4 MANDATORY REFERENCES

516.4.1 External References

Effective Date: 04/19/2019

- a. [Administrative Procedure Act \(5 USC subchapter II\)](#)
- b. [Federal Advisory Committee Act \(5 USC appendix\)](#)
- c. [Federal Register Act \(44 USC Chapter 15\)](#)
- d. [Federal Register Document Drafting Handbook](#)
- e. [Freedom of Information Act \(5 USC 552\)](#)
- f. [Government in the Sunshine Act \(5 USC 552b\(e\)\(3\)\)](#)

- g. [Paperwork Reduction Act \(44 USC 3501 et. seq.\)](#)
- h. [Plain Language Handbook](#)
- i. [Plain Writing Act of 2010 \(Pub. L. 111-274\)](#)
- j. [Privacy Act \(5 USC 552a\)](#)
- k. [Negotiated Rulemaking Act \(5 USC 561 et. seq.\)](#)
- l. [Regulatory Flexibility Act \(5 USC 601 et. seq.\)](#)
- m. [Regulatory Planning and Review \(EO 12866\)](#)
- n. [Small Business Regulatory Fairness Enforcement Act \(5 USC 801 et. seq.\)](#)

516.4.2 Internal Mandatory References

Effective Date: 04/19/2019

- a. [ADS 105, Federal Advisory Committee Management](#)
- b. [ADS 156, Agency Rulemaking](#)
- c. [ADS 508, The USAID Privacy Program](#)

516.5 ADDITIONAL HELP

Effective Date: 04/19/2019

- a. [ADS 516saa, Sample Letter Request for Emergency Publication of a Notice](#)
- b. [ADS 516sab, Example of the Office of the Federal Register Regular Publication Schedule](#)
- c. [ADS 516sad, Sample Letter from the Originating Office](#)
- d. [ADS 516sae, Preparation of Documents for Electronic Submission to the Office of the Federal Register](#)
- e. [Sample Federal Register Notice](#)

516.6 DEFINITIONS

Effective Date: 04/19/2019

See the [ADS Glossary](#) for all ADS terms and definitions.

Advanced Notice of Proposed Rulemaking (ANPRM)

An information gathering document issued prior to the development of a specific proposed rulemaking. (Chapter [156](#) and [516](#))

advisory committee

A committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or subgroup thereof, which is formed or utilized by USAID to obtain advice or recommendations and is not composed entirely of full-time employees of the Federal Government. (Chapter [105](#) and [516](#))

Code of Federal Regulations (CFR)

The Code of Federal Regulations is a codification of general and permanent rules (regulations) that have been previously published in the Federal Register. The CFR, which is compiled by the Office of the Federal Register, is divided into 50 titles, which cover broad areas subject to federal regulation. (Chapter [516](#))

document

A Presidential proclamation or Executive Order or an order, regulation, rules, certificate, code of fair competition, license, notice, or similar instrument, issued, prescribed, or promulgated by a federal agency. (Chapter [516](#))

Federal Register (FR)

The Federal Register (FR) is the official government periodical that is comprised of proposed and final regulations/rules, and legal notices issued by the President and federal agencies. The Office of the Federal Register publishes it every federal business day. The FR is also available online at:

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+22%2FChapter+11%2FPart+201&oldPath=Title+22%2FChapter+11&isCollapsed=true&selectedYearFrom=2011&ycord=928>. (Chapter [516](#))

Issuing Official

The USAID official who initiates a Federal Register notice. (Chapter [516](#))

notice

Non-rulemaking documents that are applicable to the general public and named parties. These include notices of public meetings, information collections and other announcements of public interest. (Chapter [516](#))

notice of proposed rulemaking

The document an agency issues and publishes in the FR that describes and solicits comments on a proposed regulatory action. (Chapter [516](#))

regulation

A rule or order, issued by an executive authority, prescribed for management or Government and having the force of law. (Chapter [516](#))

rule/regulation

An agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of an agency. A rule issued by an agency alters rights and interests of outside parties. The terms rule and regulations are interchangeable and synonymous. Both rules and regulations are subordinate to statutes, especially to the specific statute under which they are issued. (**Chapter 156, 516**)

stakeholder

A Bureau or Independent Office that may be affected by the content of a Federal Register document. (**Chapter 516**)

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