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ADS Chapter 516

Federal Register Notices

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This is a new ADS chapter.

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ADS 516 – Federal Register Notices

516.1 OVERVIEW

Effective Date: 04/09/2012

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 within the National Archives and Records Administration. 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 Federal Register notices most common for USAID are rulemaking documents required by the [Administrative Procedures Act](#) and other notices required by law, including:

- Meeting 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 policy 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 (FR) notices program.
- b. The **Federal Register Liaison Officer (FRL), or alternate**, serves as the main point of contact between the Office of the Federal Register and the Agency. The FRL ensures that notices are in compliance with Federal Register notice procedures and resolves any problems concerning documents submitted for publication. The Agency FRL is located in M/MS/IRD.
- c. The **Certifying Officer** ensures that copies of original documents and required media (i.e., the CD) submitted for publication in the FR are true and accurate copies. The Certifying Officer signs the certification letter that accompanies documents submitted to the Federal Register. The Agency Certifying Officer is located in M/MS/IRD.
- d. **Issuing Officials** are responsible for the substance and clearance of notices submitted for publication in the Federal Register.
- e. The **Office of the General Counsel** ensures that each document for publication in the Federal Register 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 U.S.C. 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 Office of the Federal Register'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;
- d. Federal Register Liaison Officer (send electronic copy of the notice), and
- e. 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: 04/09/2012

The issuing official must deliver the federal register package to the FRL for submission to the Office of the Federal Register when all required clearances are obtained. The package must include the following:

- a. A letter prepared for the Certifying Officer's signature, addressed to the Director of the Office of the Federal Register (see [Sample Letter from the Certifying Officer](#)).
- b. Three identical original copies of each document for publication signed by the issuing official.
- d. A CD containing the document for publication with a label containing:
 - (1) The Agency name,
 - (2) File name,
 - (3) File format – Microsoft Word, and
 - (4) Name of the document.

A separate CD must be provided for each document. The CD must not be password protected or in "read-only" status.

- e. The clearance sheet.

All signatures must be in blue ink since a black ink signature may look like a photocopy. The issuing official must submit a complete package to M/MS/IRD, room 2.07-070 in the Ronald Reagan Building, at least seven (7) business days prior to the desired publication date.

M/MS/IRD will prepare the package for publication and deliver it to the USAID mailroom for shipment to the Office of the Federal Register via Federal Express next business day delivery. The Office of the Federal Register assigns each document to the regular publication schedule. Documents received before 2 p.m. ET are on a 3-day schedule

and those received after 2 p.m. are on a 4-day schedule. See additional help document, [Example of Office of the Federal Register Regular Publication Schedule](#).

516.3.2.1 Public Inspection of Documents

Effective Date: 04/09/2012

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

Office of the Federal Register
800 North Capitol Street, NW, Suite 700
Washington, DC 20001

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 Office of the Federal Register 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.

516.3.2.2 Correcting or Withdrawing a Federal Register Submission

Effective Date: 04/09/2012

The issuing official must immediately contact the Federal Register Liaison Officer in M/MS/IRD to correct or withdraw a document that has been submitted to the Office of the Federal Register for publication.

516.3.2.3 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 Office of the Federal Register does not approve all emergency requests. See [Sample Letter Requesting Emergency Publication](#).

516.4 MANDATORY REFERENCES

516.4.1 External Mandatory References

Effective Date: 04/09/2012

- a. [Administrative Procedure Act \(5 U.S.C. subchapter II\)](#)
- b. [Federal Advisory Committee Act \(5 U.S.C. appendix\)](#)

- c. [Federal Register Act \(44 U.S.C. Chapter 15\)](#)
- d. [Federal Register Document Drafting Handbook](#)
- e. [Freedom of Information Act \(5 U.S.C. 552\)](#)
- f. [Government in the Sunshine Act \(5 U.S.C. 552b\(e\)\(3\)\)](#)
- g. [Paperwork Reduction Act \(44 U.S.C. 3501 et. seq.\)](#)
- h. [Plain Language Handbook](#)
- i. [Plain Writing Act of 2010 \(PL 111-274\)](#)
- j. [Privacy Act \(5 U.S.C. 552a\)](#)
- k. [Negotiated Rulemaking Act \(5 U.S.C. 561 et. seq.\)](#)
- l. [Regulatory Flexibility Act \(5 U.S.C. 601 et. seq.\)](#)
- m. [Regulatory Planning and Review \(E.O. 12866\)](#)
- n. [Small Business Regulatory Fairness Enforcement Act \(5 U.S.C. 801 et. seq.\)](#)

516.4.2 Internal Mandatory References

Effective Date: 04/09/2012

- a. [ADS 105, Committee Management](#)
- b. [ADS 508, USAID Privacy Program](#)

516.5 ADDITIONAL HELP

Effective Date: 04/09/2012

- a. [ADS 516saa, Sample Letter Request Emergency Publication of a Notice](#)
- b. [ADS 516sab, Example of the Office of the Federal Register Regular Publication Schedule](#)
- c. [ADS 516sac, Sample Letter from the Certifying Officer](#)
- d. [ADS 516sad, Sample Letter from the Originating Office](#)
- e. [Sample Federal Register Notice](#)

516.6 DEFINITIONS

Effective Date: 04/09/2012

The terms and definitions listed below have been incorporated into the ADS Glossary. 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. (Chapters [156](#), 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. (Chapters [105](#), 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, rule, 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+II%2FPart+201&oldPath=Title+22%2FChapter+II&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

A regulation that applies to the general public and has final legal effect. (Chapter 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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