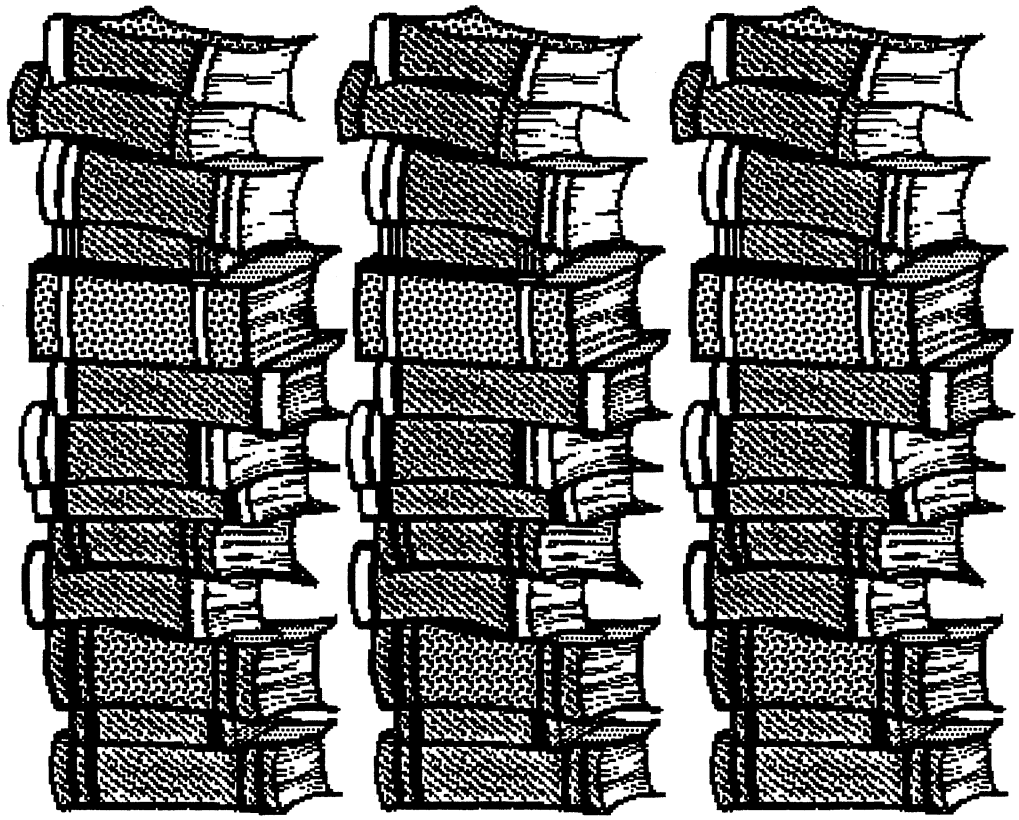
BUREAU OF LAND MANAGEMENT
NATIONAL TRAINING CENTER

ADMINISTRATIVE and LEGAL SOURCE MATERIALS WORKBOOK

Course Number 2000-04 SS



REVISED 2004

Administrative

and

Legal Source Materials

Workbook

Revised by

Bureau of Land Management
National Training Center

2004
Phoenix, Arizona

PREFACE

The *Administrative and Legal Source Materials Workbook* has been revised. The workbook is written for land law examiners, realty specialists, and other government employees that do not have a legal background, but who often work with or are exposed to the law in their work. It was adapted from a 1982 Bureau of Land Management publication, *Finding the Law: A Workbook on Legal Research for Layperson,* written by Al Coco, Professor of Law/Librarianship and Law Librarian and Director of the Master of Law Librarianship Program at the University of Denver College of Law. This revision was made at the Bureau of Land Management's National Training Center.

Finding the Law was originally prepared for a different primary audience – cadastral surveyors – than the original *Administrative and Legal Source Materials Workbook,* and some of the materials and organization of the two workbooks differed. *Finding the Law* presented extensive information of civil case precedent and the use of civil law finding tools. More directed toward land law examiners, the *Administrative and Legal Source Materials Workbook* included expanded coverage of internal administrative and Interior Board of Land Appeals materials.

The revised *Administrative and Legal Source Materials Workbook* contains much of the same information as in the original workbook. The format is different and the information has been updated to reflect the changes in legal research due to ever increasing use of the internet and the Bureau's record automation efforts.

Completing this workbook is a prerequisite to the Basic Lands and Minerals Adjudication courses. The illustrations and definitions should help readers better understand the legal process and legal publications. To further help the reader, exercises are included at the end of Sections 2 through 5.

ACKNOWLEDGMENT

We would like to thank West Publishing Company for permission to reproduce pages from its legal publications: *United States Code Annotated, U.S. Code Congressional and Administrative News, and Federal Reporter.*

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PROLOGUE

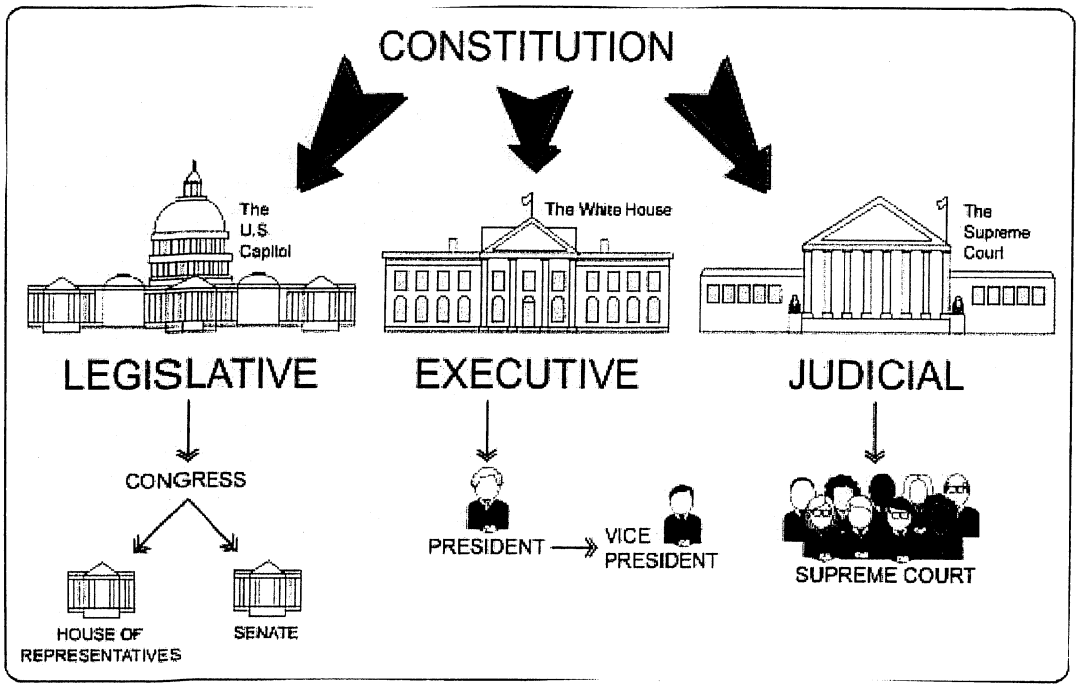


Fig.1 : Branches of Government

The Constitution established three branches of government each with its own distinct powers. This system established a strong central government, while insuring a balance of power. Governmental power and functions in the United States rest in the legislative, executive and judicial branches. Article 1 of the Constitution defines the legislative branch and vests power to legislate in the Congress of the United States. The executive powers of the President are defined in Article 2. Article 3 places judicial power in the hands of one Supreme Court and inferior courts as Congress sees necessary to establish. In this system of "separation of powers" each branch operates independently of the others and there are built in "checks and balances." The President nominates federal judges and can veto bills passed by Congress; the Supreme Court can declare a law passed by Congress or an action taken by the President unconstitutional; and the Congress can impeach the President and federal court judges.

EXECUTIVE BRANCH

Article II of the Constitution established the executive branch of government with a President to enforce the laws of the land. It was realized during George Washington's first term as President that one person could not carry out the duties of the President without advice and assistance. The President gets help from the Vice President, department heads (Cabinet members), heads of independent agencies, and executive agencies. While the President's powers are defined in the Constitution, the powers of the various executive agencies are not, and each has special powers and functions.

DEPARTMENT OF INTERIOR (DOI)

In 1789, the first Congress considered a department for domestic concerns, but finally put those duties in the Department of State. In his 1848 report to Congress, then Secretary of the Treasury Robert J. Walker noted that several federal offices were placed in departments with which they had little to do. He noted that the General Land Office had little to do with the Department of the Treasury and that the Indian Affairs Office was in the Department of War and the Patent Office was in the State Department. Walker argued for a new Department of the Interior. On March 3, 1849, the Department of the Interior was established. The duties of the new Department included the construction of the national capital's water system, the colonization of freed slaves in Haiti, exploration of western wilderness, oversight of the District of Columbia jail, regulation of territorial governments, management of hospitals and universities, management of public parks, and the basic responsibilities for Indians, public lands patents, and pensions. In political cartoons of the day, the Department of Interior was referred to as the Department of Everything Else. Many of the domestic concerns the Department originally dealt with were gradually transferred to other Departments. However, land and natural resource management, Native American affairs, wildlife conservation, and territorial affairs remain the responsibilities of the Department of the Interior.

The Department of Interior is the nation's principal conservation agency and is responsible for most of the federally owned public lands and natural resources in the United States. It is a large decentralized agency with over 78,315 employees working in approximately 2,400 locations across the United States, Puerto Rico, and other U.S. territories. Through the Bureau of Land Management, the Department oversees the land and resources, from rangeland vegetation and recreation areas to timber and oil production, of thousands of square miles of public land located primarily in the West and Alaska.

THE BUREAU OF LAND MANAGEMENT (BLM)

BLM's roots go back to the Land Ordinance of 1785 and the Northwest Ordinance of 1787 which provided for the survey and settlement of lands that the original 13 colonies ceded to the Federal government after the War of Independence. As additional lands were acquired by the United States from Spain, France, and other countries, Congress directed that they be explored, surveyed, and made available for settlement. In 1812,

Congress established the General Land Office in the Department of Treasury to oversee the disposition of these public lands. Congress encouraged the settlement of the public land by enacting a wide variety of laws that included the Homesteading Laws and the Mining Law of 1872. With the exception of the Mining Law of 1872 and the Desert Land Act of 1877, all have been repealed or superseded by other statutes.

The late 19th century marked a shift in Federal land management priorities with the creation of the first national parks, forests, and wildlife refuges. By withdrawing these lands from settlement, Congress signaled a shift in the policy goals served by the public lands. Instead of using them to promote settlement, Congress recognized that they should be held in public ownership because of their other resource values.

In the early 20th century, Congress took additional steps toward recognizing the value of the assets on public lands and directed the Executive Branch to manage activities on the remaining public lands. The Mineral Leasing Act of 1920 allowed leasing, exploration, and production of selected commodities such as coal, oil, gas, and sodium to take place on public lands. The Taylor Grazing Act of 1934 established the U.S. Grazing Service to manage the public rangelands. The Oregon and California (O&C) Act of August 28, 1937, required sustained yield management of the timberlands in western Oregon.

In 1946, the Grazing Service was merged with the General Land Office to form the Bureau of Land Management within the Department of the Interior. When the BLM was initially created, there were over 2,000 unrelated and often conflicting laws for managing the public lands. The BLM had no unified legislative mandate until Congress enacted the Federal Land Policy and Management Act of 1976 (FLPMA). In FLPMA, Congress recognized the value of the remaining public lands by declaring that these lands would remain in public ownership. Congress defined the term "multiple use" management as "management of the public lands and their various resource values so that they are utilized in combination that will best meet the present and future needs of the American people."

While adhering to the FLPMA multiple-use mandate, the BLM has kept pace with new laws, court decisions, and changing public demands. Every BLM action is derived from a legal source and is based on either (1) written law as spelled out by acts of Congress, (2) common law or interpretations by the courts, (3) departmental or agency regulations and policies, or (4) executive orders or treaties. BLM employees need to be familiar with legal and administrative source materials and have the ability to read and understand legal documents in order to perform their daily functions.

The objectives of this workbook are to familiarize the user with the various sources of law, where to find these sources of law, and how to use these sources in performing legal research.

SECTION 1
INTRODUCTION

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the Common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

SOURCES OF LAW

Primary:

Primary legal material is the law itself, i.e., constitution(s), statutes, cases and regulations. The constitution is the fundamental law of a nation or state that establishes the character and concept of the government, laying the basic principles under which the nation or the state is to be governed.

The legislative branch is responsible for creating laws. Statutory laws are original laws pertaining to civil and criminal matters enacted by a body legally authorized to pass laws. For example, Congress enacts Federal laws; a State legislature enacts State laws; and a city council enacts municipal ordinances. These laws are published in sets of statutes such as the *United States Code*, which contains public law enacted by Congress. Laws are organized by subject (such as tax, or real property) into sets called codes. Statutes can be found at both the federal (*United States Code*) and the state level (*Arizona Revised Statutes*).

LEGISLATIVE (Statutory Law)	
U. S. Congress.....	Public/Private Laws Federal Statutes
State Legislatures.....	Session Laws State Statutes
Counties.....	County Laws
Municipalities.....	Ordinances

Fig.2 : Statutory Law

The judicial branch interprets the laws. Courts issue opinions in the form of case law. Federal and State appellate courts hear cases appealed from lower trial courts. Appellate decisions and opinions are compiled into sets called reporters. Case reporters contain published cases from a particular court or jurisdiction or on a specific topic. Indexes for the case reporters are called digests. For example, the United States Supreme Court, for example, publishes its opinions in the *United States Reports*. When an appellate court issues an opinion that contains a new interpretation of a previously written opinion on the same point of law or on a new point altogether, the court is setting precedent. Since precedent is binding on lower courts within the same jurisdiction, the precedent setting decision becomes law.

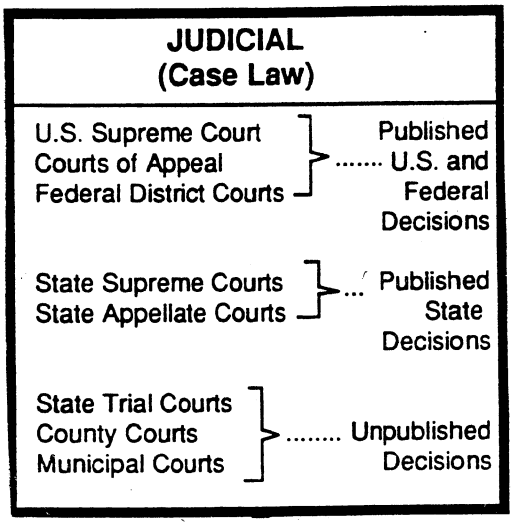


Fig.3 : Case Law

The executive branch enforces the laws passed by the legislative branch. Most of the actual enforcement duties are delegated to administrative agencies who then issue regulations. Regulations are written by Federal, State, county, and city agencies. Agencies are given authority for rulemaking from a higher authority. Congress, for example, gives authority to the Environmental Protection Agency (EPA) to write and issue rules and regulations. The same authority also gives the agency power to enforce its rules. EPA rules as well as regulations of other agencies are published in the *Federal Register* and later in the *Code of Federal Regulations*. Regulations are compiled by subject code.

Treaties made by the President with the consent of the Senate are also a primary source of law. An executive order is an order issued by the President or some administrative authority under his direction for the purpose of interpreting, implementing, or giving administrative effect to a provision of the Constitution or of some law or treaty. To have the effect of law, such orders must be published in the *Federal Register*.

The President can delegate his authority by executive orders, Presidential proclamations, and reorganization plans. The delegations are published in the *Federal Register*, the *Code of Federal Regulations*, *Congressional Record*, *Weekly Compilation of Presidential Documents, United States Code, Congressional and Administrative News*, House and Senate Documents, and in other places.

The Secretary of the Interior may delegate departmental authority to his staff only via the departmental Manual. The Director of BLM delegates Bureau authority to his staff via BLM Manual 1203. If not prohibited from doing so, field officials (State Directors and Field Managers) can re-delegate authority to such subordinates as Area Managers and Division and Branch Chiefs. Re-delegation, however, must be approved by either the Director of BLM (for State Director re-delegation) or by the State Director for his staff's re-delegation. Many re-delegations are published in the *Federal Register.*

In addition to promulgating regulations, most agencies have investigatory and adjudicative powers. Administrative agencies also conduct adjudicatory hearings which allow parties to conduct dispute actions, to present arguments and evidence about their case to an administrative law judge. The decision of administrative law judges can be appealed within the agency itself. Many agencies publish reports of their cases.

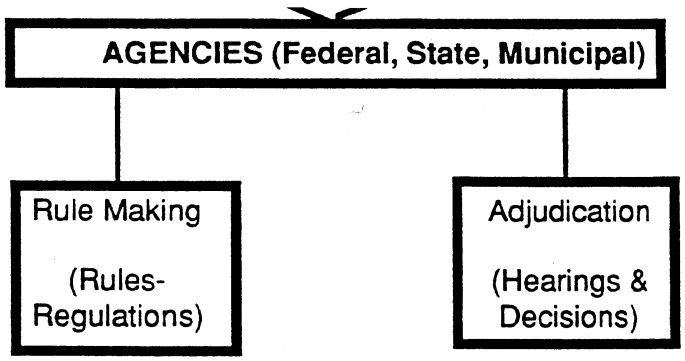
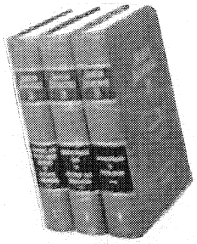
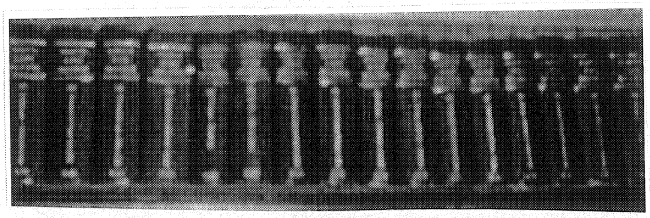


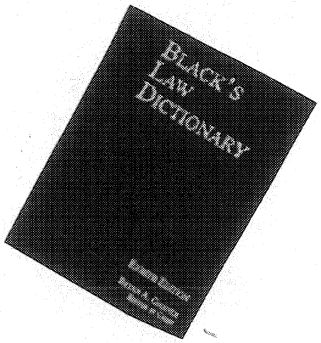
Fig.4 : Administrative Law

A one-step appeals process now exists for BLM-related adjudicative-type decisions, i.e., from the State or Field office decision to the Interior Board of Land Appeals (IBLA), the highest appellate level for BLM appeals. Exceptions to the one-step appeals are (1) matters relating to land classification decisions and (2) situations involving property rights and factual issues, such as contests of surveys, mining claims, right-of-way grants, and allowed homestead entries. In these examples, decisions b the State Director are appealed to the Hearings Division of the Office of Hearings and Appeals and then to IBLA.

After IBLA issues a decision, the administrative appeal process within the Department of the Interior usually ends, although the Secretary can review and overrule an IBLA decision. At this point, the case can be appealed only to the Federal court system, but only by a private party. The government cannot appeal an IBLA decision, but once a case is in the stream of the Federal court system, the government does have the right to appeal.







Secondary:

Secondary legal sources provide commentary and interpretation of the law. Secondary sources are often used as a starting point when researching an unfamiliar area of law. Secondary sources include the following:

- Legal encyclopedias offer a concise summary of most topics of law and abstracts of cases that interpret each area of law. The two general legal encyclopedias are the *American Jurisprudence* (AmJur) and *Corpus Juris Secundum* (C.J.S.).

- Legal dictionaries and thesauri offer definitions of legal terminology or finding alternative terms to use when researching.

- Treatises and looseleafs are texts that cover a specific area of law, such as contracts or property. Treatises contain footnote citations to related primary law, such as statutes and cases. Looseleafs bring together commentary and the relevant primary law sources such as statutes and cases. These are updated on a weekly or monthly basis and offer very current information.

- Legal periodicals include legal newspapers, bar journals and law reviews. These publications contain articles and are a good starting place for very current information.

LOCATION OF LAW RESOURCES

Wheat Law Library
University of Kansas

Law Libraries

Law libraries are similar to other libraries. There is a catalog to use, library staff to help you, the collection is arranged in some order on the shelves, there are tables and carrels and so on. The difference in a law library lies in the sources – books, periodicals, microproducts, computers, etc. In a law library most sources will relate to law.

The resources found in law library are either primary or secondary authorities. Primary authorities are created by a governmental agency, such as a constitution, statutes, case law, and administrative regulations or decisions, executive orders or treaties. Secondary authorities are not the law, but do help find, explain, or comment on the law. Secondary authorities include legal encyclopedias, law review articles, periodical publications, treatises and texts, law dictionaries, and attorney opinions.

Law libraries are found at accredited law schools, some paralegal schools, county or city, governmental agency, courthouse, bar association or other private group, law firms and in cyberspace. These law libraries vary in size and accessibility by the public. You should call law schools, county or city offices, or courthouses in your area to determine if the law library is open to the public and the hours of operation.

Cyberspace:

Legal research can be accomplished using bound books and journals, microforms, sound recordings and videocassettes, floppy disks and CD-ROM, and the computer. Many counties and boroughs have their land transactions and birth/death/marriage certificates on microfilm. The Congressional Information Service has Congressional bill, resolution and laws, as well as the *Federal Register* and *Code of Federal Regulations* on microfiche. Secondary sources used to explain, describe or summarize the law can be found on sound cassettes and video recordings. Many publishers offer both hard bound editions and CD ROM versions of law dictionaries, legal resources indexes, and such publications as the *Code of Federal Regulations*, the *U.S.C.A.*, etc.

There is also computer assisted legal research. The two major companies of this are LEXIS and Westlaw. FLITE (Federal Legal Information Through Electronics) and JURIS (Justice Retrieval Inquiry System) are only accessible by federal government employees. These companies can provide access to numerous useful authorities, but can not analyze or interpret the information. Limitations to using these systems include the literalness required to construct a search or inquiry, the cost fees for connecting, searching, and printing each job. There are also database limitations.

The internet provides researchers with the ability to find, review cases, statutes, and a vast array of materials at no cost. The internet has not replaced conventional research methods, but it is an efficient and timesaving method for some research tasks. The following are websites for legal and non-legal research and provide a good starting point for gathering information.

* http://www.washlaw.edu	Offers direct links to cases, statutes, journals, regulations and other legal resources.
* http://www.findlaw.com	Commercial site with a direct link to cases, statutes, journals, and other legal materials.
* http://www.hg.org/hgfr.html	Hieros Gamos Index with links to legal and non-legal sites.
* http://www.lawcrawler.com	Search engine for links to legal sources and sites.
* http://www.law.cornell.edu	Starting place for legal issues and links to sites.

It is necessary to know how to use a combination of conventional research methods with computerized and electronic research methods to achieve desired results. The legal resources referred to in this section will be discussed in detail in the sections that follow.

SECTION 2
STATUTORY LAW

"Article. I.
Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The steps of the legislative process generate many publications that become the legislative history of the law. Legislative history consists of the background information of a law from the body that passed it. Legislative history includes hearings, committee reports, and congressional debates compiled during a law's enactment. A legislative history is often important because it shows Congress's intent in passing the law and is used by the Courts when rendering decisions. From original introduction to final enactment, a law's language is changed many times through amendments. The final law is thus seldom in its original language.

How A Bill Becomes Statutory Law:

Federal laws are enacted by the United States Congress. Congress enacts two types of laws: private and public laws. A private law is one that affects an individual or a specific group of individuals, the subject of which will seldom be litigated (contested) in court. For example, a private law could give franking privileges to a President's widow to allow her to use the U.S. mails without paying postage. A public law, on the other hand, potentially affects most U.S. citizens. For example, anyone interested in obtaining a Federal onshore oil and gas lease in the Lower 48 States must comply with the provisions of the Mineral Leasing Act of 1920. Laws can be permanent or temporary. Permanent laws remain in effect until repealed. Temporary laws have language in the statute itself that terminates the effect of the law on a specific date.

First, a bill is introduced in either of two houses, the Senate or House of Representatives. Each bill is read by title and assigned a bill number, such as S. 123 or H.R. 456. The bill is printed in slip form by the Government Printing Office and sent to the appropriate committee for consideration. Committees, made up of a small group of Senators or Representatives, specialize in specific areas, such as foreign relations or agriculture.

A committee may reject a bill by "tabling" it so that it is never discussed again. Over 85 percent of the introduced bills are never considered and therefore die. If a bill dies at any stage, it can be re-introduced during the next congressional session at which time it will be assigned a new number.

The committee may decide to hold hearing to obtain facts and opinions from experts or other interested parties. Many of these hearings are published. After hearings and committee study and investigation the committee submits a report with its findings and a recommendation of whether the bill should pass. If most committee members vote favorably on the bill, it is sent back to the floor of the originating house and put on the calendar. In turn the bill is read.

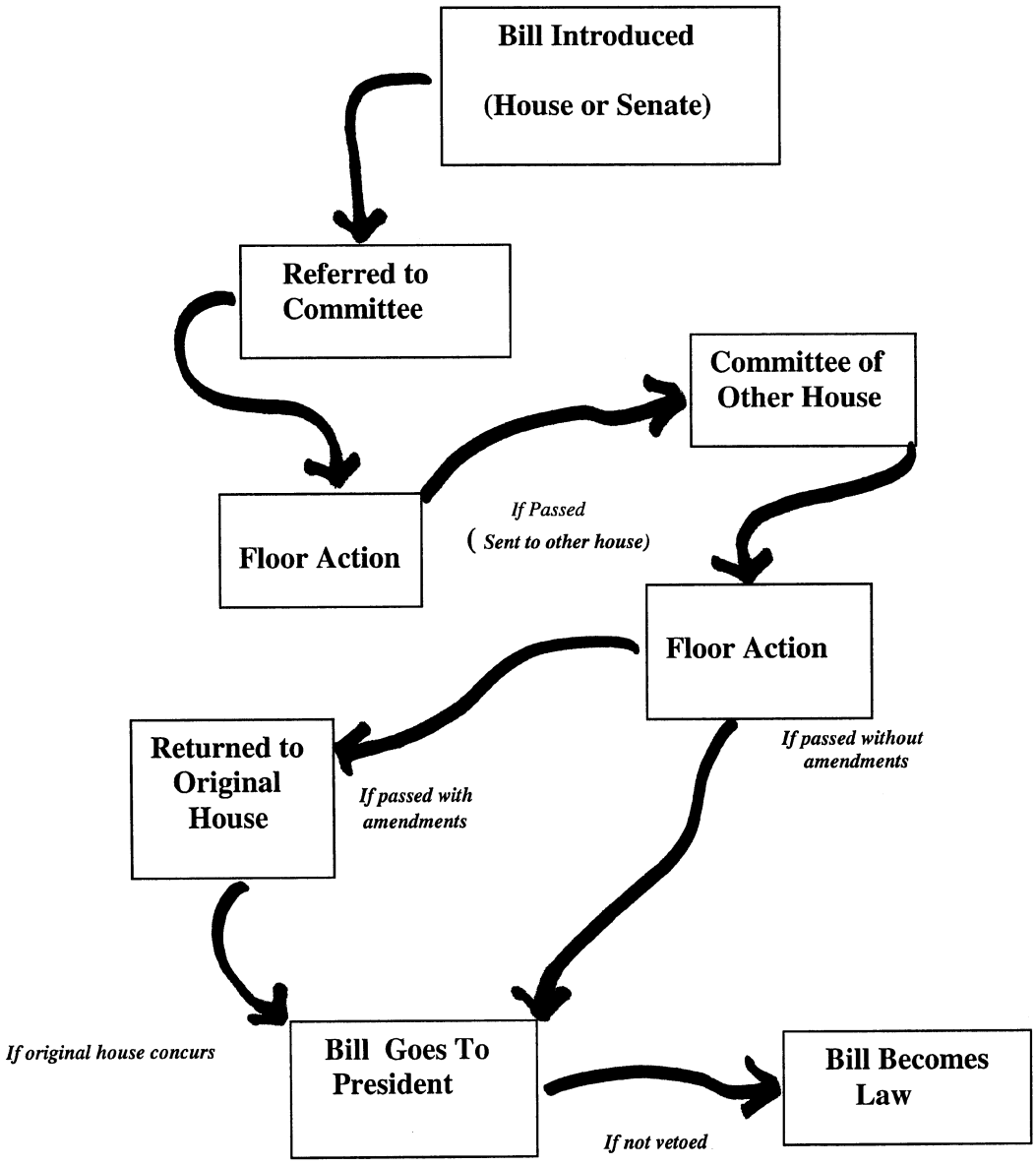
The respective house then holds debates, most of which are also printed in the Congressional Record. This bill is read a third time and then voted on. If it passes, it goes to the other house. After passage in one house, the legislation is called an act. The act goes through the same steps in the second house. When an act is amended, it is returned to the originating house for study and a vote on the amendments. If the second house passes the act, it is signed by the head of the Senate, the Vice President, and by the head of the House of Representatives, the Speaker of the House, and then sent to the President for consideration.

If either house does not pass the bill then it dies. If the House and Senate pass different bills they are sent to a Conference Committee, made up of members from both houses, to work out the differences. Most major pieces of legislation go to a conference committee. If the Conference Committee reaches a compromise, a report is written and submitted to each house for approval. If approved by both houses the act is forwarded to the President.

The act becomes law if it is signed by the President or is not vetoed within 10 days. This law will then be printed in various publications. At this stage the law is generally referred to as a public law or statute.

Any law may be changed later by Congress or by the Federal courts. For example, Congress may amend, repeal, revise, or supersede the law, or a Federal court may test the constitutionality or validity of a law that is questioned. The Federal court can declare an entire law unconstitutional or just one section.

Fig.5 : **How A Bill Becomes Law**



Slip Laws:

After enactment, a new Federal public law is published first as a slip law. A slip law is an individual publication in pamphlet form of the law as enacted by Congress. Slip laws are published by the Government Printing Office and issued in chronological order by public law number, e.g.,

Public Law 95-625, November 10, 1978

95th Congress **Slip Law No.** **Date of Enactment**

Slip laws can be found through several sources. These include the following:

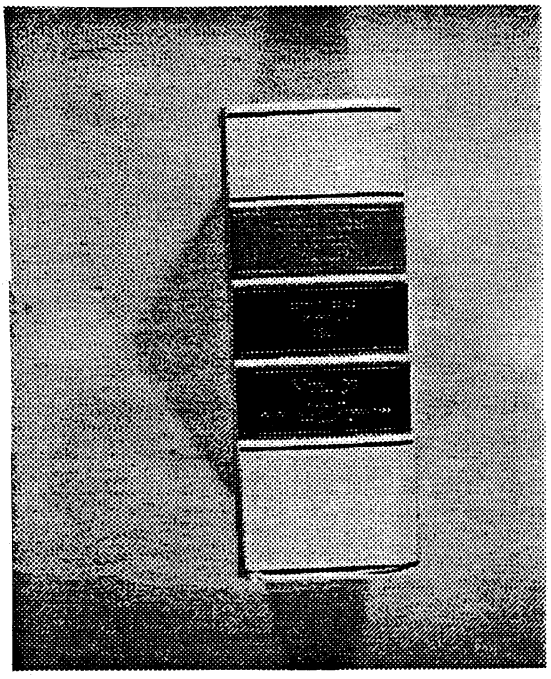
- Federal statutes can be found on the internet at "THOMAS-Legislative Information on the Internet." This site offers text of proposed and enacted legislation, committee information, calendars for scheduled hearings, and House and Senate directories. The Thomas site can be accessed at http://thomas.loc.gov.

- Over 1300 libraries across the United States have been designated as U.S. Government Depository Libraries. These libraries receive slip laws. To find out if a library is a depository library call the reference librarian or go online to http://www.access.gpo.gov/su_docs/locators/findlibs/index.html.

- Slip laws can be obtained from the U.S. Government Printing Office.

- Two subscription sources are the *United States Code Congressional and Administrative News Service* (USCCAN) and the *United States Law Week.* USCCAN is published by West monthly and contains all of the public laws passed, federal regulations enacted, executive orders and presidential proclamations from the previous month. Law libraries and law firms subscribe to this publication. The Bureau of National Affairs publishes weekly the *United States Law Week* which contains the complete text of significant public laws and summaries of recent court cases. This also can be found in law libraries.

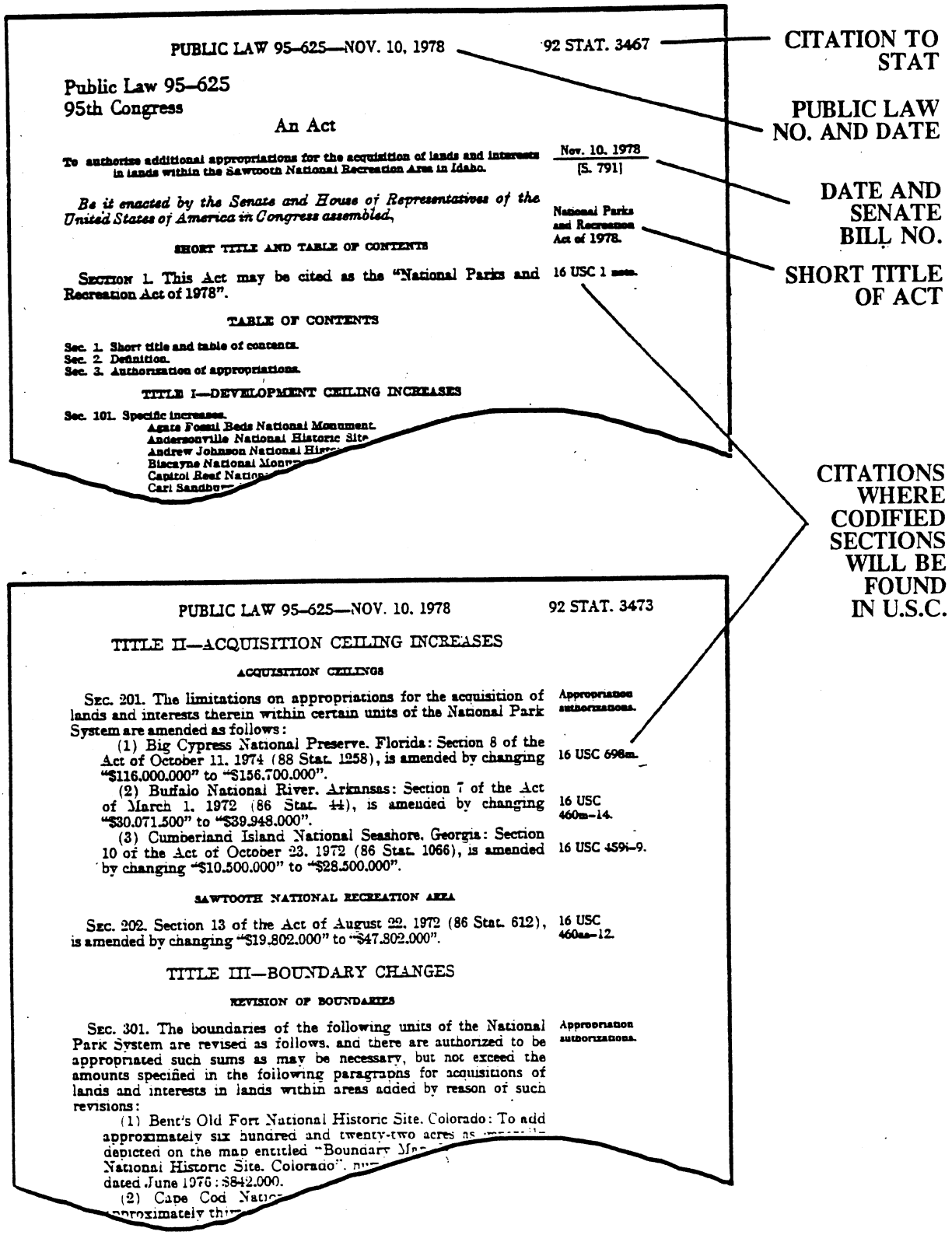
Fig.6 : **Statutes at Large (Stat.)**



At the end of each Congressional session, the Government Printing Office compiles these slip laws in chronological order in a set of volumes called the *United States Statute at Large (Stat.).* The Statutes at Large have been published since 1789 and are contained in over 110 volumes. The first 17 *Statutes at Large* volumes were published by various private publishers. The Government Printing Office started publishing the Statutes at Large with Volume 18 in 1873. In 1866, Congress decided to codify (to arrange laws in a systematic, classified order) the laws still valid and in effect from the 17 volumes. Codification of the 17 volumes of the *Statute at Large* resulted in the publication of the *United States Revised Statutes of 1875.* However, these *Revised Statutes* contained many errors and a corrected version was published in 1878. Because Congress has not reenacted the 1878 revision into law, the *Revised Statutes of 1875* are still the law today, errors and all.

The volumes published after each Congressional session contain the public laws in the first part of the volumes followed by private laws, presidential proclamations, reorganizations plans and constitutional amendments. Each volume has a subject index, and the front of each has a chronological listing of laws (arranged by public law or private number) passed during that particular session of Congress. Subsequent amendments or repeal of a previously passed law will not appear together with that law, but will be in the volume for the session it was passed. Because the *Statutes at Large* do not have a general index, it is difficult to research a federal law.

Fig.7 : Statutes at Large



PUBLIC LAW 95–625—NOV. 10, 1978 92 STAT. 3467

Public Law 95–625
95th Congress

An Act

To authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho.

Nov. 10, 1978
[S. 791]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Parks and Recreation Act of 1978.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Parks and Recreation Act of 1978".

16 USC 1 note.

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Definition.
Sec. 3. Authorization of appropriations.

TITLE I—DEVELOPMENT CEILING INCREASES

Sec. 101. Specific increases.
Agate Fossil Beds National Monument.
Andersonville National Historic Site.
Andrew Johnson National Hist...
Biscayne National Monu...
Capitol Reef Natio...
Carl Sandbu...

PUBLIC LAW 95–625—NOV. 10, 1978 92 STAT. 3473

TITLE II—ACQUISITION CEILING INCREASES

ACQUISITION CEILINGS

SEC. 201. The limitations on appropriations for the acquisition of lands and interests therein within certain units of the National Park System are amended as follows:

Appropriation authorizations.

(1) Big Cypress National Preserve, Florida: Section 8 of the Act of October 11, 1974 (88 Stat. 1258), is amended by changing "$116,000,000" to "$156,700,000".

16 USC 698m.

(2) Buffalo National River, Arkansas: Section 7 of the Act of March 1, 1972 (86 Stat. 44), is amended by changing "$30,071,500" to "$39,948,000".

16 USC 460m–14.

(3) Cumberland Island National Seashore, Georgia: Section 10 of the Act of October 23, 1972 (86 Stat. 1066), is amended by changing "$10,500,000" to "$28,500,000".

16 USC 459i–9.

SAWTOOTH NATIONAL RECREATION AREA

SEC. 202. Section 13 of the Act of August 22, 1972 (86 Stat. 612), is amended by changing "$19,802,000" to "$47,802,000".

16 USC 460aa–12.

TITLE III—BOUNDARY CHANGES

REVISION OF BOUNDARIES

SEC. 301. The boundaries of the following units of the National Park System are revised as follows, and there are authorized to be appropriated such sums as may be necessary, but not exceed the amounts specified in the following paragraphs for acquisitions of lands and interests in lands within areas added by reason of such revisions:

Appropriation authorizations.

(1) Bent's Old Fort National Historic Site, Colorado: To add approximately six hundred and twenty-two acres as ... depicted on the map entitled "Boundary Ma... National Historic Site, Colorado", ... dated June 1976; $842,000.

(2) Cape Cod Natio...
approximately thir...

CITATION TO STAT

PUBLIC LAW NO. AND DATE

DATE AND SENATE BILL NO.

SHORT TITLE OF ACT

CITATIONS WHERE CODIFIED SECTIONS WILL BE FOUND IN U.S.C.

The *Statutes at Large* offers an historical overview of the order in which Congress has enacted laws as well as provides a permanent source of all Federal legislation in its original form. This is important because the statutory compilations often have to divide an act to properly place in the code by subject. It is often the sole source for the text of private legislation, temporary legislation not deemed to have been of general interest. It also provides a permanent file of materials that were once in statutory compilations but are no longer current.

Since 1933, information has been included in that margins that is often helpful in preparing a legislative history. Beginning with volume 77, each volume contains a section entitled "Guide to Legislative History of Bills Enacted into Public Law." This section cites most of the documents needed to produce a federal legislative history.

Because research became more and more difficult with the publication of each volume of the *Statutes at Large,* the need for a thorough codification of public laws by subject matter became more apparent. In the early 1920s, Congress authorized another codification. This codification became the *United States Code* (U.S.C.).

United States Code (U.S.C.)

The *United States Code* (U.S.C.) has been officially published by the Government Printing Office since 1926. A revised edition of the set is published every 6 years. The present code is the 2000 edition; the next revision will be the 2006 edition.

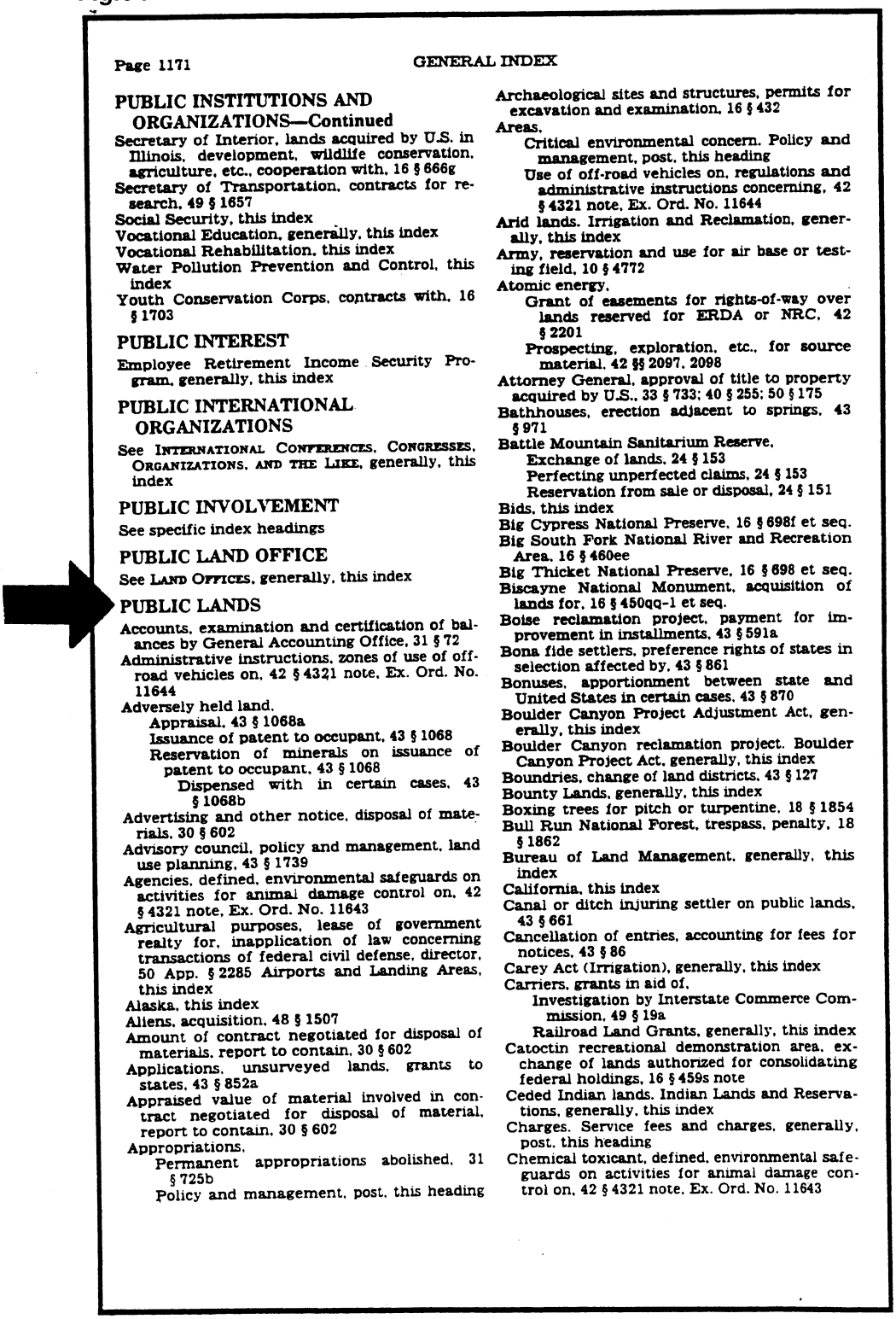
The *United States Code* contains the U.S. Constitution and amendments and the public laws from the *Statutes at Large* codified in the U.S.C. into the following 50 titles:

1. General Provisions
2. The Congress
3. The President
4. Flag and Seal, Seat of Government, and the States
5. Government Organization and Employees; and Appendix
6. Surety Bonds (Repealed)
7. Agriculture
8. Aliens and Nationality
9. Arbitration
10. Armed forces; and Appendix
11. Bankruptcy
12. Banks and Banking
13. Census
14. Coast Guard
15. Commerce and Trade
16. Conservation
17. Copyrights
18. Crimes and Criminal Procedure; and Appendix
19. Custom Duties
20. Education
21. Food and Drugs
22. Foreign Relations and Intercourse
23. Highways
24. Hospitals and Asylums
25. Indians

26. Internal Revenue Code
27. Intoxicating Liquors
28. Judiciary and Judicial Procedure; and Appendix
29. Labor
30. Mineral Lands and Mining
31. Money and Finance
32. National Guard
33. Navigation and Navigable Waters
34. Navy (Repealed)
35. Patents
36. Patriotic Societies and Observances
37. Pay and Allowances of the Uniformed Services
38. Veterans Benefits
39. Postal Service
40. Public Building, Property, and Works
41. Public Contracts
42. The Public Health and Welfare
43. Public Lands
44. Public Printing and Documents
45. Railroads
46. Shipping
47. Telegraphs, Telephones, and Radio-telegraphs
48. Territories and Insular Possessions
49. Transportation; and Appendix
50. War and National Defense; and Appendix

A four-volume subject index to the U.S.C. is the main finding tool for this set, as illustrated below. One volume of the Index contains *Acts Cited by Popular Name* and cross-reference tables.

Fig.8 :



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Water Pollution Prevention and Control, this index
Youth Conservation Corps, contracts with, 16 § 1703

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Employee Retirement Income Security Program, generally, this index

PUBLIC INTERNATIONAL ORGANIZATIONS

See INTERNATIONAL CONFERENCES, CONGRESSES, ORGANIZATIONS, AND THE LIKE, generally, this index

PUBLIC INVOLVEMENT

See specific index headings

PUBLIC LAND OFFICE

See LAND OFFICES, generally, this index

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  Issuance of patent to occupant, 43 § 1068
  Reservation of minerals on issuance of patent to occupant, 43 § 1068
    Dispensed with in certain cases, 43 § 1068b
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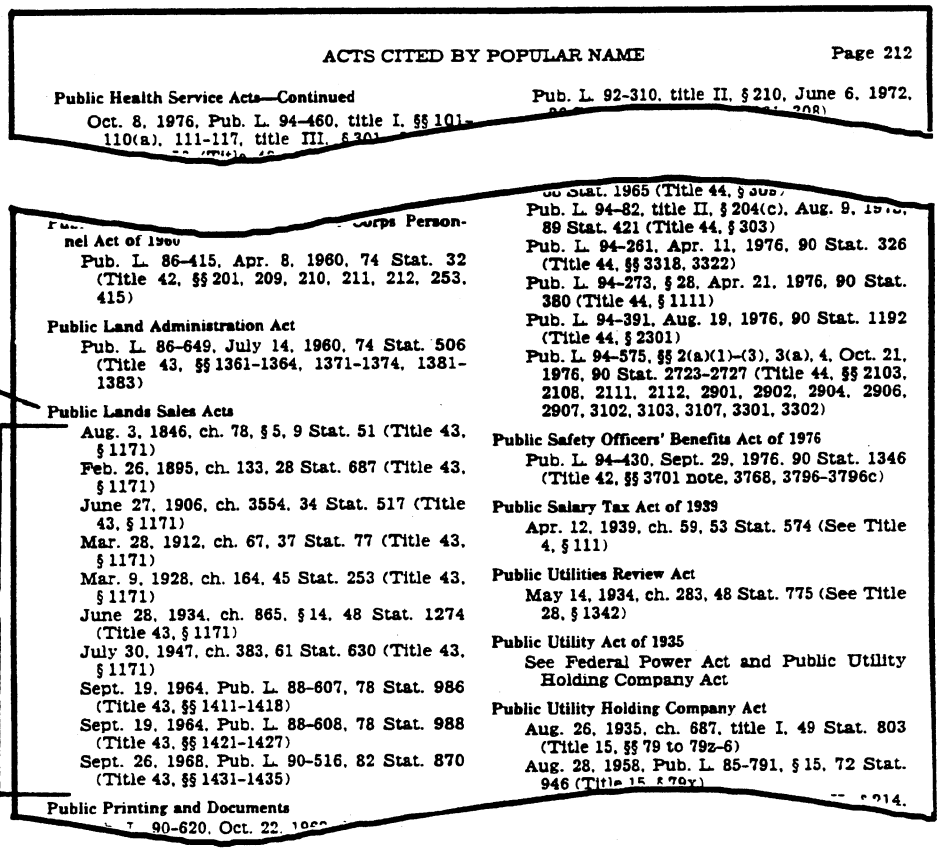
The *Acts Cited by Popular Name* is an alphabetical listing of public laws that have acquired a popular name. *The Statutes at Large* citation, including amendments, is listed under the popular name of the statute, e.g., the public Land Sales Act. See the following illustration.

Fig.9 :

(FROM VOL. 12 USC, POPULAR NAMES AND TABLES)

EXAMPLE OF POPULAR NAME OF AN ACT

CITATIONS TO PUBLIC LAWS AND STATS RELATING TO PUBLIC LANDS SALES ACT



ACTS CITED BY POPULAR NAME Page 212

Public Health Service Acts—Continued

Oct. 8, 1976, Pub. L. 94-460, title I, §§ 101, 110(a), 111-117, title III, § 301

Pub. L. 92-310, title II, § 210, June 6, 1972, 86 Stat. 308

...Corps Personnel Act of 1960

Pub. L. 86-415, Apr. 8, 1960, 74 Stat. 32 (Title 42, §§ 201, 209, 210, 211, 212, 253, 415)

Public Land Administration Act

Pub. L. 86-649, July 14, 1960, 74 Stat. 506 (Title 43, §§ 1361-1364, 1371-1374, 1381-1383)

Public Lands Sales Acts

Aug. 3, 1846, ch. 78, § 5, 9 Stat. 51 (Title 43, § 1171)

Feb. 26, 1895, ch. 133, 28 Stat. 687 (Title 43, § 1171)

June 27, 1906, ch. 3554, 34 Stat. 517 (Title 43, § 1171)

Mar. 28, 1912, ch. 67, 37 Stat. 77 (Title 43, § 1171)

Mar. 9, 1928, ch. 164, 45 Stat. 253 (Title 43, § 1171)

June 28, 1934, ch. 865, § 14, 48 Stat. 1274 (Title 43, § 1171)

July 30, 1947, ch. 383, 61 Stat. 630 (Title 43, § 1171)

Sept. 19, 1964, Pub. L. 88-607, 78 Stat. 986 (Title 43, §§ 1411-1418)

Sept. 19, 1964, Pub. L. 88-608, 78 Stat. 988 (Title 43, §§ 1421-1427)

Sept. 26, 1968, Pub. L. 90-516, 82 Stat. 870 (Title 43, §§ 1431-1435)

Public Printing and Documents

...90-620, Oct. 22, 1968...

...Stat. 1965 (Title 44, § 305...

Pub. L. 94-82, title II, § 204(c), Aug. 9, 1975, 89 Stat. 421 (Title 44, § 303)

Pub. L. 94-261, Apr. 11, 1976, 90 Stat. 326 (Title 44, §§ 3318, 3322)

Pub. L. 94-273, § 28, Apr. 21, 1976, 90 Stat. 380 (Title 44, § 1111)

Pub. L. 94-391, Aug. 19, 1976, 90 Stat. 1192 (Title 44, § 2301)

Pub. L. 94-575, §§ 2(a)(1)-(3), 3(a), 4, Oct. 21, 1976, 90 Stat. 2723-2727 (Title 44, §§ 2103, 2108, 2111, 2112, 2901, 2902, 2904, 2906, 2907, 3102, 3103, 3107, 3301, 3302)

Public Safety Officers' Benefits Act of 1976

Pub. L. 94-430, Sept. 29, 1976, 90 Stat. 1346 (Title 42, §§ 3701 note, 3768, 3796-3796c)

Public Salary Tax Act of 1939

Apr. 12, 1939, ch. 59, 53 Stat. 574 (See Title 4, § 111)

Public Utilities Review Act

May 14, 1934, ch. 283, 48 Stat. 775 (See Title 28, § 1342)

Public Utility Act of 1935

See Federal Power Act and Public Utility Holding Company Act

Public Utility Holding Company Act

Aug. 26, 1935, ch. 687, title I, 49 Stat. 803 (Title 15, §§ 79 to 79z-6)

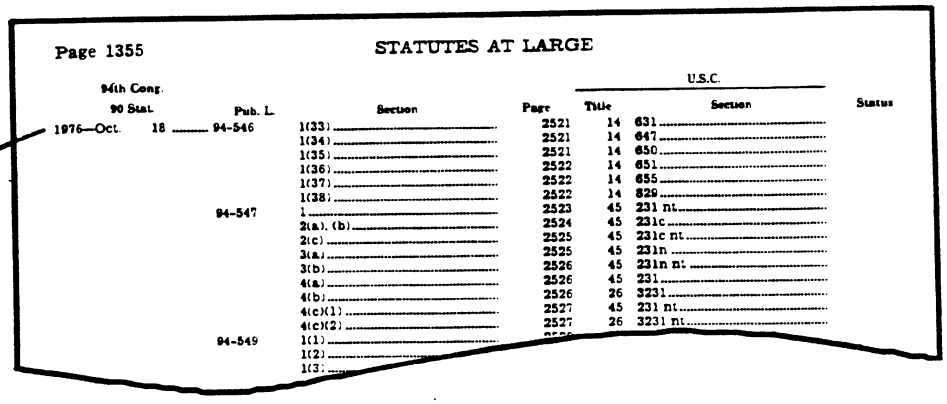
Aug. 28, 1958, Pub. L. 85-791, § 15, 72 Stat. 946 (Title 15, § 79y)

...§ 214.

The "Tables" sections provide cross-reference from the *Revised Statutes* and *Statutes at Large* to the U.S.C. citations. The *Statutes at Large* table lists public laws chronologically, first by Congress, then by public law number. Other tables include cross-references of executive orders, proclamations, and reorganization plans from the *Statutes at Large* to the U.S.C.

Fig.10 :

EXAMPLE OF PUBLIC LAW CROSS REFERENCE TO USC CITATION



Page 1355 STATUTES AT LARGE

94th Cong. 90 Stat.	Pub. L.	Section	Page	U.S.C. Title	U.S.C. Section	Status
1976—Oct. 18	94-546	1(33)	2521	14	631	
		1(34)	2521	14	647	
		1(35)	2521	14	650	
		1(36)	2522	14	651	
		1(37)	2522	14	655	
		1(38)	2522	14	829	
	94-547	1	2523	45	231 nt	
		2(a), (b)	2524	45	231c	
		2(c)	2525	45	231c nt	
		3(a)	2525	45	231n	
		3(b)	2526	45	231n nt	
		4(a)	2526	45	231	
		4(b)	2526	26	3231	
		4(c)(1)	2527	45	231 nt	
		4(c)(2)	2527	26	3231 nt	
	94-549	1(1)				
		1(2)				
		1(3)				

The 50 titles of the U.S.C. are divided into chapters, which are subdivided into sections. Following each statute section is historical information showing where to locate data on amendments and changes for the section, including the *Statutes at Large* citation. To update the research in the U.S.C., consult the annual U.S.C. cumulative supplements that are placed on the shelf after Title 50.

Fig.11 :

(FROM 43 U.S.C.)

TITLE 43 U.S.C. SECTION 772

STATUTE SECTION

HISTORICAL INFORMATION

§ 770. Rectangular mode of survey; departure from

The Secretary of the Interior may, by regulation, provide that departures may be made from the system of rectangular surveys whenever it is not feasible or economical to extend the rectangular surveys in the regular manner or whenever such departure would promote the beneficial use of lands.

(R.S. § 2410; Apr. 29, 1950, ch. 134, § 2, 64 Stat. 93.)

CODIFICATION

R.S. § 2410 is from act Mar. 3, 1853, ch. 145, § 4, 10 Stat. 245.

AMENDMENTS

1950—Act Apr. 29, 1950, eliminated the limitation that, when there are departures from the rectangular surveys, the lands shall not be surveyed into less than 160 acres or subdivided into less than 40 acres, and by substituting a general provision for those departures.

§ 771. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, R.S. § 2411, related to compensation for surveying by the day instead of by the mile in Oregon and California.

§ 772. Resurveys or retracements to mark boundaries of undisposed lands

The Secretary of the Interior may, as of March 3, 1909, in his discretion cause to be made, as he may deem wise under the rectangular system on that date provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided*, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement.

(Mar. 3, 1909, ch. 271, 35 Stat. 845; June 25, 1910, No. 40, 36 Stat. 884; Oct. 21, 1976, Pub. L. 94-579, title VII, § 705(a), 90 Stat. 2792.)

AMENDMENT

1976—Pub. L. 94-579 struck out proviso authorizing that not more than 20 per centum of relevant appropriations be used for resurveys and retracements under this section.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 705(a) of Pub. L. 94-579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

§ 773. Resurveys or retracements of township lines, etc.

Upon the application of the owners of three-fourths of the privately owned lands in any township covered by public-land surveys, more than 50 per centum of the area of which townships is privately owned, accompanied by a deposit with the Secretary of the Interior, or such officer as he may designate, of the proportionate estimated cost, inclusive of the necessary work, of the resurvey or retracement of all the privately owned lands in said township, the Secretary, or such officer as he may designate, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of public lands. The sum so deposited shall be held by the Secretary of the Interior or such officer as he may designate, and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the persons making said deposits or their legal representatives. The proportionate cost of the field and office work for the resurvey or retracement of any public lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements. Similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the court. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this section into full force and effect.

(Sept. 21, 1918, ch. 175, 40 Stat. 965; Mar. 3, 1925, ch. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

"Supervisor of Surveys" was changed to the "Secretary of the Interior or such officer as he may designate."; the words "Commissioner of the General Land Office subject to the supervisory authority of the Secretary of the Interior" were changed to "Secretary, or such officer as he may designate."; and reference to "Supervisor of Surveys or commissioner" was changed to "Secretary of the Interior or such officer as he may designate", all on authority of section 403 of Reorg. Plan No. 3 of 1946, see note under section 1 of this title.

Act Mar. 3, 1925, abolished the office of surveyor general and transferred the administration of all activities in charge of surveyors general to the Field Surveying Service under the jurisdiction of the United States Supervisor of Surveys.

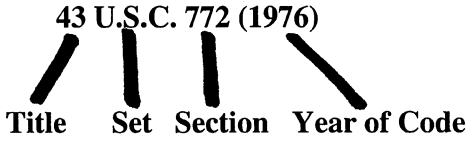
§ 774. Protection of surveyor by marshal

Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered.

(R.S. § 2413.)

A citation to a statute consists of the title number, the abbreviation for the name of the set, the section number, and the date of the edition of the U.S.C. in which the statute is published.

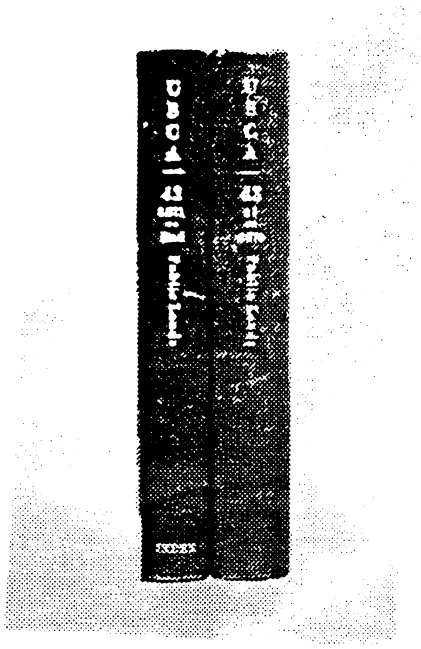
Citation to the United States Code:



Two annotated versions of the U.S.C. are published. "Annotation" refers to a classified arrangement of court case summaries that interpret the statute section. These summaries, also called "Notes of Decisions," follow each statute section. The two annotated sets are *United States Code Annotated* (U.S.C.A.) published by West and *United States Code Service* (U.S.C.S.) published by LEXIS Publishing (formerly Lawyer Cooperative Publishing).

Fig.12 : **United States Code Annotated (U.S.C.A.)**

United States Code Annotated Set for Title 43



Because public laws cannot be copyrighted, companies like West Publishing Company and LEXIS Publishing can reprint the U.S.C. verbatim. The *United States Code Annotated* (U.S.C.A.) is an unofficial publication of the U.S.C. published by West. In addition to a reprint of the U.S.C., the U.S.C.A. includes the following features:

1. historical notes that provide an overview of the history of the statute that can include information on the initial passage of the legislation and later amendments;
2. cross references to other federal statutes that may be used to clarify this statute;
3. library references provide other sources in the law library, i.e., encyclopedias, dictionaries, law review articles, etc., that deal with the topic covered by the statute;
4. references to sections of the Code of Federal Regulations that relate to the statute;
5. notes of decisions that are summaries of cases that have interpreted the statutory section being researched; and

6. Some materials that do not technically belong in a statutory compilation, such as the text of reorganization plans and executive orders that are logically related and the publisher feels that such publication would be useful to the researcher.

Fig.13 :

Historical Note

Derivation. Act Mar. 3, 1853, c. 145, § 4, 10 Stat. 245.

1950 Amendment. Act Apr. 29, 1950, generalized the provisions permitting departures, and eliminated the limitation that, when there are departures from the rectangular surveys, the lands shall not be surveyed into less than 160 acres or subdivided into less than 40 acres.

Notes of Decisions

1. Construction with other laws

This and other acts and regulations of the surveyor general as to form of subdivisions of public lands did not apply to lands in grant from Mexico to the city of San Francisco. Burk v. Howe, 1915, 152 P. 434, 171 Cal. 242.

§ 771. Repealed. Dec. 16, 1930, c. 14, § 1, 46 Stat. 1029

Historical Note

Section, R.S. § 2411, related to compensation for surveying by the day instead of by the mile in Oregon and California.

§ 772. Resurveys or retracements to mark boundaries of undisposed lands

The Secretary of the Interior may, as of March 3, 1909, in his discretion cause to be made, as he may deem wise under the rectangular system on that date provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided*, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement: *Provided further*, That not to exceed 20 per cent of the total annual appropriation for surveys and resurveys of the public lands shall be used for the resurveys and retracements authorized hereby. Mar. 3, 1909, c. 271, 35 Stat. 845; June 25, 1910, No. 40, 36 Stat. 884.

Notes of Decisions

Evidence 6
Fraud 4
Judicial notice 5
Mistake or fraud 4
Original survey controls 2
Rights or claims, impairment of 3
Surveys and resurveys 1

Library references
Public Lands ⇐28.
C.J.S. Public Lands § 33.

1. Surveys and resurveys

A purpose to annul or abandon a survey of public lands may be disclosed by an act of Congress directing a resurvey, based on the fact of obliteration of the lines and marks. Cox v. Hart, Cal.1922, 43 S.Ct. 154, 260 U.S. 427, 67 L.Ed. 332.

A government surveyor is not invested with authority to determine the character of land surveyed or left unsurveyed or to classify it as within or without the operation of particular laws, and his error in failing to extend his survey over islands in a river did not make them less a part of the government domain, and the government was not thereby divested of title or prevented from subsequently surveying them and asser-

TITLE 43 SECTION 772 FROM U.S.C.A. NOTE: TEXT SAME AS U.S.C. FIGURE 7

OUTLINE OF NOTES OF DECISIONS

REFERENCES TO TOPIC-KEY NUMBER (USED TO ACCESS INFORMATION IN OTHER WEST PUBLICATIONS)

REFERENCE TO ENCYCLOPEDIA

EXAMPLE OF ANNOTATION OR NOTES OF DECISIONS

The U.S.C.A. has a popular names and tables volume and a detailed multivolume subject index. Tables - Supplied with the U.S.C.A. are several volumes of tables whose use will allow conversion from a U.S.C.A. citation to the proper citation in the *Revised Statutes of 1878* or from a *Statutes at Large* citation to the U.S. Code. In addition, these tables to proceed from the U.S.C.A. to the *Statutes at Large* or to find executive documents issued under the authority of Federal statutes.

Popular Names – Many statutes become well known by a popular name or short title. The last volume of the multivolume index to the U.S.C.A. contains a table of such acts. For convenience the popular names also appear as entries in the general index and in the indexes following each title.

All U.S.C.A. volumes are updated by annual cumulative pocket parts. Pocket parts are supplementary pamphlets that update sets of law books such as statutes, digests, and encyclopedias. Pocket parts are cumulative from year to year. Because they are usually published annually, they are called "annual cumulative pocket parts." Each pocket part is inserted into a slit or pocket in back of the volume its supplements.

The following two pages are examples of pocket pages.

Fig.14 : United States Code Annotated (Pocket Part)

SUBCHAPTER VII—PAYMENTS AND REFUNDS

§ 261. Repealed. Pub.L. 94–579, Title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, Acts Sept. 30, 1890, No. 59, 26 Stat. 684; Oct. 28, 1921, c. 114, § 1, 42 Stat. 208; Mar. 3, 1925, c. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to time for payments and extension of time.

Effective Date of Repeal. Section 702 of Pub.L. 94–579 provided in part that section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

Savings Provisions. Repeal by Pub.L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub.L. 94–579, set out as a note under section 1701 of this title.

§ 263. Repealed. Pub.L. 94–579, Title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, Acts June 16, 1880, c. 244, §§ 1–4, 21 Stat. 287; Apr. 18, 1904, No. 25, 33 Stat. 589; 1946 Reorg.Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to cancellation of entries and repayment of fees.

Effective Date of Repeal. Section 702 of Pub.L. 94–579 provided in part that section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

Savings Provisions. Repeal by Pub.L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub.L. 94–579, set out as a note under section 1701 of this title.

SUBCHAPTER VIII—ALASKA HOMESTEADS

§ 270–4. Repealed. Pub.L. 94–579, Title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section, Acts May 14, 1898, c. 299, § 10, 30 Stat. 413; Oct. 28, 1921, c. 114, § 1, 42 Stat. 208; Mar. 3, 1925, c. 462, 43 Stat. 1144; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to affidavits, and filing, publishing, and posting proof of claims.

Effective Date of Repeal. Section 702 of Pub.L. 94–579 provided in part that section is repealed effective on and after Oct. 21, 1976, except such effective date to be on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976, insofar as the homestead laws apply to public lands in Alaska.

Savings Provisions. Repeal by Pub.L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub.L. 94–579, set out as a note under section 1701 of this title.

§ 270–11. Repealed. Pub.L. 94–579, Title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2787

Section, Act Mar. 8, 1922, c. 96, § 1, 42 Stat. 415; Aug. 23, 1958, Pub.L. 85–725, § 1, 72 Stat. 730, related to entry on land containing coal, oil, or gas.

Effective Date of Repeal. Section 703(a) of Pub.L. 94–579 provided in part that section is repealed effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

Savings Provisions. Repeal by Pub.L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub.L. 94–579, set out as a note under section 1701 of this title.

§ 270–12. Disposal by United States of coal, oil, or gas deposits reserved to United States: entry, reentry, etc., on lands for prospecting, mining, and removal

The coal, oil, or gas deposits reserved to the United States in accordance with the Act of March 8, 1922 (42 Stat. 415; 43 U.S.C. 270–11 et seq.), as added to by the Act of August 17, 1961 (75 Stat. 384; 43 U.S.C. 270–13), and amended by the Act of October 3, 1962 (76 Stat. 740; 43 U.S.C. 270–13), shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the

TITLE 43
SECTION
270-12
FROM POCKET
PART OF
U.S.C.A.
(TEXT
CONTINUED
ON FIGURE 12)

Fig.15 : United States Code Annotated (Pocket Part)

NOTE EXPLAINING AMENDMENT TO SECTION 270-12

Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: Provided, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: Provided further, That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase.

(As amended Oct. 21, 1976, Pub.L. 94–579, Title VII, § 703(c), 90 Stat. 2791.)

References in Text. The Act of March 8, 1922, referred to in text, is Act Mar. 8, 1922, c. 96, §§ 1 to 3, 42 Stat. 415, 416, originally classified to sections 376, 377 and 377a of Title 48, Territories and Insular Possessions, respectively, was transferred to sections 270–11 to 270–13 of this title, respectively. The provisions added by the Act of Aug. 17, 1961, and amended by the Act of Oct. 3, 1962 were classified to section 270–13 of this title. Sections 270–11 and 270–13 of this title were repealed by Pub.L. 94–579, § 703(a), effective on and after the tenth anniversary of the date of approval of Pub.L. 94–579, which was enacted into law Oct. 21, 1976.

1976 Amendment. Pub.L. 94–579 substituted provisions relating to disposal by United States of coal, oil, or gas deposits reserved to the United States, applicability of statutory provisions to such disposal, and entry, reentry, etc., on lands for prospecting, mining, and removal of deposits, for provisions relating to patent for land entered under former section 270–11 of this title, reservation to the patented land, disposal of reserved coal, oil, or gas deposits, and entry, reentry, etc., on lands for prospecting, mining, and removal of deposits.

Effective Date of 1976 Amendment. Section 703(c) of Pub.L. 94–579 provided in part that amendment to this section is effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

§§ 270–15 to 270–17. Repealed. Pub.L. 94–579, Title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2787

Section 270–15, Acts Apr. 13, 1926, c. 121, § 1, 44 Stat. 243; Apr. 29, 1950, c. 134, § 3, 64 Stat. 93, related to claims and rectangular system of surveys and departure for local or topographic conditions.

Section 270–16, Acts Oct. 28, 1921, c. 114, § 1, 42 Stat. 208; Mar. 3, 1925, c. 462, 43 Stat. 1144; Apr. 13, 1926, c. 121, § 2, 44 Stat. 244; 1946 Reorg.Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100, related to additional entries by soldiers.

Section 270–17, Act Apr. 13, 1926, c. 121, § 3, 44 Stat. 244, related to disposition of deposit of estimated cost of work incident to survey, and promulgation of rules and regulations.

Effective Date of Repeal. Section 703(a) of Pub.L. 94–579 provided in part that sections are repealed effective on and after the tenth anniversary of the date of approval of this Act, Oct. 21, 1976.

Savings Provisions. Repeal by Pub.L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub.L. 94–579, set out as a note under section 1701 of this title.

SUBCHAPTER IX—SOLDIERS' AND SAILORS' HOMESTEAD

§§ 271 to 284. Repealed. Pub.L. 94–579, Title VII, § 702, Oct. 21, 1976, 90 Stat. 2787

Section 271, R.S. § 2304; Mar. 1, 1901, c. 674, 31 Stat. 847, set forth provisions respecting soldiers and sailors entitled to make entry.

Section 272, R.S. § 2305; Mar. 1, 1901, c. 674, 31 Stat. 847; Apr. 6, 1922, c. 122, § 1, 42 Stat. 491, related to deduction of military and naval service from time required to perfect title, and rights of widows and children of veterans.

Section 272a, Acts Feb. 25, 1919, c. 37, 40 Stat. 1161; Dec. 28, 1922, c. 19, 42 Stat. 1067, related to applicability of former sections 271 and 272 to military and naval operations on Mexican border or in World War I.

Section 273, Act Apr. 6, 1922, c. 122, § 1, 42 Stat. 491, related to veterans receiving compensation for wounds or disability.

In addition to pocket parts, U.S.C.A. volumes are occasionally updated by separately published pamphlets. When the U.S.C.A. volumes are revised, all supplemental material is included in the volumes.

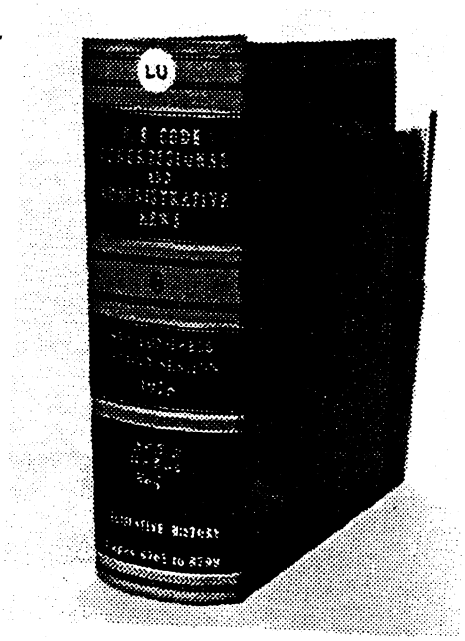
Every 2-3 months, West publishes a cumulative pamphlet service that supplements the annual pocket parts. Each pamphlet supplement supersedes the preceding pamphlet supplements.

United States Code Congressional and Administrative News (U.S. Code Cong. & Ad. News)

The *United States Code Congressional and Administrative News* (U.S. Code Cong. & Ad. News) is a commercial publication by West of documents relating to the legislative, administrative, and executive components of government. Its speed of publication and breadth of coverage make it useful as an updating device for sets like the *United States Code Annotated* and as a single source to monitor the current production of the components of the Federal Government that it covers.

This set is published first in advance sheet form and later in bound volumes after the congressional session. The set contains all public laws enacted during a congressional session published in chronological order by public law number. (note the cross-reference in the margin where this public law section will be found later in the U.S.C.).

Fig.16 :



The *U.S. Code Cong. & Ad.News* also contains important pieces of the legislative history for the public laws. Much of the legislative history comes from congressional reports and hearings.

Fig.17 :

LEGISLATIVE HISTORY
P.L. 96–487

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

P.L. 96–487, see page 94 Stat. 2371

House Report (Interior and Insular Affairs Committee) No. 96–97(I), Apr. 18, 1979 [To accompany H.R. 39]

House Report (Merchant Marine and Fisheries Committee) No. 96–97(II), Apr. 23, 1979 [To accompany H.R. 39]

Senate Report (Energy and Natural Resources Committee) No. 96–413, Nov. 14, 1979 [To accompany H.R. 39]

Cong. Record Vol. 125 (1979)

Cong. Record Vol. 126 (1980)

DATES OF CONSIDERATION AND PASSAGE

House May 16, 1979; November 12, 1980

Senate August 19, 1980

The Senate Report is set out.

REFERENCES TO CONGRESSIONAL INFORMATION ABOUT THE ACT

SENATE REPORT NO. 96–413

CONTENTS

[page III]

		Page
H.R. 39, as reported		1
I.	Purpose of the measure	126
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IV.	Legislative history	134
V.	Committee recommendation and tabulation of votes	135
VI.	Committee amendments	136
VII.	Section-by-section analysis	266
VIII.	Cost and budgetary considerations	334
IX.	Regulatory impact evaluation	344
X.	Executive communications	345
XI.	Additional views	369
XII.	Changes in existing law	[omitted]

TEXT OF LEGISLATIVE HISTORY

[page 1]

The Committee on Energy and Natural Resources to which was referred the act (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, having con-

The materials presented in this set are first arranged by the issuing source. The first major section presented consists of congressional documents, including the text of public and selected congressional documents relating to specific statutes. This section is followed by Presidential messages, proclamations, and executive orders. Finally a section provides the test of new administrative regulations.

Each issue has its own index, as does the annual bound compilation at the end of the session. No cumulative index covers multiple years.

The *U.S. Code Cong. & Ad. News* is issued in monthly paperbacks. At the end of a session of Congress all this material is reissued in a bound volume for permanent retention. The currency of the materials in this monthly publication is reasonable. However, when attempting to locate executive orders and other Presidential documents, marginal gains can be made by consulting the *Federal Register.* A more current compilation of Presidential documents can be found in the *Weekly Compilation of Presidential Documents.*

The end of each issue and the final bound volume of each annual set contain an array of useful tables, including tables (1) showing citations for legislative histories for enacted public lands, (2) giving access to statutes by popular names, and (3) showing major bills pending (in the monthly pamphlets) and major bills passed (in the annual accumulation).

United States Code Service (U.S.C.S.)

The United States Code Service Lawyers Edition (U.S.C.S.) is an annotated version of the *United States Code* published by LEXIS Publishing. The U.S.C.S. is a set of approximately 150 volumes that is divided into the same 50 titles as U.S.C.A. and which contains the same wording as the federal statutes published in the U.S. Statutes at Large.

The U.S.C.S. has the history, ancillary laws and directives following the text of the statute. This section provides the effective date of the statute and any amendments and revisions made in the evolution and development of the statute.

The U.S.C.S. may also provide sections of the Code of Federal Regulations that relate to the statute. It also provides cross references to other federal statutes that would assist in the interpretation of the statute, as well as other LEXIS Publishing sources and legal encyclopedia. The Research Guide provides other sources of information such as books, annotations, law review articles, etc.

Interpretative Notes and Decisions provide information that interprets or discusses the statute. In addition to the citations to cases, a short summary of the case is provided to assist researching. The annotations are numbered so that all cases discussing one subject or part of the statute are brought together.

The U.S.C.S. is also kept current by annual cumulative pockets prepared annually. LEXIS also publishes pamphlets called Cumulative Later Cases and Statutory Service that updates the statutes found in the U.S.C.S. three times a year.

Congressional Record

As the name implies, the *Congressional Record* is an official record or transcript of legislative proceedings and debates in the United States Senate and the House of Representatives. It is published daily by the Government Printing Office when one or both houses are in session. Included in the appendix are extensions of remarks made on the floor as well as the Daily Digest, giving information on committee meetings.

Fig.18 :

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, SECOND SESSION

Vol. 132 WASHINGTON, MONDAY, JULY 21, 1986 *No. 94*

House of Representatives

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
July 17, 1986.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, July 21, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, help us to see the grandeur and the glory of living even as we are aware of suffering in our world. May we develop attitudes of thanksgiving and hearts full of praise for the marvelous gifts of life and love that surround us day by day.

For Your gift of life and for Your presence in every need, for Your forgiving spirit, for Your strength and hope that You freely impart, we offer this our prayer.

On this particular day, we pray for the family of GEORGE O'BRIEN. We are grateful for his good works among us, and we pray that Your peace that passes all understanding be with him and them now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills, joint resolution, and concurrent resolution of the House of the following titles:

H.R. 4409. An act to authorize appropriations for fiscal year 1987 for the operation and maintenance of the Panama Canal, and for other purposes;

H.R. 4985. An act to authorize the distribution within the United States of the USIA film entitled "The March";

H.J. Res. 672. Joint resolution ratifying and affirming the report of January 15, 1986, of the Director of the Office of Management and Budget and the Director of the Congressional Budget Office with respect to fiscal year 1986; and

H. Con. Res. 368. Concurrent resolution correcting the enrollment of H.J. Res. 672.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 415) "An act to amend the Education of the Handicapped Act to authorize the award of reasonable attorneys' fees to certain prevailing parties, and to clarify the effect of the Education of the Handicapped Act on rights, procedures, and remedies under other laws relating to the prohibition of discrimination."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1874) "An act to authorize quality educational programs for deaf individuals, to foster improved educational programs for deaf individuals throughout the United States, to reenact and codify certain provisions of law relating to the education of the deaf, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3113. An act providing for the coordinated operation of the Central Valley project and the State water project in California.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 2129. An act to facilitate the ability of organizations to establish risk retention groups, to facilitate the ability of such organizations to purchase liability insurance on a group basis, and for other purposes;

S. 2572. An act to provide economic support for the November 15, 1985, agreement between the Government of Ireland and the Government of the United Kingdom, and for other purposes;

S. Con. Res. 137. Concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a National STORM Program; and

S. Con. Res. 143. Concurrent resolution expressing the sense of the Congress on the resumption of the United Nations High Commissioner for Refugees Orderly Departure Program for Vietnam.

COMMUNICATION FROM THE HONORABLE BILL BONER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. BILL BONER:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 17, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Speaker's Rooms, The Capitol, Washington, DC.

DEAR MR. SPEAKER: On June 5, 1986 I notified you, pursuant to the requirements of Rule. 1(50) of the Rules of the House of Representatives, that certain present and former members of my staff had been served with subpoenas issued by the United States District Court for the Middle District of Tennessee. I have consulted with the General Counsel to the Clerk of the House and we have determined that compliance with the subpoenas may be effected consist-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Congressional Record consists of four sections: the Daily Digest, the House section, the Senate section, and the Extension of Remarks. Each daily issues contains a "Daily Digest" which serves as a table of contents and summarizes the day's floor and committee activities. *GPO Access* contains Congressional Record volumes from 1994 (140) to the present. *GPO Access* can be found on the internet at

www.gpoaccess.gov/crecord/

The current year's *Congressional Record* database is normally updated daily by 11:00 a.m. except for when there are late adjournment delays. Please note that the date of publication refers to the date the proceedings were recorded not necessarily the date of delivery.

REVIEW EXERCISE 1

1. The *United States Code* is a codification of public and private laws from the *Statutes at Large*.

True_____ False_____

2. After enactment, a new public law will first be published as a_____ _____.

3. Both the *Statutes at Large* and the *United States Code* are organized into 50 subject areas known as titles.

True_____ False_____

4. After passage in either the House of Representatives or the Senate, legislation is then called an _____.

5. How would you cite Section 156 of Title 43 of the 1982 edition of the *United States Code*?

_____

6. The_____is an unofficial publication of the *United States Code*.

7. The set referred to in Question 6 is annotated. What does annotation mean as used with statute sets?

8. The *United States Code* is updated by _____, and the U.S.C.A. is updated by_____.

9. The publication of the _____represents the first attempt to codify public laws.

10. The "Tables" sections of the U.S.C. and U.S.C.A provide cross references from the *Revised Statutes* and *Statutes at Large* to U.S.C. citations.

True_____ False_____

STATUTORY LAW

Review Exercise 1 – Answers

(Page references are to source of questions and answers in workbook)

1. False…….. pages 16, 17

2. Slip Law ……..…….. page 13

3. False …… ……..……. page 14, 16

4. Act ……..…. page 11

5. 43 U.S.C. 156 (1982) ……..……See example on page 23

6. *United States Code Annotated* …….. ……. page 24

7. In relation to statutory sets, “annotation” means a classified arrangement of summaries from cases that interpret the set…… …….. page 23

8. Supplements; pocket parts ……. page 26

9. *Revised Statutes of 1875* …….. page 14

10. True ……. page 21

SECTION 3
FEDERAL ADMINISTRATIVE REGULATIONS

"Article. II.
Section 2. The President shall... by and with the Advice and Consent of the Senate,...appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of law, or in the Heads of Departments."

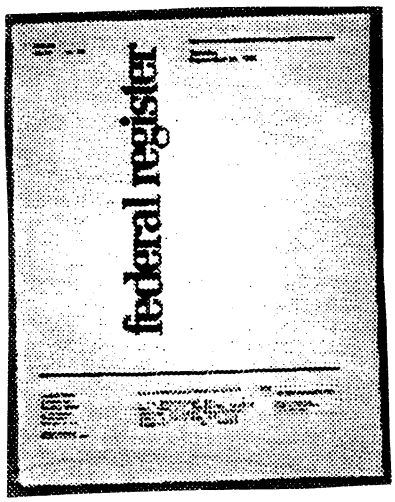
Federal administrative agencies are created by Congress. Their regulations and orders affect citizens as much as do statutes, and their decisions have the same authority as case law. Agencies get their rulemaking authority from Federal Statutes and Presidential executive orders.

Agencies can do the following: (1) write rules or regulations (words are interchangeable); (2) issue orders (orders are final dispositions of matters before the agencies); (3) issue licenses (permits) to operate or act under agency control, (4) issue advisory opinions (advice) about their regulations, and (5) conduct hearings.

Agencies hear (1) matters that arise from violation of their rules or (2) controversies over interpretations of their rules. Agency hearings are conducted by review boards or administrative law judges, such as those within the Department of the Interior's Office of Hearings and Appeals.

All regulations issued by a Federal agency must be published in the *Federal Register* to put the public "on notice." The Federal Register system of publication consists of two publications, the daily *Federal Register* (FR) and the annually revised *Code of Federal Regulations* (CFR). The two publications work together to provide an up-to-date version of any agency regulation.

***Fig.19 : Federal Register* (FR)**



Executive branch agencies and the Office of the President would each publish their own regulations in various separate publications such as pamphlets, gazettes, bulletins, orders, etc. Increasing legislative activity spurred by New Deal programs in the 1930's led Congress to delegate more responsibility to Federal agencies. The resulting profusion of authoritative documents from the Executive branch made it extremely difficult for the public to find a particular regulation, when it was issued or if it had been changed or revoked. After the Department of Justice had to acknowledge to the Supreme Court (*Panama Refining Co. v. Ryan,* 293 U.S. 388 (1935)) that it did not know that a regulation it was attempting to enforce had been inadvertently revoked, Congress acted to remedy the situation.

A central publication system was needed to manage the increased number and expanded scope of Federal regulations. Congress responded by establishing the Federal Register publication system under the Federal Register Act (44 U.S.C. Chapter 15), which became law on July 26, 1935. This Act established the basic legal structure of the regulatory system:

- central location for filing documents for public inspection;
- daily *Federal Register* – a single, uniform publication for Executive agency rules and notices and Presidential documents;
- a codification of rules in the *Code of Federal Regulations* (after a 1937 amendment).

When the *Federal Regulations* (FR) was first published on March 14, 1936, it became the first single published source of Federal documents relating to the regulatory process. It is the Federal government's comprehensive vehicle for publishing all agency promulgated

rules and regulations as well as all Presidential proclamations and executive orders or other such documents that the President determines has general applicability and legal effect or as may be required by an act of Congress. The *Federal Register* provides official notice of a document's existence, its contents and legal effect; specifies the legal authority of the agency; gives documents evidentiary status; and shows how and when the *Code of Federal Regulations* will be amended.

The Administrative Procedures Act in 1946, further defined the federal regulatory process. This Act added procedural requirements to ensure due process (fairness) and public participation (notice and comment on rulemaking). This is done by requiring publication of rules in the FR before they can be enforced, making rules effective 30 days after publication; providing agency contact information; providing notice of proposed rules; accepting and responding to public comments in final rule; and stating the legal basis and purpose of the actions.

The proposed rules are to be accompanied by a description of the subject and issues involved. From 1947 to 1972 these descriptions in the preamble to the proposed rules were about the only place to find an explanation or rationale for a rule. Beginning in the 1960's finalized rules began to be accompanied in the *Federal Register* by brief explanations, usually just after the text of the rule. It was not until 1973 that final rules were required, by the Administrative Committee of the Federal Register, to have in their preamble to the rule a statement summarizing the general subject matter of the rule. A rule effective April 1, 1977, requires that comments to proposed rules and answers to them be summarized in the preamble and it also requires that agencies submit their final and proposed rules with specific preamble heading material.

The FR, a daily magazine-like publication, is published by the Government Printing Office. Its issues constitute a session law for Federal regulations from the FR's inception to date. For rules and regulations, the FR is like the *Statute at Large* for federal statutes. In the front of any FR issue is this statement: "The *Federal Register* provides a uniform system for making available to the public, regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by acts of Congress and other Federal agency documents of public interest."

The National Archives & Records Administration's Office of the Federal Register prepares the *Federal Register* for publication in partnership with the Government Printing Office (GPO), which distributes it in paper, on microfiche and on the World Wide Web. Although each daily issue stands alone and does not become part of a larger accumulation, each issue is standard in its arrangement. The *Federal Register* is organized into the following categories:

- Contents, including a comprehensive list of documents in each issue arranged by agency and type of document (rule, proposal, or notice).

Fig.20 : Federal Register / Vol. 51, No. 180 / Wednesday, September 17, 1986 / Contents

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See Centers for Disease Control

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Fig.21 :

Federal Register / Vol. 46. No. 176 / Friday, September 11, 1981 / Notices

EXAMPLE OF NOTICE

[W-46391]

Wyoming; Termination of Classification

1. By a classification decision dated July 24, 1974, the following described lands were classified for disposal through private exchange.

Sixth Principal Meridian, Wyoming

T. 28 N., R. 114 W.,
Sec. 3, lot 4, SW¼NW¼;
Sec. 4, lots 1, 2, and 3, SE¼NE¼.
T. 27 N., R. 114 W.,
Sec. 33, E½SE¼;
Sec. 34, NE¼SW¼.

The areas described aggregate 380.47 acres.

2. The proposed exchange could not be completed and the applicants withdrew their application. It has been determined that the classification should be terminated.

3. Pursuant to the regulations set forth in 43 CFR Part 2450, the classification set forth in paragraph 1. above is hereby terminated.

4. Acceptance of the withdrawal of the private exchange application removed the segregative effect of the exchange application segregating the lands from the public land laws and mining laws.

5. At 7:45 a.m. on October 1, 1981, the lands shall be open to the public land laws generally subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

6. At 7:45 a.m. on October 1, 1981, the lands will be open to location under the United States mining laws subject to valid existing rights, the provisions of existing withdrawals and applicable law.

7. The lands have been and will continue to be open to mineral leasing.

Dated: September 1, 1981.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-25604 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-84-M

EXAMPLE OF NOTICE OF MEETING

Ely District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Ely District Advisory Council will conduct a meeting on Wednesday, October 21, 1981. The meeting will convene at 9:30 a.m. in the Conference Room of the Ely District BLM Office, Pioche Highway, Ely, Nevada. The following events and topics will be included on the agenda for the meeting:

(1) Minutes of the last meeting
(2) Committee reports
(3) Acting District Manager's comments
(4) Update on Schell MFP for Wilderness
(5) Public comment period
(6) Update on activities by Resource Area
(7) Council recommendations
(8) Determination of next meeting date and place
(9) White Pine Power Project proposed site visitations

The meeting is open to the public. Written comments may be filed with the District Manager for the Council's consideration, and oral statements will be heard between 10:00 and 10:30 a.m., October 21, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager. Those persons other than Council members wishing to attend the field trip must provide their own transportation.

Summary minutes of the meeting will be available for public inspection at the Ely District Office within 30 days following the meeting.

DATE: October 21, 1981.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FUTHER INFORMATION CONTACT: Ms. Cleone McDonald, 702-289-1865.

Date Signed: September 2, 1981.

G. Duncan MacDonald,

Acting District Manager.

[FR Doc. 81-25487 Filed 9-10-81; 8:45 am]

BILLING CODE 4310-84-M

- Proposed Rules, including petitions for rulemaking and other advance proposals;

Fig.22 :

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR PART 3110

Noncompetitive Leases: Amendment Clarifying Minimum Noncompetitive Lease Size

AGENCY: Bureau of Land Management. Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would amend the existing regulations to clarify that the minimum size for a noncompetitive oil and gas lease offer in the coterminous States is 640 acres or an entire surveyed or protracted section. whichever is larger. The proposed rulemaking would also change the minimum size for a noncompetitive lease offer in Alaska to 2.560 acres or 4 entire contiguous surveyed or protracted sections. whichever is larger. It would also add a new section clarifying that parcels offered under the simultaneous oil and gas leasing program are not controlled by the new limits imposed by this amendment on the size of lease offers. The change would promote more efficient economic exploration and development of the mineral resources on the public lands.

DATE: Comments should be submitted by October 15. 1984. Comments postmarked or received after the above date may not be considered as part of the decisionmaking process on issuance of a final rulemaking.

ADDRESS: Comments should be sent to: Director (140). Bureau of Land Management. 1800 C Street. NW.. Washington. D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.). Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Valliere Cacy. (202) 653–2190.

SUPPLEMENTARY INFORMATION: This proposed rulemaking amends § 3110.1–3(a) to provide that a noncompetitive oil and gas lease offer must encompass. at a minimum. 640 acres or an entire surveyed or protracted section. whichever is larger. In those instances where a section contains less than 640 acres. contiguous lands. if available. must be included in an offer to accommodate the minimum acreage requirement.

The proposed rulemaking would establish for the first time a minimum noncompetitive oil and gas lease offer size of 2.560 acres or 4 entire contiguous surveyed or protracted sections. whichever is larger. for Alaska. Again. the minimum acreage is controlling and contiguous available lands must be included until the minimum acreage is attained. The purpose of the change is to promote more efficient economic exploration and development of the mineral resources of the United States in Alaska where there presently is very little information concerning the mineral potential of the public lands that are available for noncompetitive oil and gas lease offers.

The proposed rulemaking would add a new paragraph to § 3110.1–3 which clarifies the point that the size of parcels offered by the Bureau of Land Management for lease under the simultaneous oil and gas leasing progam are not restricted by the provisions of § 3110.1–3(a) relating to minimum parcel size.

The principal author of this proposed rulemaking is Valliere Cacy. Division of Fluid Mineral Leasing. Bureau of Land Management. assisted by the staff of the Office of Legislation and Regulatory Management. Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 801 et seq.).

The changes made by this proposed rulemaking will be applicable to anyone offering to lease public lands for oil and gas. For the most part. the changes and designed to clarify the minimum size that a noncompetitive oil and gas lease offer must encompass. While this will increase the amount of rental that must be deposited with some offers. the amount will be insignificant and should have little or no impact on those making such offers.

The proposed rulemaking contains no additional information collection requirements requiring approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 43 CFR Part 3100

Administrative practice and procedure. Environmental protection. Mineral royalties. Oil and gas reserves. Public lands—classification. Public lands—mineral resources. Surety bonds.

Under the authority of the Mineral Leasing Act. as amended and supplemented (30 U.S.C. 181 et seq.). the Mineral Leasing Act for Acquired Lands. as amended (30 U.S.C. 351–359). the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et. seq.). the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.). the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 760 et seq.). the Act of May 21. 1930 (30 U.S.C. 301–306). the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a). the Department of the Interior Appropriations Act. Fiscal Year 1981 (Pub. L. 96–514). and the Attorney General's Opinion of April 2. 1941 (40 Op. Att. Gen. 41). it is proposed to amend Subpart 3110. Part 3110. Group 3100. Subchapter C of Title 43 of the Code of Federal Regulations as set forth below:

§ 3110.1–3 [Amended]

1. Section 3110.1–3 is amended by:

A. Amending paragraph (a) by removing the word "section". where it first appears. and replacing it with the phrase "section. whichever is larger." and by adding at the end of the paragraph the sentence "Public domain lease offers in Alaska shall not be made for less than 2.560 acres or 4 full contiguous sections. whichever is larger. where the lands have been surveyed under the rectangular survey system or are within an approved protracted survey. except where the offer or parcel includes all available lands within the subject sections and there are no contiguous lands available for lease.": and

B. Adding a new paragraph (d) to read:

. . . . . .

(d) The restrictions set forth in paragraph (a) of this section regarding the minimum size of noncompetitive oil and gas lease offers do not apply to the development of parcels for leasing under subpart 3112 of this title.

J. Steven Griles.

Acting Assistant Secretary of the Interior.

July 6. 1984.

[FR Doc. 84–21627 Filed 8–14–84; 8:45 am]

BILLING CODE 4310–84–M

- Rules and Regulations, including policy statements and interpretations of rules; and

Fig.23 :

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3110

[Circular No. 2558]

Noncompetitive Leases; Amendment Clarifying Minimum Noncompetitive Lease Size

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends the existing regulations to clarify that the minimum size for a noncompetitive oil and gas lease offer in the coterminous States is 640 acres or an entire surveyed or protracted section, whichever is larger. The final rulemaking also changes the minimum size for a noncompetitive lease in Alaska to 2,560 acres or 4 entire contiguous surveyed or protracted secuons, whichever is larger. It also adds a new section clarifying that parcels offered under the simultaneous oil and gas leasing program are not controlled by the new limit imposed by this amendment on the size of lease offers. This change should promote more efficient economic expioration and development of the mineral resources on the public lands.

EFFECTIVE DATE: February 14, 1985.

ADDRESS: Any suggestions or inquiries should be sent to: Director (620), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Valliere Cacy, (202) 653–2190;

or

Robert C. Bruce, (202) 343–8735.

SUPPLEMENTARY INFORMATION: A proposed rulemaking to change the minimum lease offer size for a noncompetitive over-the-counter oil and gas lease was published in the **Federal Register** on August 15, 1984 (49 FR 32809), with a 60-day comment period. During the comment period, comments were received from 3 sources, all corporations.

One comment endorsed the changes made by the proposed rulemaking, while another comment objected to any change because there are too many situations in the Western States where sections contain less than 640 acres and a status check of adjoining lands would be required to meet the minimum requirement of 640 acres. This opposing comment also recommended that the Department of the Interior determine the regulations it wishes to impose and leave those regulations unchanged for extended periods of time, suggesting that changes should not be made more than twice a year. The third comment asserted that if an entire section or 640 acres is available to lease, the entire acreage should issue under one lease.

The establishment of a minimum acreage size serves to promote expeditious development of oil and gas resources by prospective producers. Allowing issuance of leases smaller than the minimum provided in the proposed rulemaking in those instances where adjoining lands are available would be counterproductive to a meaningful oil and gas leasing program. Reviewing adjoining lands to determine their availability for leasing is an action that would be undertaken by any serious individual filing an over-the-counter offer for lands for oil and gas leasing. After carefully reviewing the issues raised in the comments, the final rulemaking adopts the language of the proposed rulemaking without change.

The principal author of this final rulemaking is Valliere Cacy, Division of Fluid Mineral Leasing, assisted by the staff of the Office of Legislation and Regulatory Management, all of the Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The changes made by the final rulemaking are applicable to anyone offering to lease public lands for oil and gas. For the most part, the changes are designed to clarify the minimum size that a noncompetitive oil and gas lease must encompass. While this will increase the amount of the rental that must be deposited with some offers, the amount will be insignificant and should have little or no effect on those making such offers.

The final rulemaking contains no additional information collection requirements requiring approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 43 CFR Part 3100

Administrative practice and procedure, Environmental protection, Mineral royalties, Oil and gas reserves, Public lands—classifications, Public lands—mineral resources, Surety bonds.

Under the authority of the Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359), the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 760 et seq.), the Act of May 21, 1930 (30 U.S.C. 301–306), the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), the Independent Offices Appropriation Act of 1952 (31 U.S.C. 9701), the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96–514) and the Attorney General's Opinion of April 2, 1941 (40 Op. Att. Gen. 41), Subpart 3110, Part 3110, Group 3100, Subchapter C of Title 43 of the Code of Federal Regulations is amended as set forth below.

J. Steven Griles,

Acting Assistant Secretary of the Interior

December 21, 1984.

PART 3100—[AMENDED]

§ 3110.1–3 [Amended]

1. Secuon 3110.1–3 is amended by:

A. Amending paragraph (a) by removing the word "section", where it first appears, and replacing it with the phrase "section, whichever is larger," and by adding at the end of the paragraph the sentence "Public domain lease offers in Alaska shall not be made for less than 2,560 acres or 4 full contiguous sections, whichever is larger, where the lands have been surveyed under the rectangular survey system or are within an approved protracted survey, except where the offer or parcel includes all available lands within the subject sections and there are no contiguous lands available for lease."; and

B. Adding a new paragraph (d) to read:

* * * * *

(d) The restrictions set forth in paragraph (a) of this section regarding the minimum size of noncompetitive oil and gas lease offers do not apply to the development of parcels for leasing under subpart 3112 of this title.

[FR Doc. 85–1126 Filed 1–14–85; 8:45 am]

BILLING CODE 4310-84-M

- Presidential Documents, including Executive orders and proclamations.

Fig.24 :

Federal Register
Vol. 51, No. 100
Friday, May 23, 1986

Presidential Documents

Title 3—

The President

Proclamation 5486 of May 21, 1986

Better Hearing and Speech Month, 1986

By the President of the United States of America

A Proclamation

Sounds, whether we produce them or receive them, are an integral part of our lives. Musical sounds bring us a whole range of delight. Much of our knowledge of the world around us we learn through sounds: conversations allow us to gather and convey information, to question and to receive answers; ringing fire alarms warn us to clear a burning building. Sounds—both the ones we hear and the ones we make—help us to understand others and be understood.

More than fifteen million Americans strive daily to surmount the isolation that hearing impairment so often brings. Over ten million Americans endeavor to communicate despite speech disorders. We can help people with communicative disorders fulfill their potential by identifying and removing the man-made obstacles that limit their educational and occupational opportunities. Our efforts will enrich not only their lives, but our own.

Today, in medical institutions across the country, scientists supported by the National Institute of Neurological and Communicative Disorders and Stroke and by numerous voluntary health agencies are carrying out a wide range of research to find better ways to prevent, treat, and cure hearing and speech disorders. Investigators have discovered much about the structure and function of the systems involved in hearing and speech. They have developed new devices and medications that offer hope where before there was none. Still, much remains to be learned.

To heighten public awareness of hearing and speech disorders, the Congress, by Senate Joint Resolution 284, has designated the month of May 1986 as "Better Hearing and Speech Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1986 as Better Hearing and Speech Month, and I call upon the people of the United States to observe this month with appropriate ceremonies and activities.

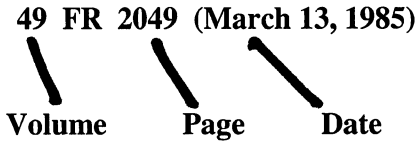
IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

[FR Doc. 86-11854
Filed 5-22-86; 11:19 am]
Billing code 3195-01-M

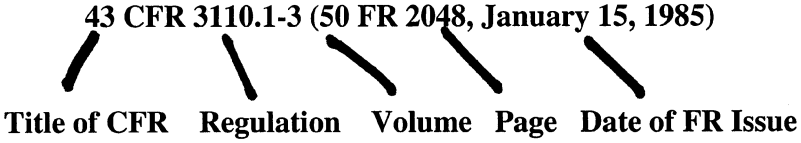
The *Federal Register* (FR) can be accessed through the FR indexes in each daily issue. The *Index* is organized by agency and then within the agency index there are three groups—rules and regulations, proposed rules, and notices which is then broken down into alphabetically arranged subjects. Cites in the index are to page numbers only, but in the back of the publication there is a table with corresponding dates. A cumulative monthly issue is also published, with the final January-December issue of each year becoming the annual index.

Agency abbreviations used in the FR are published monthly in the first issue of the month.

Citation to a notice in the *Federal Register:*



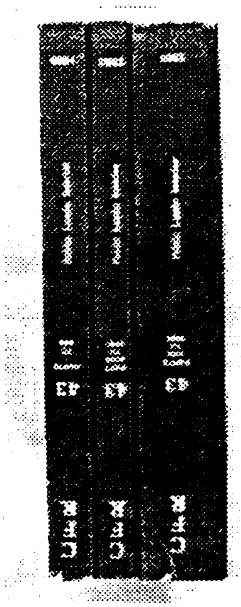
Citation to final rulemaking that appears in the *Federal Register* and is not found in CFR:



Because the *Federal Register* is designed to be used largely for current materials, there are only a few methods of access. The daily table of contents is supplemented by a monthly index, a quarterly index, and an annual index. These indexes give much better access by issuing agency than by subject.

The daily issuance of the FR provides obvious currency. Because the subject-arranged CFR is published only annually, the FR is useful as an updating tool for the *Code of Federal Regulations* (CFR). The CFR is a codification of the current, general, and permanent regulations of Federal agencies as published in the FR. The CFR is to the FR what the U.S.C. is to the *Statutes at Large* insofar as the CFR is arranged by subject rather than chronologically.

***Fig.25 : Code of Federal Regulations* (CFR)**



In 1937 the Federal Register Act was amended to provide "codification" of all regulations every five years. A similar organization of the *United States Code* was followed in structuring the new *Code of Federal Regulations* (CFR). A majority of the 50 titles (some held in reserve) to the CFR have similar alphabetically arranged subject categories and title numbers to that of the 50 titles in the USC.

The chart on the next page lists the titles of the CFR.

Fig.26 : *Division of CFR Titles*

The list of CFR titles follows as of September 13, 1985:

1. General Provisions.
2. [Reserved].
3. The President.
4. Accounts.
5. Administrative Personnel.
6. [Reserved].
7. Agriculture.
8. Aliens and Nationality.
9. Animals and Animal Products.
10. Energy.
11. Federal Elections.
12. Banks and Banking.
13. Business Credit and Assistance.
14. Aeronautics and Space.
15. Commerce and Foreign Trade.
16. Commercial Practices.
17. Commodity and Securities Exchanges.
18. Conservation of Power and Water Resources.
19. Customs Duties.
20. Employees' Benefits.
21. Food and Drugs.
22. Foreign Relations.
23. Highways.
24. Housing and Urban Development.
25. Indians.
26. Internal Revenue.
27. Alcohol, Tobacco Products and Firearms.
28. Judicial Administration.
29. Labor.
30. Mineral Resources.
31. Money and Finance: Treasury.
32. National Defense.
33. Navigation and Navigable Waters.
34. Education.
35. Panama Canal.
36. Parks, Forests, and Public Property.
37. Patents, Trademarks, and Copyrights.
38. Pensions, Bonuses and Veterans' Relief.
39. Postal Service.
40. Protection of Environment.
41. Public Contracts and Property Management.
42. Public Health.
43. Public Lands: Interior.
44. Emergency Management and Assistance.
45. Public Welfare.
46. Shipping.
47. Telecommunication.
48. Federal Acquisition Regulations System.
49. Transportation.
50. Wildlife and Fisheries.

The first edition of the CFR published in 1938 contained all finalized regulations that were published in the *Federal Register* from March 14, 1936 to June 1, 1938, as well as those agency regulations, published before March 14, 1936, deposited with the Archivist and still in effect. Over the years methods in updating and revising the CFRs were made. In 1967, the Office of the Federal Register (OFR) began publishing yearly revisions to the titles, effective on January 1 of each year. Starting in 1970, each annual edition of the CFR had a different color on its outside binding. Beginning on October 1, 1972, the OFR divided the titles of the CFR into four groups with each group being revised in staggered quarters of the year.

- Titles 1-16 are revised as of January 1.
- Titles 17-27 are revised as of April 1.
- Titles 28-41 are revised as of July 1.
- Titles 42-50 are revised as of October 1.

The *Code of Federal Regulations* contains the finalized and effective rules of Federal agencies as well as any related official interpretations or supplements to those rules. The regulations are organized by subject matter into CFR titles, chapters, parts, and sections. Generally an agency's rules are all placed under one title or chapter. Unlike the *United States Code,* sections or parts of the CFR that have been rescinded are frequently reused as a publishing vehicle for new unrelated regulations.

Fig.27 :

DIVISION OF CFR TITLES

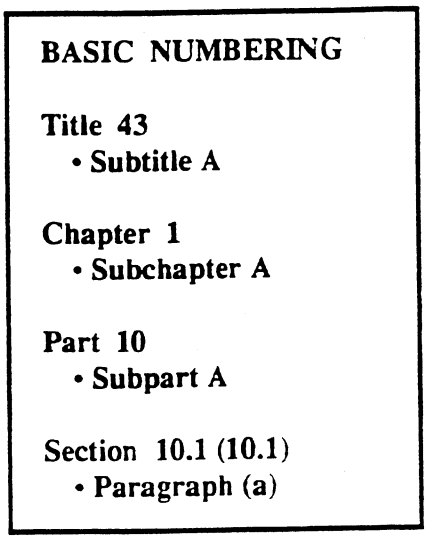
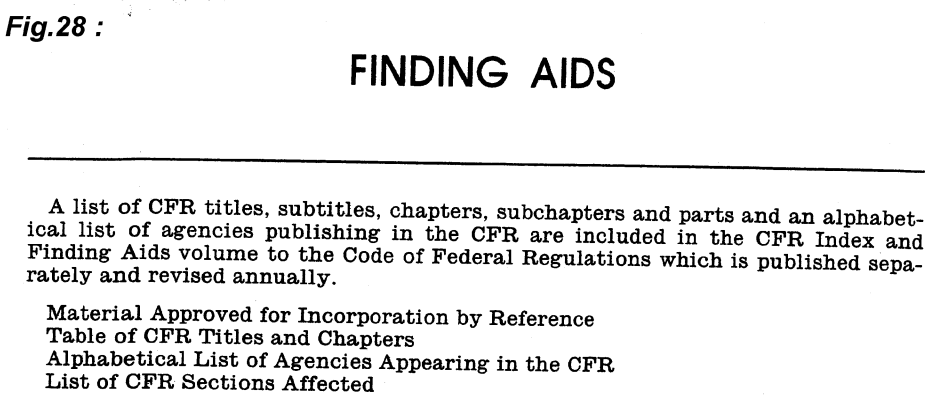


Fig.28 :



FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Material Approved for Incorporation by Reference
Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected

An annual *CFR Index and Finding Aids* is published by the Office of the Federal Register. The *Index* portion of the publication is organized by detailed subjects with references to CFR parts. The "Findings Aids" portion is divided into four sections including the following titles:

- "List of Agency-Prepared Indexes Appearing in Individual CFR Volumes;"

From 1949 to 1963 a specialized index was published in the back of each book of the CFR, which sometimes covered one or multiple titles of the CFR. Since 1975, a few agencies have prepared an agency index that is published along with their regulations in the CFR.

Fig.29 :

INDEX

(As of October 1, 2003)

EDITORIAL NOTE: This listing is provided for informational purposes only. It is compiled and kept up-to-date by the Bureau of Land Management, Department of the Interior. This index is updated as of October 1, 2003.

A

Acquired lands:	
Mineral collection permits	§§ 3503.32, 3503.38, 3505.12
Mineral leasing (coal only)	Part 3400
Mineral leasing (oil and gas)	§ 3101.2-2
Mineral leasing (other than oil and gas, coal, oil shale, tar sand)	Part 3500
Acquisitions (donations and purchases)	Subtitle A, Part 8; Part 2130
Acreage limitations (geothermal)	§ 3206.12
Acreage limitations (oil and gas)	§ 3101.2
Activity planning in coal leasing process	§ 3420.3
Public participation	§ 3420.3-1(d)
Adjudication, equitable	§ 1871.1
Adjudication principles and procedures	Subpart 1871
Adverse claims, mineral	Part 3870
Airports:	
Airport and Airway Improvement Act	Part 2640
Leases	Subpart 2911
Segregative effect of application	§ 2911.2-3, 2641.3
Alaska Native Selections	Part 2650
Federal Installations	Subpart 2655
General	Subpart 2650
Miscellaneous Selections	Subpart 2653
Native Reserves	Subpart 2654
Regional Selections	Subpart 2652
Village Selections	Subpart 2651
Alaska Native allotments for certain veterans	Subpart 2568
Appeals	§ 2568.120
Applying for an allotment	§ 2568.70 *et seq.*
Available lands	§§ 2568.90-2568.115
Deceased veterans	§ 2568.60
Qualifications	§ 2568.50
Alaska occupancy and use	Part 2560
Alaska Native allotments for certain veterans	Subpart 2568
Appeals	§ 2568.120
Applying for an allotment	§ 2568.70 *et seq.*
Available lands	§§ 2568.90-2568.115
Deceased veterans	§ 2568.60
Qualifications	§ 2568.50
Alaska Railroad townsites	Subpart 2566
Headquarters	Subpart 2563
Homesites	Subpart 2562
Native allotments	Subpart 2561
Native townsites	Subpart 2564
Non-native townsites	Subpart 2565
Trade and manufacturing	Subpart 2562
Alaska Public Sale Act	Subpart 3822

- "Parallel Table of Authorities and Rules;"

The parallel authorities section provides CFR cites to regulations from various legal authorities that are organized by U.S.C. section, U.S. statute page number, Presidential proclamation number, and Executive order number.

Fig.30 :

PARALLEL TABLE OF AUTHORITIES AND RULES

The following table lists rulemaking authority (except 5 U.S.C. 301) for regulations codified in the Code of Federal Regulations. Also included are statutory citations which are noted as being interpreted or applied by those regulations.

The table is divided into four segments: United States Code citations, United States Statutes at Large citations, public law citations, and Presidential document citations. Within each segment the citations are arranged in numerical order:

For the United States Code, by title and section;

For the United States Statutes at Large, by volume and page number;

For public laws, by number; and

For Presidential documents (Proclamations, Executive orders, and Reorganization plans), by document number.

Entries in the table are taken directly from the rulemaking authority citation provided by Federal agencies in their regulations. Federal agencies are responsible for keeping these citations current and accurate. Because Federal agencies sometimes present these citations in an inconsistent manner, the table cannot be considered all-inclusive.

The portion of the table listing the United States Code citations is the most comprehensive, as these citations are entered into the table whenever they are given in the authority citations provided by the agencies. United States Statutes at Large and public law citations are carried in the table only when there are no corresponding United States Code citations given.

This table is revised as of January 1, 2003.

[[Page 742]]

1 U.S.C.	
112	1 Part 2
112a--112b	22 Part 181
113	1 Part 2
133	32 Part 151
2 U.S.C.	
136	36 Parts 701--703
179	36 Part 704
431--432	11 Parts 110, 114
431	11 Parts 100, 104, 109
432--433	11 Part 102
432	11 Parts 101--104, 105, 113

- "List of CFR Titles, Chapters, Subchapters, and Parts;"and

Fig.31 :

Table of CFR Titles and Chapters

(Revised as of October 1, 2003)

Title 1—General Provisions

I Administrative Committee of the Federal Register (Parts 1—49)
II Office of the Federal Register (Parts 50—299)
IV Miscellaneous Agencies (Parts 400—500)

Title 2 [Reserved]

Title 3—The President

I Executive Office of the President (Parts 100—199)

Title 4—Accounts

I General Accounting Office (Parts 1—99)

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR (PARTS 1—199)

SUBTITLE B—REGULATIONS RELATING TO PUBLIC LANDS

I Bureau of Reclamation, Department of the Interior (Parts 200—499)
II Bureau of Land Management, Department of the Interior (Parts 1000—9999)
III Utah Reclamation Mitigation and Conservation Commission (Parts 10000—10005)

Title 44—Emergency Management and Assistance

I Federal Emergency Management Agency, Department of Homeland Security (Parts 0—399)
IV Department of Commerce and Department of Transportation (Parts 400—499)

- "Alphabetical List of Agencies Appearing in the CFR."

Fig.32 :

Alphabetical List of Agencies Appearing in the CFR

(Revised as of October 1, 2003)

Agency	CFR Title, Subtitle or Chapter
Administrative Committee of the Federal Register	1, I
Advanced Research Projects Agency	32, I
Advisory Council on Historic Preservation	36, VIII
African Development Foundation	22, XV
Federal Acquisition Regulation	48, 57
Agency for International Development, United States	22, II
Federal Acquisition Regulation	48, 7
Agricultural Marketing Service	7, I, IX, X, XI
Agricultural Research Service	7, V
Agriculture Department	5, LXXIII
Agricultural Marketing Service	7, I, IX, X, XI
Agricultural Research Service	7, V
Animal and Plant Health Inspection Service	7, III; 9, I
Chief Financial Officer, Office of	7, XXX
Commodity Credit Corporation	7, XIV
Cooperative State Research, Education, and Extension Service	7, XXXIV
Economic Research Service	7, XXXVII
Energy, Office of	7, XXIX
Environmental Quality, Office of	7, XXXI
Farm Service Agency	7, VII, XVIII
Federal Acquisition Regulation	48, 4
Federal Crop Insurance Corporation	7, IV
Food and Nutrition Service	7, II
Food Safety and Inspection Service	9, III
Foreign Agricultural Service	7, XV
Forest Service	36, II
Grain Inspection, Packers and Stockyards Administration	7, VIII; 9, II
Information Resources Management, Office of	7, XXVII
Inspector General, Office of	7, XXVI
National Agricultural Library	7, XLI
National Agricultural Statistics Service	7, XXXVI
Natural Resources Conservation Service	7, VI
Operations, Office of	7, XXVIII
Procurement and Property Management, Office of	7, XXXII
Rural Business-Cooperative Service	7, XVIII, XLII
Rural Development Administration	7, XLII
Rural Housing Service	7, XVIII, XXXV
Rural Telephone Bank	7, XVI
Rural Utilities Service	7, XVII, XVIII, XLII
Secretary of Agriculture, Office of	7, Subtitle A
Transportation, Office of	7, XXXIII
World Agricultural Outlook Board	7, XXXVIII
Interior Department	
American Indians, Office of the Special Trustee	25, VII
Endangered Species Committee	50, IV
Federal Acquisition Regulation	48, 14
Federal Property Management Regulations System	41, 114
Fish and Wildlife Service, United States	50, I, IV
Geological Survey	30, IV
Indian Affairs, Bureau of	25, I, V
Indian Affairs, Office of the Assistant Secretary	25, VI
Indian Arts and Crafts Board	25, II
Land Management, Bureau of	43, II
Minerals Management Service	30, II
National Indian Gaming Commission	25, III
National Park Service	36, I
Reclamation, Bureau of	43, I
Secretary of the Interior, Office of	43, Subtitle A
Surface Mining and Reclamation Appeals, Board of	30, III
Surface Mining Reclamation and Enforcement, Office of	30, VII

The *Index and Finding Aids* is also published annually as part of the *United States Code Service: Lawyer's Edition* published by Lexis Publishing. A more detailed *Index to the Code of Federal Regulations* is published quarterly by LexisNexis Academic and Library Solutions. Another related index is *Shepard's Code of Federal Regulations Citations.* Published by Lexis Publishing and organized by CFR section, it includes citations to judicial interpretations and treatments of regulations in federal courts since about 1949. It also cites to state court decisions and law reviews since 1977 and provides related cites to ALR annotations as well. Reference notes to sections in both the *United States Code Service* and the *United States Code Annotated* also cite to related CFR sections.

The *List of CFR Sections Affected* (LSA) was begun in 1950 by being placed in the cumulative pocket supplements to the 1949 edition of the CFR. The LSA is organized by CFR title and part and contains page references to the annual *Federal Register* volumes that publish changes to final and proposed rules in the CFR. The changes referenced include final and proposed amendments, revocations, or newly established regulations published in the *Federal Register.* The LSA makes it easier to track the development and ascertain the currency of particular regulations.

Before 1964, LSA was called *List of Sections Affected* and contained little information on how a CFR was affected. Since 1964 LSA has provided section-by-section information on how CFR parts were affected. The LSA provides minimal details on proposed rules and just notes that a certain part is affected.

Beginning in 1963, monthly and annual issues of the LSA were published instead of being inserted into cumulative pocket supplements. These monthly LSA publications are cumulative from the date the title being researched is revised. The cumulative January-December issue of the LSA would then be designated as the annual issue for the volume. In 1972 the titles of the CFR began to be published with staggered effective dates and after that time certain monthly issues of the LSA would be designated as the annual issue for certain titles of the CFR (December issue for Titles 1-16, March issue for Titles 17-27, June issue for Titles 28-41, and September issue for Titles 42-50). Only finalized rules to CFR sections are included, which note the actions taken and the corresponding page numbers in the *Federal Register.*

The "Readers Aids" section of each issue of the daily *Federal Register* contains a cumulative list of CFR parts affected that month. A current cumulative list for the month can be found in the most recent issue of the *Federal Register* and earlier monthly cumulative lists can be found on the last day of the month that a *Federal Register* was issued. It also provides reminders of the rules going into effect that day and within the next few days, identifies the next week's due dates for comments for pending rules, and provides general information for customers needing service and assistance.

Sources of the Federal Register and CFR

There are a number of electronic sources of the *Federal Register* and CFR. The Government Printing Office offers for free both the *Federal Register* from 1994 forward with portable document format (PDF) and the annual CFR from 1997 forward with PDF copies on the Internet. The GPO Access Federal Register and CFR sites are both searchable and browseable. The GPO site can be accessed at http://www.access.gpo.gov/nara/cfr/index.html. Either the *Federal Register* or the *Code of Federal Regulations* can be selected. The *Federal Register* can be searched by subject, keyword, agency name, citation, or by browsing the table of contents. The CFR can be searched by keyword, citation, or by browsing the CFR titles or volumes. Updates can be found electronically by searching the LSA or the "Current List of CFR Parts Affected."

LexisNexis and Westlaw also have the *Federal Register* online from July 1, 1980, with citation retrieval capability and with all pages noted in versions after 1992. Lexis has the CFR editions back to 1981 and Westlaw has them back to 1984. They both have citation retrieval capability for sections in the current CFR. Dialog has the *Federal Register* from 1985 forward. OnCongress.CQ.com has it from 1990 forward and GalleryWatch.com has it from 1999 forward.

The GPO Access has a new "Electronic Code of Federal Regulations (e-CFR) service under development which provides CFR sections in their current form with any recent amendments from the *Federal Register* already incorporated. The e-CFR service is updated daily and also allows appendices and supplements to CFR parts to be viewed separately, in stead of having them tacked together onto the concluding final section of a part of the CFR. Other similar electronic CFR updating services include QuicklawAmerica.com which updates within 48 hours, Lexis which updates within two weeks, and Westlaw, which updates within three weeks. Portions of the CFR are also available from other commercial vendors in selected subject areas.

The William S. Hein & CO., Inc. has scanned older issues of the *Federal Register* and is placing them on its Hein OnLine service. The service has browse capability, citation retrieval capability, and even work search capability of the unedited optically scanned text. It also has the annual *Federal Register Index* and the "List of CFR Sections Affected".

The National Archives, through its Office of the Federal Register maintains a web site on the *Federal Register* and CFR with a number of helpful publications including links to GPO Access sites, some on Executive Orders and Presidential proclamations and a "Public Inspection List" of documents to be published in the next day's *Federal Register.*

Locating Older Issues of the Federal Register and CFR

Since 1936 the *Federal Register* has been published daily on newspaper quality paper. Only the issues from March 14, 1936 to June 1, 1938 were republished on better quality paper and repaginated in a bound form much like the bound form of the *Congressional Record.* A few libraries hold the entire *Federal Register* set in paper form and continue to bind the daily editions like other periodicals. These libraries are found in the Office of the Federal Register, Department of the Interior, and the Congress. Most libraries have discarded the paper copies in favor of microfilm or microfiche. The annual *Federal Register Index* is generally retained by libraries having microform copies. Federal depository libraries, academic law libraries, and Federal agency libraries are all good sources for finding older issues of the *Federal Register* and the *Code of Federal Regulations,* but they may not have complete sets.

The William S. Hein & CO., Inc. and LexisNexis Academic and Library Solutions (LNALS) both sell microfiche copies of the Federal Register from 1936 to the present. With the Hein subscription comes a hard copy of the annual *Federal Register Index.* LNALS sells the annual CFR in microfiche from 1938 to the present.

Citations to the CFR

Citations to the CFR are cited in the *Federal Register* with the title number, the abbreviation CFR, the world "part" or the symbol for section and the number of the part or section.

12 CFR part 220 (1999)

An identification number to some regulations is the RIN or regulation indentification number found at the top of the document right underneath the agency docket number. RIN numbers are assigned to descriptions/status reports of agency regulations under development and published twice a year in the *Federal Register* during April and October pursuant to the Regulatory Felxibility Act and the Executive Order 12866. GPO Access does not include this semi-annual publication in its online version of the *Federal Register*, but places it separately in its multi-database search facility under the term *Unified Agenda.*

REVIEW EXERCISE 2

1. All rules (regulations) issued by a Federal agency must be published in the _____.

2. The publication in question 1 also publishes which of the following material:

   Notices of Meetings
   Presidential Proclamations
   Notices of Public Hearings
   Proposed Rules
   Private Laws

3. CFR means _____.

4. The CFR codifies rules from the _____.

5. The relationship of the CFR to the _____ is comparable to the relationship of the _____ to the *U.S. Statutes at Large.*

6. Where is the BLM Index located in 43 CFR (2003)? _____.

7. The CFR is divided into 50 _____ which represent broad subject areas subject to regulatory action.

8. Why must all rules (regulations) issued by a Federal agency be published in the *Federal Register:*_____.

9. To update a change in a regulation since the latest edition of Title 43 of the CFR, one must check_____, which is designed to lead users of the CFR to amendatory actions published in the *Federal Register.*

10. The monthly L.S.A. pamphlets are cumulative from the date that title of the CFR being researched was revised. True _____ False _____

REVIEW EXERCISE 2 - ANSWERS

1. *Federal Register* ..... page **36**

2. All except private laws ..... pages 29-31

3. *Code of Federal Regulations* ..... page 31

4. *Federal Register* ..... page 31

5. *Federal Register, U.S. Code* ..... page 31

6. Appendix - Table of Public Land Orders 1942-1984 ..... page 37

7. Titles ..... page 31

8. To put the public "on notice" ..... page 29

9. List of Sections Affected (L.S.A.) ..... page 42

10. True ..... page 44

SECTION 4
CASE LAW

"Article. III.
Section. 1. The judicial power of the United States shall vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

INTRODUCTION TO ADMNISTRATIVE REVIEW

Administrative agencies interpret their rules and regulations through the process of issuing decisions. For example, the Bureau of Land Management issues rules and regulations relating to mining claims. A mining claimant's failure to follow the regulations pertaining to his mining claim might result in a hearing and a decision terminating the mining claim. The hearing held by BLM would be less formal than a trial in a courtroom, but the hearing would be held to determine the facts and a decision rendered. An administrative law judge would more than likely issue the decision, which would be appealable to the Interior Board of Land Appeals and then to the federal courts. The BLM can prosecute violators in federal court through the Department of Justice.

DOI ADMINISTRATIVE REVIEW PROCESS

The Interior Board of Land Appeals (IBLA) is part of the Office of Hearings and Appeals, an adjunct of the Office of the Secretary. The IBLA's authority to review decisions of BLM and other Department of the Interior agencies is based on regulations in Part 4 of 43 CFR.

IBLA has authority to review decisions of the following agencies:

a. Bureau of Land Management
b. Minerals Management Service
c. Bureau of Indian Affairs
d. Office of Surface Mining Reclamation and Enforcement

The IBLA is also authorized to review decisions issued by departmental administrative law judges.

Although the regulations in Part 4 of 43 CFR provide a broad grant of review authority to IBLA, this review authority specifically concerns decisions by authorized officers of BLM. Generally, all final decisions of BLM officers are subject to appeal to the IBLA.

The present one-step departmental appeals system results from an effort to provide "objective administrative review" of agency decisions.

HISTORICAL PERSPECTIVE

From 1849 to 1947: Since the first days of the Department of the Interior, land management decisions have been reviewed at the Secretarial level. Appeals from initial decisions of the General Land Office and later the Grazing Service were taken to the Office of the Secretary. Until 1947, the Secretary, Under Secretary, or Assistant Secretary actually signed decisions constituting final departmental action.

From 1947 to 1969: With the creation of BLM in 1946, a new two-tiered departmental review procedure was implemented. Decisions by BLM State Office officials could be appealed to the BLM Director. The Director delegated his review authority to BLM's Office of Appeals and Hearings, which issued decisions on his behalf. The Director's decisions were in turn appealable (by right) to the Secretary of the Interior. The Secretary delegated his final review authority to the Office of the Solicitor.

In 1969, the two-tiered review system was found to be resulting in an undesirable delay in reaching final departmental decision. There was also concern that BLM employees could not objectively review BLM decisions. Furthermore, using the Office of the Solicitor as the Department's final decision maker was seen as creating an appearance of lack of objectivity because of the combination in that the office of policy-making, investigative, and prosecutorial functions with the administrative review function.

From 1970 to present: The Office of Hearings and Appeals was created in 1970 by the Secretary under the authority of 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. Appendix) in order to consolidate in one office various Departmental appeal functions related to contracts, Indian affairs, and the public lands. The Office handles quasi-judicial responsibilities of the Department and is the authorized representative of the Secretary for the purpose of hearing, considering, and determining matters within the jurisdiction of the Department involving hearings and appeals. The Office of Hearings and Appeals consists of a headquarters office in Arlington, Virginia, and field offices located throughout the United States.

OFFICE OF HEARINGS AND APPEALS

The Office of Hearings and Appeals consists of the Office of the Director, the Hearings Division, the Interior Board of Contract Appeals (IBCA), the Interior Board of Indian Appeals (IBIA), the Interior Board of Land Appeals (IBLA), and the Administrative Division. The Office of the Director manages and oversees the all functions of the Office of Hearings and Appeals.

The Hearings Division, under the direction of a Chief Administrative Law Judge, includes Administrative Law Judges who conduct hearings in all cases required by law to be conducted pursuant to 5 U.S.C. 554 and other cases arising within the Department; Indian Probate Judges who conduct hearings and render decisions in Indian probate matters; and Administrative Judges who conduct hearings and render decisions not required by law to be conducted pursuant to 5 U.S.C. 554. Hearings are held on mining contests regarding the validity of mining claims, grazing cases including trespass and preference right award, citations and civil penalties from the Surface Mining Control and Reclamation Act of 1977, civil penalties from the violation of the Federal Oil and Gas Royalty Management Act of 1982, cases referred by the Board of Land Appeals for evidentiary hearings on material issues of fact pursuant to 43 CFR 4.415 and Indian probate maters. The Hearings Division includes nine field offices, each of which is supervised by an Administrative Law Judge, Indian Probate Judge, or Administrative Judge who reports to the Chief Administrative Law Judge.

The Interior Board of Contract Appeals (IBCA) was established pursuant to the Contract Disputes Act of 1978, 41 U.S.C. 601 et seq. This Board considers appeals from findings of fact or decisions by contract officers of any bureau of office within the Department.

The Interior Board of Indian Appeals (IBIA) decides appeals from decisions of officials of the Bureau of Indian Affairs and appeals from decision of administrative law judges in Indian probate matters. Although OHA has IBIA, a separate Board, to handle most appeals from Bureau of Indian Affairs officials, decisions regarding minerals management issues on Indian lands decided by MMS are appealable to the "Commissioner of Indian Affairs." Decisions rendered by the Commissioner (actually, the Deputy Assistant Secretary-Indian Affairs) are subject to appeal to IBLA.

The Interior Board of Land Appeals (IBLA) is the largest of OHA's boards. The IBLA decisions are final for the Department on appeals from decisions rendered by Departmental officials relating to the use and disposition of the public lands, including land selections arising under the Alaska Native Claims Settlement Act, and their resources; the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf; and the conduct of surface coal mining under the Surface Mining Control and Reclamation Act of 1977. In addition to the direct review of decisions by BLM, MMS, OSM, and BIA, decisions by IBLA may affect program activities of other agencies within Interior, such as the Fish and Wildlife Service, the National Park Service, and the Bureau of Reclamation, as well as outside agencies such as the Forest Service, U.S. Department of Agriculture. These agencies may also have standing to appeal from adverse BLM decisions.

In addition to the three standing boards, Ad Hoc Appeals Boards are appointed as needed to consider various appeals to the head of the Department which do not fall within the jurisdiction of any of the established appeals boards.

DEPARATMENT OF INTERIOR DECISIONS

Land Decisions

Land Decisions were published from July 1881 to December 1929 in volumes 1 to 52. These volumes are titled *Decisions of the Department of the Interior and General Land Offices in Cases Relating to the Public Lands.* Cases reported in these volumes pertained almost exclusively to matters under the jurisdiction of the General Land Office. In addition, this publication included important Administrative ("A") Decisions. In 1930, beginning with volume 53, the publication's title became *Decisions of the Department of the Interior* (I.D.s).

Citation to Land Decision:

***Walter Maine*, 52 L.D. 510 (1928).**

Access to cases in the L.D.s is through the *Digest of Decisions of the Department of Interior in Cases Relating to Public Lands.* Each L.D. volume has tables and an index-digest.

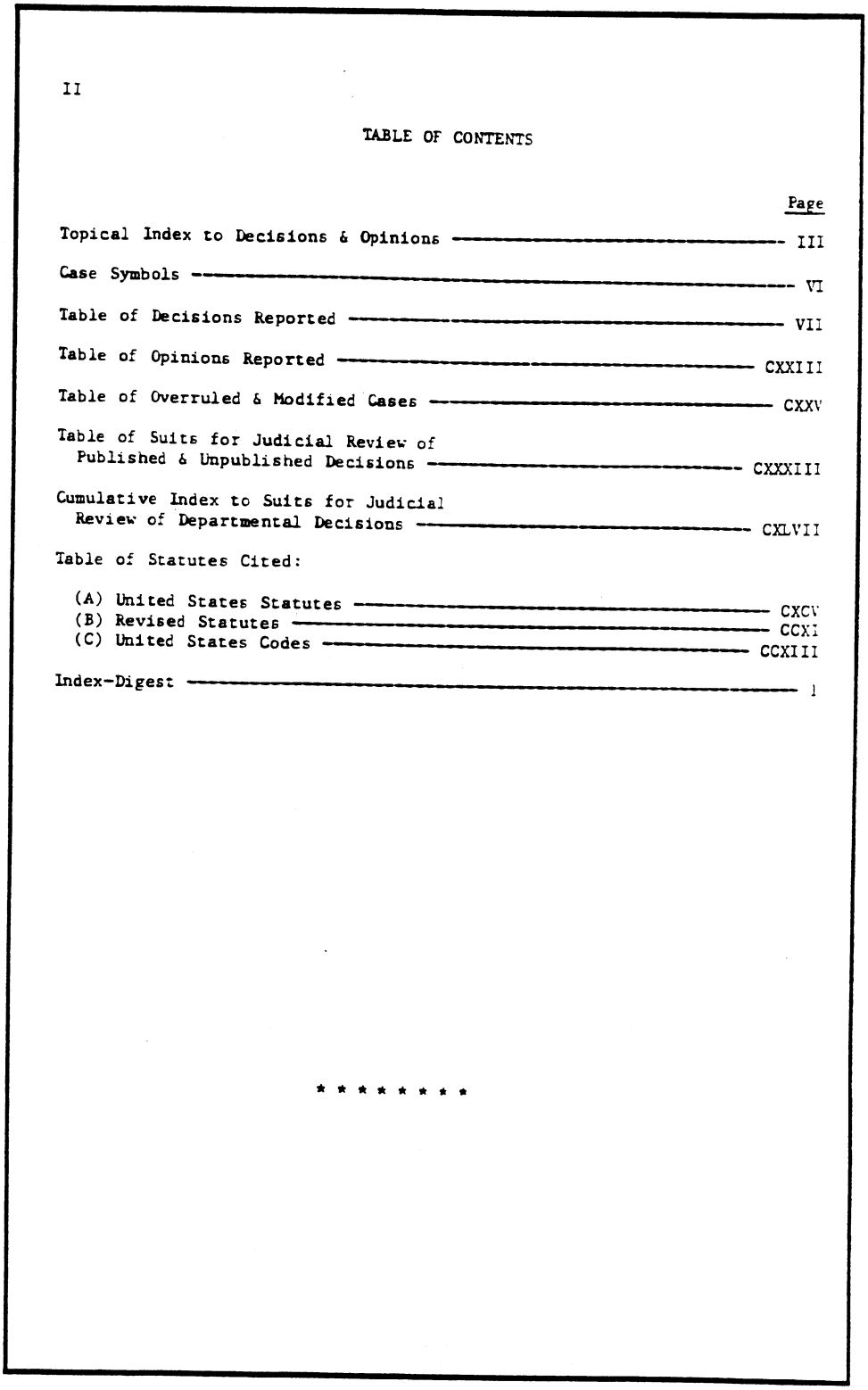
Interior Decisions (I.D.s)

On July 7, 1930, the Secretary of the Interior issued an order amending the title *Decisions of the Department of the Interior and General Land Office in Cases Relating to Public Lands* to *Decisions of the Department of the Interior* (I.D.). Beginning with volume 53, to date, leading decisions and important opinions relating to all activities of the Department have been published in volumes of *Decisions of the Department of the Interior* (I.D.), a U.S. Government Depository item, first printed in advance sheet form and later bound into permanent I.D. volumes.

In addition to certain important decisions issued by the IBLA, current volumes include certain opinions from other boards within the Office of Hearings and Appeals, such as Interior Board of Indian Appeals (IBIA), and Interior Board of Contract Appeals (IBIC), as well as *Solicitor's Memorandum Opinions* ("M" Opinions). Moreover, from 1930 to 1970, important "A" decisions were published in the I.D.s. The citation format for Interior Decisions is discussed later.

Access to the I.D.s is through the *Index-Digests of the Department of the Interior.* Each I.D. volume has tables and index-digests.

Fig.33 :



II

TABLE OF CONTENTS

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(A) United States Statutes	CXCV
(B) Revised Statutes	CCXI
(C) United States Codes	CCXIII
Index-Digest	1

* * * * * * * *

Administrative ("A") Decisions

Administrative decisions of "A" decisions were opinions written in response to appeals of Director's decisions. "A" decisions were issued before the creation of the IBLA in 1970. Important "A" decisions were reprinted in I.D. volumes 1-52 and I.D. volumes 53-77.

Citation to an "A" Decision:

William P. Surman, **A-31010**
(December 1, 1969)

Date Name of Party Serial Number of Case

Access to "A" decisions is through the Index-Digests of the Department of the Interior.

Fig.34 :

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

A-31105 : I - 2459

T. L. and George F. Bruckner : Lode mining claim held void ab initio in part

: Affirmed

APPEAL FROM THE BUREAU OF LAND MANAGEMENT

T. L. and George F. Bruckner have appealed to the Secretary of the Interior from a decision dated December 9, 1968, by the Office of Appeals and Hearings, Bureau of Land Management, which affirmed a decision of the Idaho land office, dated September 19, 1968, holding the Elizabeth lode mining claim to be void ab initio in part. 1/

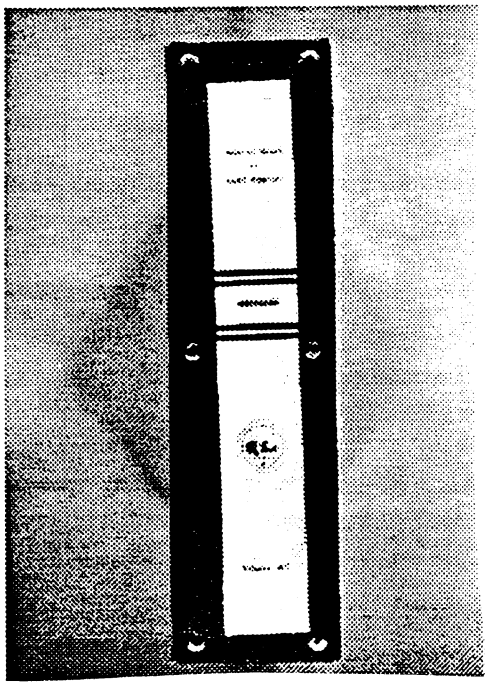
The claim was held to be void as to those portions of it which were situated within lots 5 and 6, sec. 30, T. 11 N., R. 14 E., B. M., because those lots were included in Powersite Reserve No. 587 withdrawn by Executive Order of March 21, 1917. Appellants' claim was located on July 2, 1935.

The decision appealed from fully discussed the issues of fact and law involved and cited applicable Departmental precedents. The appellants do not address themselves to this discussion but merely repeat the summary allegations that were made by their predecessor on his appeal from the land office decision.

If further discussion were necessary, we need only refer to the Department's decision in the case of Leslie G. and Rita M. Folwell, A-31104 (August 18, 1969), which held void ab initio a placer claim located on May 19, 1952, on the same lots 5 and 6 (and 8) in sec. 30, T. 11 N., R. 14 E., B. M. The Folwell decision fully discusses the pertinent law applicable here.

1/ The notice of appeal was filed by Royal C. Johnson, who at the time was the owner of the claim. However, before the statement of reasons in support of the appeal was filed, Johnson quitclaimed the claim to the Brucknera, who then filed the statement of reasons.

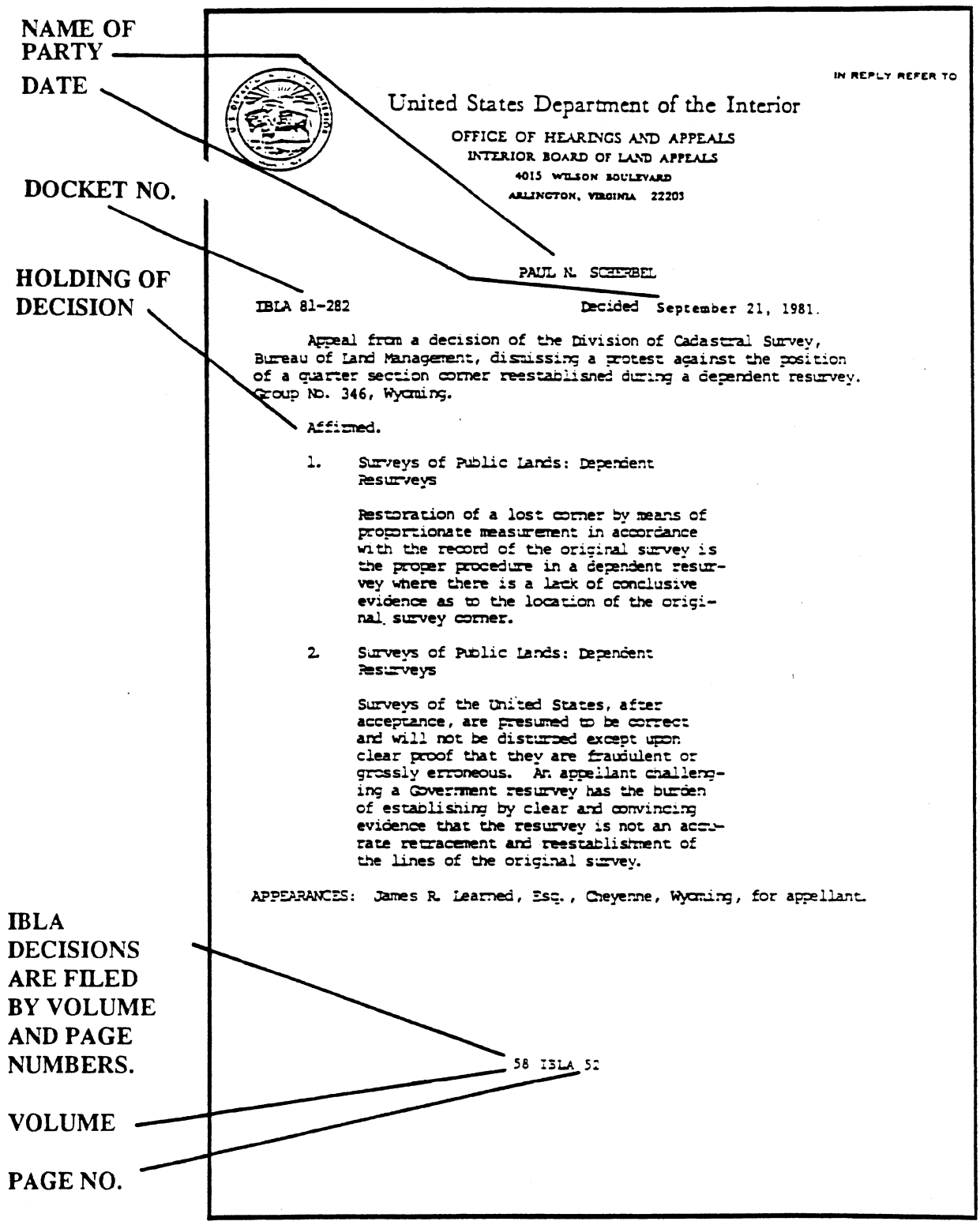
Fig.35 : **Interior Board of Land Appeal (IBLA) Decisions**



The Interior Board of Land Appeals (IBLA) was created on July 1, 1970 within the Office of Hearings and Appeals, Office of the Secretary. IBLA decisions replaced the "A" decisions. Because IBLA acts for and on behalf of the Secretary of the Interior, its decisions are usually final concerning the Department's position. But the decisions are subject to appeal in Federal court. IBLA decisions may be cited as precedent. (Precedent means when an appellate court has decided an issue and written a rule in its opinion about the issue, the court will follow the precedent it has set.) Each case on appeal to IBLA is identified by the name of the party filing the appeal and the IBLA docket number.

Example: *Paul N. Scherbel,* IBLA 81-282 (fiscal year 1981, the 282nd case docketed during that year.)

Fig.36 :



BLM offices keep IBLA decisions in looseleaf form, filed in binders by IBLA volume and page number. Certain important IBLA decisions are later reprinted in the *Interior Decision* (I.D.s). Decisions to be reprinted in the I.D.s are first published as advance sheets and then in bound I.D. volumes. If an IBLA decision is to eventually be reprinted in an I.D. volume, the text is double rather than single spaced.

Citation to an IBLA Decision:

***Paul N. Scherbel,* 58 IBLA 52 (1981).**

Citation to an IBLA Decision that has been reprinted in I.D. volume:

***Fortune Oil Co.,* 71 IBLA, 153, 90 I.D.84 (1983).**

(**Note:** If an IBLA decision has been reprinted in the I.D.s, then both citations are needed.)

The following six pages are an example of an IBLA decision that was reprinted in an I.D. volume.

Fig.37 : IBLA Decision

(Note only excerpted pages of the decision appear in example.)

IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

FORTUNE OIL CO.

IBLA 82-1181
82-1219
83-39 1/

Decided March 9, 1983

Appeal from decisions of the Oregon State Office, Bureau of Land Management, rejecting oil and gas lease offers OR 26208 through OR 26210, OR 26213, and OR 26214.

Affirmed in part, set aside and remanded in part.

1. Oil and Gas Leases: Stipulations—Rules of Practice: Appeals: Generally—Rules of Practice: Appeals: Notice of Appeal

Where BLM affords an offeror a period of 30 days to execute stipulations as a condition to issuance of an oil and gas lease and states that failure to comply will result in rejection of the offer to lease, the decision is interlocutory and there is no right of appeal. The offeror may elect to comply, to comply under protest, or to let the 30-day period run without complying and appeal the resulting BLM decision rejecting the offer. In the latter case the offeror has waived the right to comply and, if the appeal is unsuccessful, the rejection is final and no additional opportunity to execute the stipulations will be granted.

1/ The Board has consolidated these appeals sua sponte because they involve the same appellant and the same issues.

71 IBLA 153

NOTE: DOUBLE SPACING DENOTES DECISION WILL BE REPRINTED IN I.D. Vol.

2. Federal Land Policy and Management Act of 1976: Wilderness—Oil and Gas Leases: Applications: Generally

Action must be suspended on an oil and gas lease offer to the extent it includes lands in either a wilderness study area or an instant study area until Congressional action on the President's recommendations as provided by sec. 603(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1782(a) (1976).

APPEARANCES: John R. Anderson, President, Fortune Oil Company.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

On April 2, 1981, Fortune Oil Company (Fortune) filed several noncompetitive oil and gas lease offers for various lands in south central Oregon. By three separate decisions in May and June 1982 the Oregon State Office, Bureau of Land Management (BLM), notified Fortune that it was prepared to issue the leases provided that Fortune sign and return enclosed stipulations. BLM allowed Fortune 30 days from receipt of each decision to return the signed stipulations and stated that the failure to timely meet this requirement would result in rejection of its offers. The decision concluded with the statement, "This decision is not final, but is an interlocutory decision from which no appeal may be taken." Fortune nevertheless filed notices of appeal from each decision, asserting that it was adversely affected by the decision and citing 43 CFR 4.410 as affording it a right of appeal.

BLM treated the notices of appeal as protests that it dismissed by separate decisions in July and August 1982. The decisions asserted that Fortune was incorrect in stating that the earlier decisions were adverse to

Ordinarily in these circumstances we would set aside BLM's rejection of the lease offers and afford appellant a period of time to execute the stipulations. However, on December 30, 1982, the Secretary of the Interior announced that the Department would issue no leases in either designated wilderness areas or in wilderness study areas. Pursuant thereto, the Director, BLM, has issued Instruction Memorandum No. 83-237 (Jan. 7, 1983). In relevant part this provides that "leases currently in process should not be issued. * * * All such applications are to be maintained as pending until further notice." Therefore, in accordance with the instruction memorandum, the State Office is directed to suspend further action on appellant's lease offers, to the extent that they embrace lands in a wilderness study area, and to hold them "pending with priority as of the date of filing until Congressional action is taken on the President's recommendation," and to issue leases for the lands not in the wilderness study area, all else being regular.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Oregon State Office is affirmed in part and set aside and remanded for action consistent with this decision.

Will A. Irwin
Administrative Judge

We concur:

James L. Burski
Administrative Judge

Gail M. Frazier
Administrative Judge

Fig.38 : IBLA Decision Reprinted in Interior Decisions

I.D. VOL. NO.

I.D. PAGE NO.

IBLA VOL. & PAGE NO.

NOTE: TEXT IS IDENTICAL TO THAT IN FIG. 48.

Solicitor's Opinion M-36914 of June 15, 1979, is hereby modified accordingly.

WILLIAM H. COLDIRON
Solicitor

FORTUNE OIL CO.

71 IBLA 153 [1] Decided *March 9, 1983*

Appeal from decisions of the Oregon State Office, Bureau of Land Management, rejecting oil and gas lease offers OR 26208 through OR 26210, OR 26213, and OR 26214.

Affirmed in part, set aside and remanded in part.

1. Oil and Gas Leases: Stipulations—Rules of Practice: Appeals: Generally—Rules of Practice: Appeals: Notice of Appeal

Where BLM affords an offeror a period of 30 days to execute stipulations as a condition to issuance of an oil and gas lease and states that failure to comply will result in rejection of the offer to lease, the decision is interlocutory and there is no right of appeal. The offeror may elect to comply, to comply under protest, or to let the 30-day period run without complying and appeal the resulting BLM decision rejecting the offer. In the latter case the offeror has waived the right to comply and, if the appeal is unsuccessful, the rejection is final and no additional opportunity to execute the stipulations will be granted.

2. Federal Land Policy and Management Act of 1976: Wilderness—Oil and Gas Leases: Applications: Generally

Action must be suspended on an oil and gas lease offer to the extent it includes lands in either a wilderness study area or an instant study area until Congressional action on the President's recommendations as provided by sec. 603(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1782(a) (1976).

APPEARANCES: John R. Anderson, President, Fortune Oil Co.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

INTERIOR BOARD OF LAND APPEALS

On April 2, 1981, Fortune Oil Co. (Fortune) filed several noncompetitive oil and gas lease offers for various lands in south central Oregon. By three separate decisions in May and June 1982 the Oregon State Office, Bureau of Land Management (BLM), notified Fortune that it was prepared to issue the leases provided that Fortune sign and return enclosed stipulations. BLM allowed Fortune 30 days from receipt of each decision to return the signed stipulations and stated that the failure to timely meet this requirement would result in rejection of its offers. The decision concluded with the statement, "This decision is not final, but is an interlocutory decision from which no

[1] The Board has consolidated these appeals (82-1182, 82-1219 and 83-89) sua sponte because they involve the same appellant and the same issues.

appeal may be taken." Fortune nevertheless filed notices of appeal from each decision, asserting that it was adversely affected by the decision and citing 43 CFR 4.410 as affording it a right of appeal.

BLM treated the notices of appeal as protests that it dismissed by separate decisions in July and August 1982. The decisions asserted that Fortune was incorrect in stating that the earlier decisions were adverse to it because they took no action to terminate the applications, priorities, or interests in the mineral estate of the lands involved and therefore were not adverse. The decisions also rejected the oil and gas lease offers because the 30 days for return of the signed stipulations had passed in each case. BLM noted as well that it had required the signing of a wilderness protection stipulation and that the Board had upheld the stipulation requirement in its decision, *John R. Anderson*, 57 IBLA 149 (1981). A right of appeal from these decisions was afforded and Fortune timely submitted a second notice of appeal for each case.

In its statements of reasons Fortune contends that the distinction that BLM has made between its two types of decisions is self-contradictory and has no merit. Fortune argues that by including a threat of adverse action if the stipulation requirements were not met, BLM has taken action that is adverse to its interests. Fortune requests that the decisions be remanded to BLM and that the Board instruct BLM to comply with the regulations governing treatment of appeals.

[1] In a recent decision, *Carl Gerard*, 70 IBLA 343 (1983), the Board examined the effect on appeal rights of various types of BLM decisions. The case dealt with a decision rejecting an application subject to compliance within 30 days, but the Board also examined the opposite circumstance, a decision "holding for rejection" an offer for some identified deficiency but affording a period of time within which the deficiency might be corrected, failing in which the offer would be considered rejected without further notice. This latter situation is similar to the situation presented in this case where BLM has imposed a requirement on appellant and indicated that failure to comply within the specified time would result in rejection of its offers. The only difference is that a decision "holding for rejection" contemplates that no further decision will issue, whereas the BLM decision in this case stated that a rejection decision would issue. With respect to a BLM decision "holding for rejection," the Board said:

> It is our view that, where such a decision clearly contemplates that rejection will occur upon the running of the prescribed period, such a decision is interlocutory. It is, in effect, an interim determination affording an applicant an opportunity to correct a perceived deficiency prior to rejection of the application. On receipt of such a decision, a party may elect to comply in the manner prescribed, comply under protest, or await the running of the identified period and appeal the final rejection. In such a case, the 30-day appeal

of the Oregon State Office is affirmed in part and set aside and remanded for action consistent with this decision.

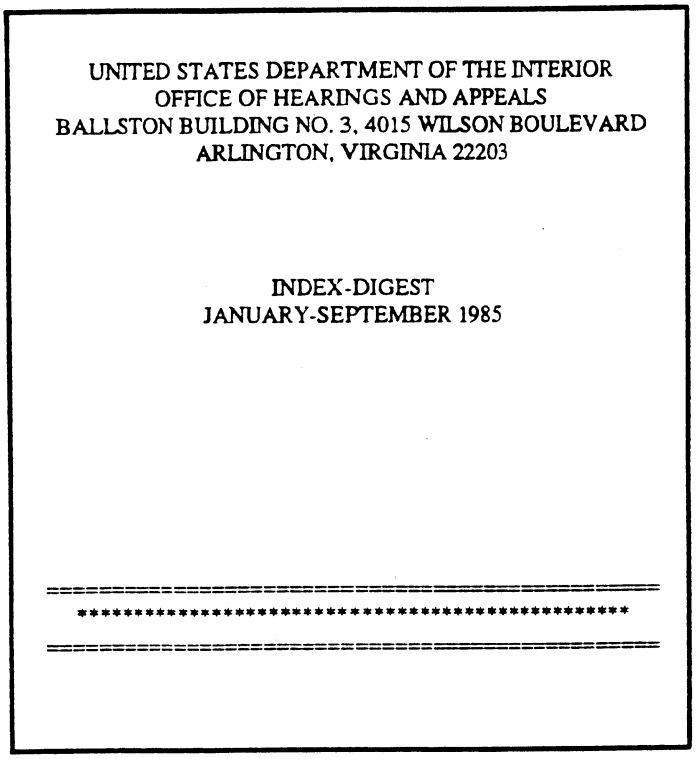
WILL A. IRWIN
Administrative Judge

WE CONCUR:

JAMES L. BURSKI
Administrative Judge

GAIL M. FRAZIER
Administrative Judge

The Office of Hearings and Appeals printed an Index-Digest to the decisions issued by the IBLA as well as by other boards within that office. These paperback digests were published both quarterly and annually until 1995.


UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
BALLSTON BUILDING NO. 3, 4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

INDEX-DIGEST
JANUARY-SEPTEMBER 1985

Fig.39 :

Cover of Paperback Index-Digest

January-September 1985

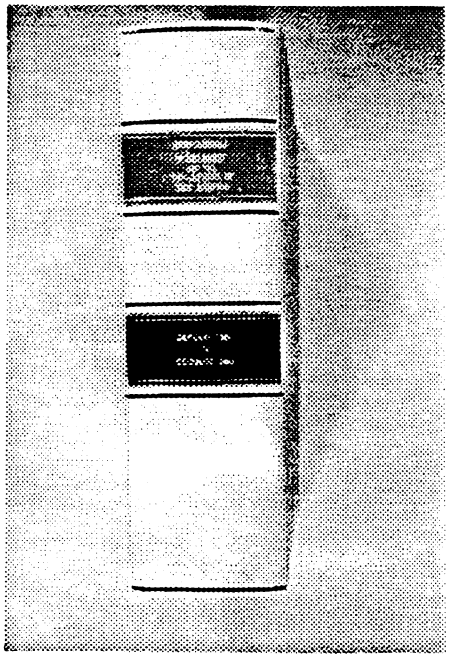
Since 1975 a hardbound edition known as the Quinquennial Index-Digest was published at 5-year intervals until 1996.

Fig.40 :

Quinquennial Index-Digest

of the Department of the Interior

(January 1980 to December 1984)



The Index-Digest consists of the following:

- a Table of Contents;

Fig.41 :

II

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* * * * * * * *

- headnotes from IBLA decisions, as well as those of other boards, arranged alphabetically by topic;

Fig.42 : *Alphabetical List of Topics Covered by Headnotes (Quinquennial Index-Digest 1980-1984)*

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APPRAISALS	129-133
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ATTORNEY'S FEES	133-134
ATTORNEYS	134

Fig.43 : *Headnotes Relating to Topic " Oil and Gas Leases-Applications" (Quinquennial Index-Digest 1980-1984)*

OIL AND GAS LEASES--Continued

APPLICATIONS--Continued

Sole Party in Interest--Continued

negotiate is to be valid for 5 years, the leasing service has an enforceable right to share in the proceeds of any sale of the lease or any interest therein, and in any payments of overriding royalties retained. Such an agreement creates for the leasing service an "interest" in the lease as that term is defined in 43 CFR 3100.0-5(b) (1979).

James Koch et al., 61 IBLA 235 (Jan. 28, 1982)

Ervin Staacke et al., 62 IBLA 278 (Mar. 16, 1982)

Michigan Wisconsin Pipeline Co. et al., 64 IBLA 247 (May 26, 1982)

David A. Reece et al., 65 IBLA 12 (June 21, 1982)

An oil and gas lease offer filed on a simultaneous filing drawing entry card must be rejected if it contains the names of additional parties in interest and, within 15 days of the filing, the offeror fails to submit a statement signed by himself and the other interested parties setting forth the nature of their respective interests and a copy of agreements between them.

Richard M. Sporcic, 62 IBLA 159 (Mar. 8, 1982)

A noncompetitive oil and gas lease application filed in a simultaneous drawing must be rejected if it contains the names of additional parties in interest, and there is a failure to submit the information required by 43 CFR 3102.2-7(b).

Diane M. Berndt, Richard W. Myers, 62 IBLA 288 (Mar. 16, 1982)

Bob Reid, 64 IBLA 17 (May 4, 1982)

An oil and gas lease offeror's agreement with a filing service which by its terms give an offeror an option, exercisable only after the drawing of simultaneously filed lease offers is held, to employ the service to sell offeror's interest in the lease in return for a specified commission does not create an interest in the lease offer at the time the offer is filed which is required to be disclosed under 43 CFR 3102.7 (1979).

Geomearch, Inc., 64 IBLA 149 (May 24, 1982)

When an individual files an oil and gas lease offer through a leasing service under an agreement whereby the leasing service is authorized to act as the sole and exclusive agent to negotiate for sublease, assignment, or sale of any rights obtained by the offeror; where the offeror is required to pay the leasing service according to a set schedule, even if the offeror negotiates the sale; and where such agency to negotiate is to be valid for 5 years, the leasing service has an enforceable right to share in the proceeds of any sale of the lease or any interest therein, and in any payments of overriding royalties retained. Such an agreement creates for the leasing service an "interest" in the lease offer which must be disclosed under 43 CFR 3102.7 (1979).

Where an individual files an oil and gas lease offer through a leasing service under an agreement with the service which has been determined to give the service an interest in the lease, and the service files a "waiver" of that interest with the BLM prior to a simultaneous drawing, without communicating such "waiver" to the client and without any contractual consideration running from the client to the leasing service, the "waiver" is without effect as a matter of law and both the successful drawee and the leasing service are required to make a showing as to their respective interests under 43 CFR 3102.7 (1979).

Gordon J. Lindsay, Resource Service Co., Inc., 64 IBLA 279 (June 4, 1982)

Where, in the course of an appeal from the rejection of an oil and gas lease application for other reasons, the pleadings and evidence raise for the first time the question of the existence of an outstanding undisclosed interest in the application, the Board will not decide that issue, but in no event may a lease be granted the appellant unless and until the question is ultimately resolved in appellant's favor.

Lynda Bagley Dove, 65 IBLA 340 (July 16, 1982)

Although, under the Departmental regulations in effect at the time of the sale, a competitive bidder in an oil and gas lease sale, where there are other parties in interest, was required to submit the signed statements required by 43 CFR 3102.2-7 (1981), failure to comply with the regulation does not require rejection of the bid. Whereas, in noncompetitive offerings, the critical element is determining the first qualified offeror, in competitive bidding, the amount of the bid replaces priority of filing as the dominant factor.

Turner C. Smith, Jr., Signe D. Smith, 66 IBLA 1 (July 23, 1982) 89 I.D. 386

Where substantial evidence of record supports BLM's rejection of a lease application on the basis of its finding that another party holds an undisclosed interest therein, the mere denial of that fact by the applicant is insufficient to overturn the decision on appeal.

Audrey Jean Boston, 67 IBLA 117 (Sept. 16, 1982)

Where the regulation, 43 CFR 3102.2-7, requiring the offeror for an oil and gas lease to file a copy of an agreement under which a royalty interest in the lease will be conveyed to a third party is repealed, it is not proper to reject the offer for failure to comply with the repealed regulation unless there was a proper conflicting offer filed for the same land prior to the date of the repeal, which was Feb. 26, 1982.

Richard S. Gaddy, W. R. Newberry, 67 IBLA 373 (Oct. 8, 1982)

A decision partly rejecting an oil and gas lease offer because the lands are included in a lease issued to a prior applicant will be affirmed on appeal upon a finding that appellant's contention that the prior applicant failed to comply with the requirements for disclosure of other parties in interest is simply unfounded.

Irvin Hall, 68 IBLA 276 (Nov. 17, 1982)

Fig.44 - a table listing overruled or modified cases for the Department;

TABLE OF OVERRULED AND MODIFIED CASES FOR

THE DEPARTMENT OF THE INTERIOR

For judicial modification and reversals see
Table of Suits for Judicial Review.

Ahvakana, Lucy S., 3 IBLA 341 (1971); overruled to extent inconsistent, U.S. v. Flynn, 53 IBLA 208, 88 I.D. 373 (1981).

Alabama By-Products Corp., 6 IBMA 168, 1975-1976 OSHD par. 20,756 (1976); set aside, 7 IBMA 85, 83 I.D. 574 (1976).

Alakayak, Macauley, Heirs of, 23 IBLA 170 (1975); vacated, (On Recon.), 62 IBLA 90 (1982).

Alaska Railroad, Appeal of, 3 ANCAB 273, 86 I.D. 397 (1979); affirmed in part, vacated in part, 3 ANCAB 351, 86 I.D. 452 (1979).

Alaska Railroad, Appeal of, 3 ANCAB 280 (1979); affirmed in part, modified in part, 3 ANCAB 377 (1979).

Alaska, State of, 7 ANCAB 157, 89 I.D. 321 (1982); modified to the extent inconsistent, 67 IBLA 344 (1982).

Alaska, State of & Seldovia Native Ass'n, Inc., Appeals of, 2 ANCAB 1, 84 I.D. 349 (1977); modified, Solicitor's Opinion--Valid Existing Rights Under the Alaska Native Claims Settlement Act, Secretarial Order No. 3016 (Dec. 14, 1977), 85 I.D. 1 (1978).

Alaska, State of v. Thorson, Marcia K., State of Alaska v. Phyllis Westcoast, 76 IBLA 264 (1983); rev'd, (On Recon.), 83 IBLA 237, 91 I.D. 331 (1984).

Alexander, William T., 21 IBLA 56 (1975); reaffirmed as modified, U.S. v. Alexander, 41 IBLA 1 (1979).

Amanda Mining & Manufacturing Ass'n, 42 IBLA 144 (1979); overruled to extent inconsistent, Harvey A. Clifton et al., 60 IBLA 29 (1981).

American Telephone & Telegraph Co., 57 IBLA 215 (1981); modified in part, (On Recon.), 59 IBLA 343 (1981).

Amoco Production Co., 24 IBLA 227 (1976); vacated, (On Recon.), 35 IBLA 43 (1978).

Anahonak, Victor A., 21 IBLA 347 (1975); vacated, (On Recon.), 64 IBLA 289 (1982).

Anderson, Ida Lee, 70 IBLA 383 (1983); vacated, (On Recon.), 73 IBLA 223 (1983).

Anelon, Gregory, Sr., 21 IBLA 230 (1975); vacated, (On Recon.), 60 IBLA 101 (1981).

Anelon, Serafina, 22 IBLA 104 (1975); vacated, (On Recon.), 64 IBLA 97 (1982).

Angaiak, Catherine, 23 IBLA 91 (1975); vacated & remanded, (On Recon.), 65 IBLA 317 (1982).

Applicability of Montana Tax to Oil & Gas Leases of Ft. Peck Lands--Opinion of Ass't Secretary (Oct. 27, 1966); superseded to the extent inconsistent, Solicitor's Opinion--Tax Status of the Production of Oil & Gas from Leases of the Fort Peck Tribal Lands Under the 1938 Mineral Leasing Act, M-36896, 84 I.D. 905 (1977).

Archer, J. D., A-30750 (May 31, 1967); overruled, 79 I.D. 416 (1972).

Aspinwall, Mary A. A., 23 IBLA 309 (1976); sustained in part & vacated in part, (On Recon.), 66 IBLA 367 (1982).

Ayouiak, Mary, 22 IBLA 384 (1975); vacated, (On Recon.), 59 IBLA 384 (1981).

Barash, Max, 63 I.D. 51 (1956); overruled in part, Solicitor's Opinion--Issuance of Noncompetitive Oil & Gas Leases on Lands Within the Geologic Structures of Producing Oil or Gas Fields, M-36686, 74 I.D. 285 (1967); Permian Mud Service, Inc., 31 IBLA 150, 84 I.D. 342 (1977).

Bartel, John A., A-29664 (Oct. 11, 1962); distinguished, A-30129 (Nov. 9, 1964).

Bergman, Elsie, 23 IBLA 233 (1975); vacated, (On Recon.), 64 IBLA 180 (1982).

Berger, Moise & Leon, 82 IBLA 253 (1984); affirmed in part, rev'd in part, Leo Crowley, Michael G. Clifton, 84 IBLA 7 (1984).

Bergman, Steven, 22 IBLA 233 (1975); vacated, (On Recon.), 61 IBLA 399 (1982).

Bergman, Warner, 21 IBLA 173 (1975), 31 IBLA 21 (1977); vacated, (On Recon.), 60 IBLA 214 (1981).

Beveridge, R. C., 50 IBLA 173 (1980); distinguished, Curtis Wheeler, 62 IBLA 384 (1982).

Breene, James O., Jr., 38 IBLA 281 (1978); vacated, (On Recon.), 42 IBLA 395 (1979).

Brick, Irving B., 36 IBLA 235 (1978); overruled, Robert R. Furman, 49 IBLA 64 (1980).

Brinkerhoff, Zula C., 75 IBLA 179 (1983); modified, Santa Fe Mining, Inc., 79 IBLA 48 (1984).

Brinton, John C., Estate of, 25 IBLA 283 (1976); vacated in part, 71 IBLA 160 (1983).

Bumble Bee Seafoods, Inc., 65 IBLA 391 (1982); overruled to extent inconsistent, Rosander Mining Co., 84 IBLA 60 (1984).

Caldwell, Clair R., 42 IBLA 139 (1979); overruled to extent inconsistent, Harvey A. Clifton et al., 60 IBLA 29 (1981).

Fig.45 :- results of judicial review of IBLA decisions and decisions of other boards;

TABLE OF SUITS FOR JUDICIAL REVIEW OF DEPARTMENTAL DECISIONS
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Adamick v. Watt	CXCI
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Adomkus v. Watt	CXLVII
Ahrens v. Andrus	CLVII
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Babcock v. Secretary	CXLVIII
Babcock v. Udall	CXLVIII
Babington v. Udall	CLXXVIII
Baciarelli v. Morton	CLIV
Badger Coal Co. v. Andrus	CXLIX
Bagley v. Udall	CXLIX
Baker v. DOI	CXLIX
Baker v. U.S.	CLXXXII
Baldwin v. Morton	CXLIX
Ball Brothers Sheep Co. v. Morton	CXLIX
Ballard E. Spencer Trust, Inc. v. Morton	CXLIX
Barash v. McKay	CXLIX
Barnard-Curtiss Co. v. U.S.	CXLIX
Barnett v. Watt	CXLIX
Barrows v. Hickel	CLXXXII
Bartell v. Andrus	CLXXXII
Barton v. Morton	CXLIX
Barton v. Udall	CXC
Bass Enterprises Production Co. v. Andrus	CXLIX
Battle Mountain Co. v. Udall	CXLIX, CLXV
Bay Construction Co. v. U.S.	CXLIX
Beaird v. Andrus	CLXXXII
Beatty v. BLM	CLXXII
Belknap v. Watt	CL
Bender v. Watt	CL
Bennett v. Kleppe	CL

Fig.46 : a table of opinions reported;

TABLE OF OPINIONS REPORTED

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Annual Review, Revision & Reapproval of 5-year OCS Oil & Gas Leasing Programs, M-36932 (Jan. 5, 1981), 88 I.D. 20 ——— 882

Application of Eagle Protection & Migratory Bird Treaty Acts to Reserved Indian Hunting Rights, M-36936 (June 15, 1981), 88 I.D. 586 ——— 431

Application of the Endangered Species Act to Native Americans with Treaty Hunting and Fishing Rights, M-36926 (Nov. 4, 1980), 87 I.D. 525 ——— 219, 434

Authorization for Oil & Gas Leasing on the National Petroleum Reserve—Alaska, M-36940 (Oct. 15, 1981), 91 I.D. 1 ——— 69, 454, 637, 1007

Bureau of Land Management Wilderness Review & Valid Existing Rights (The), M-36910 (Supp.) (Oct. 5, 1981), 88 I.D. 909 ——— 359

Clarification of Authorities & Responsibilities for Identifying & Protecting Cultural Resources on the Outer Continental Shelf, M-36928 (Nov. 24, 1980), 87 I.D. 593 ——— 632, 635, 881

Cumulative Impacts under Sec. 7 of the Endangered Species Act, M-36905 (Supp.) (Aug. 26, 1981), 88 I.D. 903 ——— 219

M-36938 (Aug. 27, 1981), 88 I.D. 903 ——— 220

Effect of Mining Claims on Secretarial Authority to Issue Prospecting Permits & Preference Right Leases for Coal & Phosphate (Modifying Solicitor's Opinion M-36893 of Aug. 2, 1977, & its Supplement of Nov. 19, 1979, on the same subject); The "Unclaimed, Undeveloped" Issue, M-36893 (Supp. II) (Jan. 8, 1981), 88 I.D. 247 ——— 149, 632, 893

Effect of the Crude Oil Windfall Profit Tax Act of 1980 on the States' Share of Federal Oil Royalties, M-36929 (Dec. 30, 1980), 87 I.D. 661 ——— 458, 852

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Effect of the Federal Land Policy & Management Act on the Right-of-Way Application for the Middle Fork of the Powder River Reservoir, M-36900 (Supp. I) (June 27, 1983), 90 I.D. 345 ——— 931, 937, 938

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Geothermal Leasing in Designated Wilderness Areas, M-36937 (June 11, 1981), 88 I.D. 813 ——— 14, 15, 380, 382, 1090

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- tables cross-referencing decisions dealing with specific statutory provisions of *U.S. Statutes at Large, Revised Statutes,* and *U.S. Code.*

Fig.47 : *Table in Index Digest Giving Cross-References from U.S. Statutes at Large Citations to IBLA Decisions (and Decisions Issued by Other Boards) and Solicitor's Opinions*

CXCV

TABLES OF U.S. STATUTES AT LARGE, REVISED STATUTES AND U.S. CODES

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3 STAT:

556 ----------84 IBLA 306 (Jan. 7, 1985)

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Fig.48 : *Table in Index Digest Giving Cross-References from Revised Statutes Citations*

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Fig.49 : Table Giving Cross-References from U.S. Code Citations

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10 IBLA 318 (Oct. 15, 1982)

Solicitor's Memorandum ("M") Opinions

Solicitor's Memorandum "M" Opinions are issued by the Office of the Solicitor for matters involving an interpretation of a law or regulation without a specific set of facts or a particular case. Many opinions are written by a Solicitor's Office, but "M" Opinions are the really important ones and are signed exclusively by the Solicitor. In some cases, the Solicitor may ratify or approve a subordinate's opinion, thereby making it an "M" Opinion. Important "M" Opinions may be selected for publication in the I.D.s. (See the illustration on the following page.) Otherwise, the "M" Opinions are filed in looseleaf binders by number and date of opinion.

Citation to "M" Opinion (unpublished):

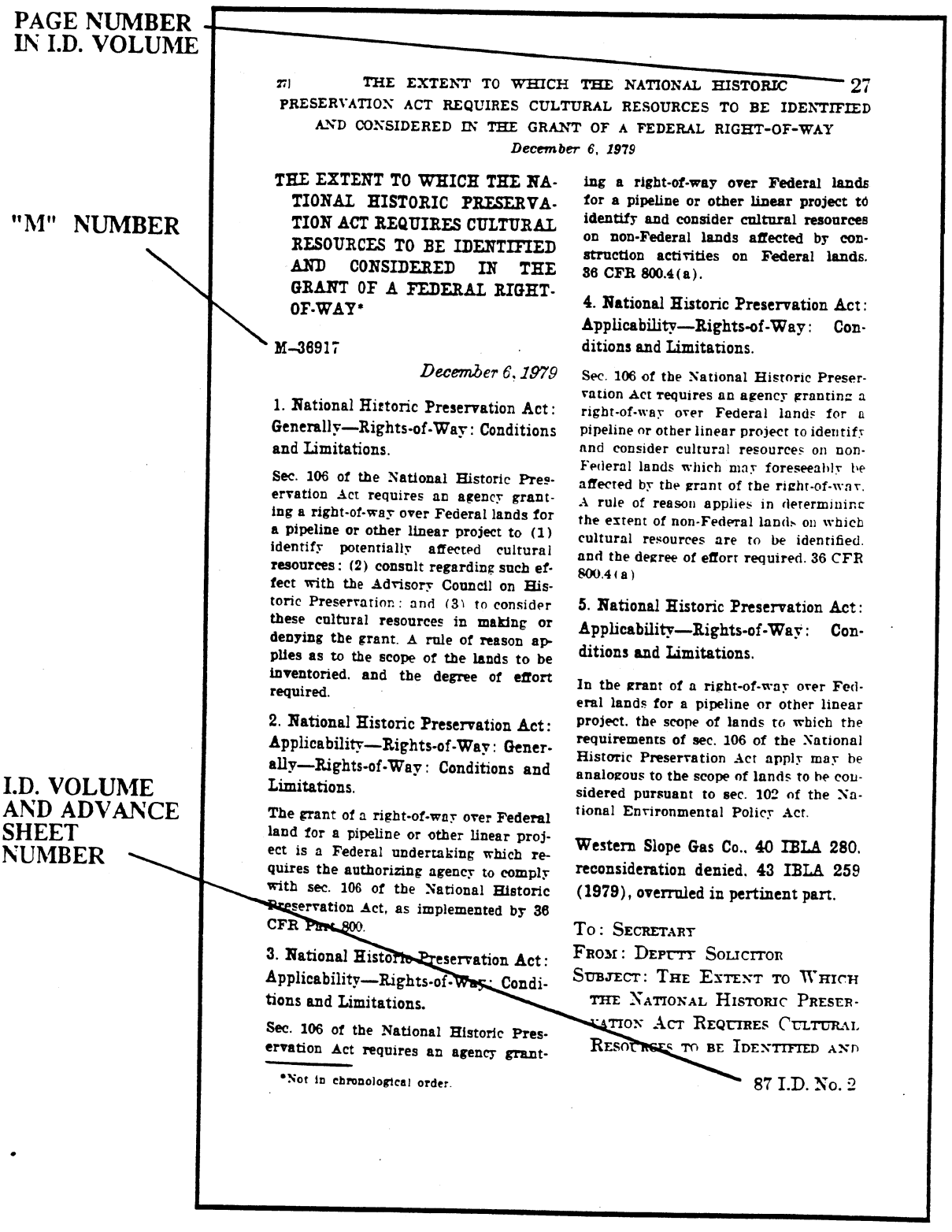
BLM's Survey Authority with Respect to Acquired Lands, M-12345 (January 21, 1981).

(**Note:** Rather than write out the title of the opinion, the phrase *Solicitor's Opinion* can be substituted.)

If an "M" opinion is published, always cite the published source. Example: *Solicitor's Opinion,* M-36917, 87 I.D. 27 (1979).

Access to published "M" opinions is through the *Index-Digests* of the Department of Interior.

Fig.50 : Sample "M" Opinion Selected for Publication in an I.D. Volume.



Decisions by BLM Field Office Officials and Administrative Law Judges (ALJs)

Field and State Office decisions are generally informal "letter" decisions, copies of which are not formally distributed. Such decisions are not binding as precedents. Depending on the type of case, administrative appeals are normally made directly to IBLA or to ALJs in the Hearings Division of the Office of Hearings and Appeals.

ALJs write opinions on factual issues only. Their opinions are not binding as precedents. Appeal from a decision issued by an ALJ in the Hearings Division is made to the IBLA. ALJ decisions are distributed in photo-reproduced form to Department of the Interior offices.

FEDERAL COURT DECISIONS

There are two basic categories of Federal courts: trial courts (sometimes referred to as lower courts) and appellate courts (also called higher courts or courts of review). Matters relating to legal disputes between two or more parties are usually filed in State trial courts. Matters involving the Federal Government, the U.S. Constitution, Federal laws, and diversity of citizenship (a citizen from Louisiana suing a citizen from Texas) usually end up in Federal district courts. Municipal matters are filed in city or municipal court.

HOW A LAWSUIT OR CASE BECOMES CASE LAW

After a suit is filed and jurisdiction is determined, the case may be set for trial with or without a jury in the proper court. If requested by either party, at the end of the trial the jury will decide questions relating to facts, e.g., has a surveyor accurately resurveyed the lines in question in accordance with the original survey? The judge, on the other hand, rules on legal issues, e.g., is a citizen bound by a BLM resurvey?

After the trial, if certain legal conditions have been met, the losing party has the right to appeal the case to the next highest court with appellate jurisdiction, such as from Federal district court to a Federal circuit court of appeals.

COURT SYSTEM

TYPE COURT	FEDERAL	STATE
Trial Courts (Lower Courts)	U.S. District Courts	Municipal Justice of the Peace County District Special, e.g., Probate
Intermediate Appellate Courts	U.S. Courts of Appeal (Circuit Courts)	Courts of Appeal (not all states have this intermediate court)
Highest Appellate Court	U.S. Supreme Court	State Supreme Court

REPORTS AND REPORTERS

Each year, almost 50,000 appellate cases are printed in reporters, bringing the total of published cases now to more than 3 million. In the reporters, these cases are reported chronologically and published officially by courts and agencies and unofficially by private companies. Most are unofficially published by two companies: West Publishing Company and LEXIS Publishing Company (formerly Lawyers Cooperative Publishing Company).

Features of Reporters: Each volume generally contains the following:

- Table of Cases
- Table of Judges
- Cases by Court
- Statutes, Rules Construed
- Headnotes
- Opinions

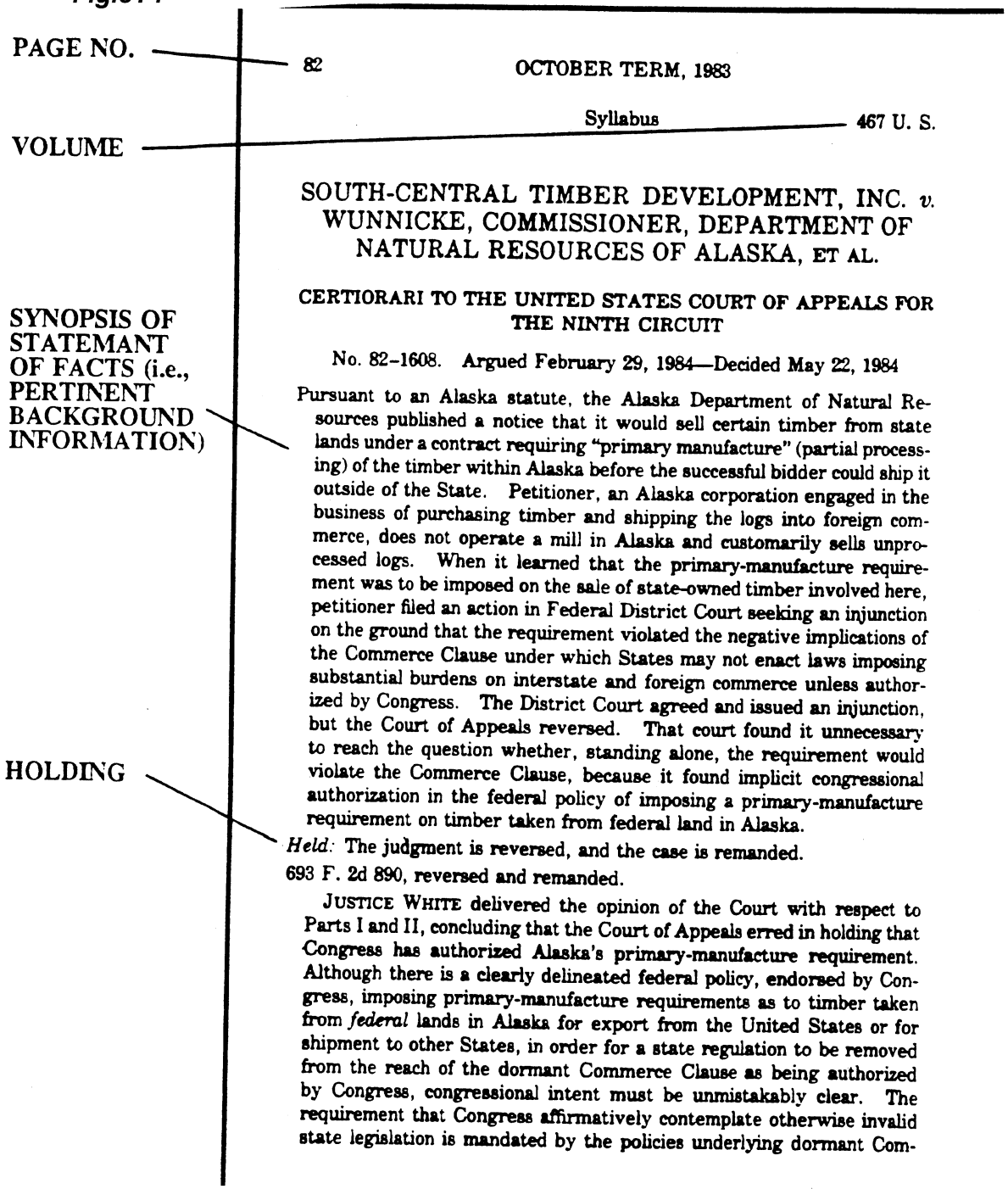
West Reporters also feature the following:

- Headnotes with the West Key Number
- References
- Statutes Construed
- Words and Phrases
- Digest Section

UNITED STATES REPORTS

Decisions issued by the United States Supreme Court are published in several reporters, mostly notably *United States Reports,* (U.S.). This set is published officially by the Government Printing Office. Decisions are first published in slip opinions, then in advance sheets, and finally in permanently bound volumes. For each court term, the advance sheets cumulate about 1,300 to 1,500 pages. These pages are later published in bound volumes, typically four to five volumes per year.

Fig.51 :



82 OCTOBER TERM, 1983

Syllabus 467 U. S.

SOUTH-CENTRAL TIMBER DEVELOPMENT, INC. *v.* WUNNICKE, COMMISSIONER, DEPARTMENT OF NATURAL RESOURCES OF ALASKA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 82-1608. Argued February 29, 1984—Decided May 22, 1984

Pursuant to an Alaska statute, the Alaska Department of Natural Resources published a notice that it would sell certain timber from state lands under a contract requiring "primary manufacture" (partial processing) of the timber within Alaska before the successful bidder could ship it outside of the State. Petitioner, an Alaska corporation engaged in the business of purchasing timber and shipping the logs into foreign commerce, does not operate a mill in Alaska and customarily sells unprocessed logs. When it learned that the primary-manufacture requirement was to be imposed on the sale of state-owned timber involved here, petitioner filed an action in Federal District Court seeking an injunction on the ground that the requirement violated the negative implications of the Commerce Clause under which States may not enact laws imposing substantial burdens on interstate and foreign commerce unless authorized by Congress. The District Court agreed and issued an injunction, but the Court of Appeals reversed. That court found it unnecessary to reach the question whether, standing alone, the requirement would violate the Commerce Clause, because it found implicit congressional authorization in the federal policy of imposing a primary-manufacture requirement on timber taken from federal land in Alaska.

Held: The judgment is reversed, and the case is remanded.

693 F. 2d 890, reversed and remanded.

JUSTICE WHITE delivered the opinion of the Court with respect to Parts I and II, concluding that the Court of Appeals erred in holding that Congress has authorized Alaska's primary-manufacture requirement. Although there is a clearly delineated federal policy, endorsed by Congress, imposing primary-manufacture requirements as to timber taken from *federal* lands in Alaska for export from the United States or for shipment to other States, in order for a state regulation to be removed from the reach of the dormant Commerce Clause as being authorized by Congress, congressional intent must be unmistakably clear. The requirement that Congress affirmatively contemplate otherwise invalid state legislation is mandated by the policies underlying dormant Com-

Each volume contains orders and opinions of the court, including chamber opinions of the court. Each U.S. Supreme Court Justice is assigned one or more United States Courts of Appeals, i.e., circuit courts to monitor. At times, when the Supreme Court is in recess, the Justices sit on these courts as a monitor. Chamber opinions, therefore, are written by a Supreme Court Justice when sitting on a court of appeals. Each volume of the *United States Reports* has a table of cases and a subject index.

From 1789 to 1874 the reports were cited by the name of the actual court reporters (referred to a "nominative reports"), e.g. 1 Dallas 1. Since 1875, the *U.S. Reports* have been cited by U.S. volume and page number. In 1875, the earlier volumes of the *U.S. Reports* were renumbered by U.S. volume 1-91. So, 1 Dallas 1 is the same as 1 U.S. 1.

Citation to U.S. Reports

Leo Sheep CO. v. United States,
400 U.S. 668 (1979)

Vol. Page Year

This citation is only to the official *United States Reports* and is used when citing Supreme Court decisions in documents filed in the Federal court system. Generally, no parallel citations to other U.S. Supreme Court case publications are permitted in the Federal court system. Parallel citations, however, are permitted in other courts, such as in State courts. When parallel citations are allowed, the official citation always precedes the unofficial citation.

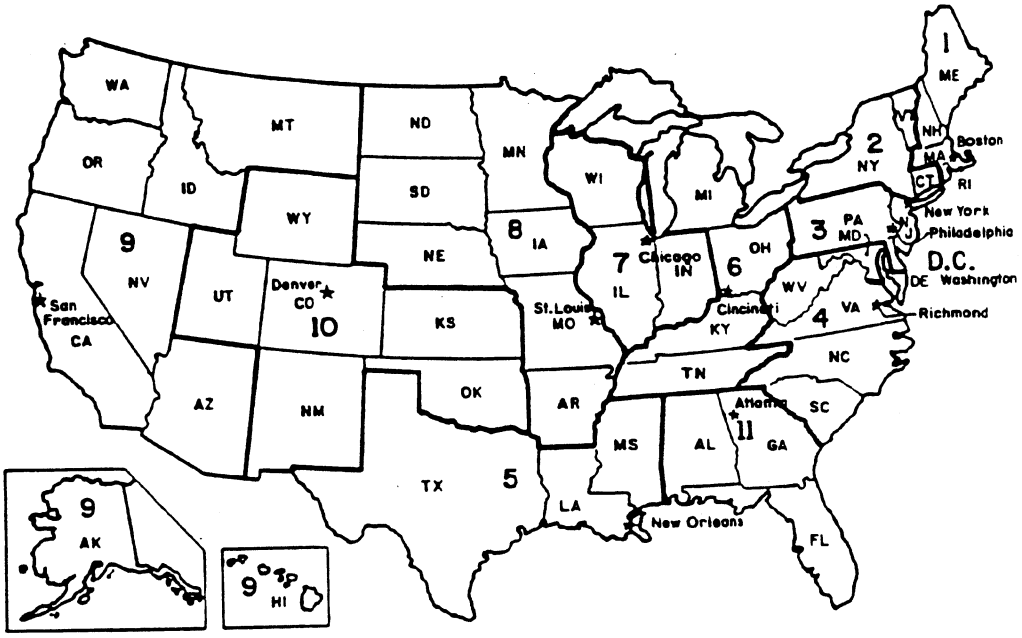
Two sets of reporters of Supreme Court decisions are published unofficially by private companies. The *United States Supreme Court Reports, Lawyers' Edition* (L.Ed), 1st and 2nd series is published unofficially by LEXIS Publishing Co., and the *Supreme Court Reporter* (S.Ct.) is published unofficially by the West Publishing Company.

FEDERAL REPORTER

Published unofficially by West, this set is part of the National Reporter System. Because no official report exists for courts of appeals cases, the *Federal Reporter* is the only place where the United States Courts of Appeals cases are published. *The Federal Reporter* is published in three series: the *Federal Reporter* (F.); the *Federal Reporter, Second Series* (F.2d); and the *Federal Reporter* (F.3d). Current volumes of the *Federal Reporter 3d* contain all of the published cases of the courts of appeals from the 12 federal judicial circuits in the United States.

Fig.52 :

The Twelve Federal Judicial Circuits



There are twelve Federal Judicial Circuits, eleven plus D.C.

In addition to cases from the courts of appeals, the *Federal Reporter, 3d.* includes decisions from various other courts such as the United States Court of Claims and the Court of Customs and Patent Appeals. Decisions in the *Federal Reporter, 3d.* are first published in advance sheets, which are later replaced by bound volumes. Each volume contains the same features common to West reporters: table of judges, table of cases, cases by court, statutes and rules construed, words and phrases, a digest section, and the opinions of the courts.

Citation to *Federal Reporter:*

United States v. Hudspeth, 384

F.2d. 683 (9th Cir. 1967).

For circuit court case citations, include as part of the citation the circuit in which the case originated, e.g., (9th Cir.). A complete case citation must always indicate the court rendering the decision.

In addition, each volume of the *Federal Reporter* includes a list of the judges of the courts covered by the Volume. It also includes an alphabetical listing of the cases included in that volume as well as a digest that provides subject access to the decisions within that volume. In addition to the text of the opinion, the following elements are included for each case:

a. Name of case;

b. Date of decision;

c. Docket number of case;

d. Summary of case and headnotes that provide appropriate West Key Numbers;

e. Name of attorneys;

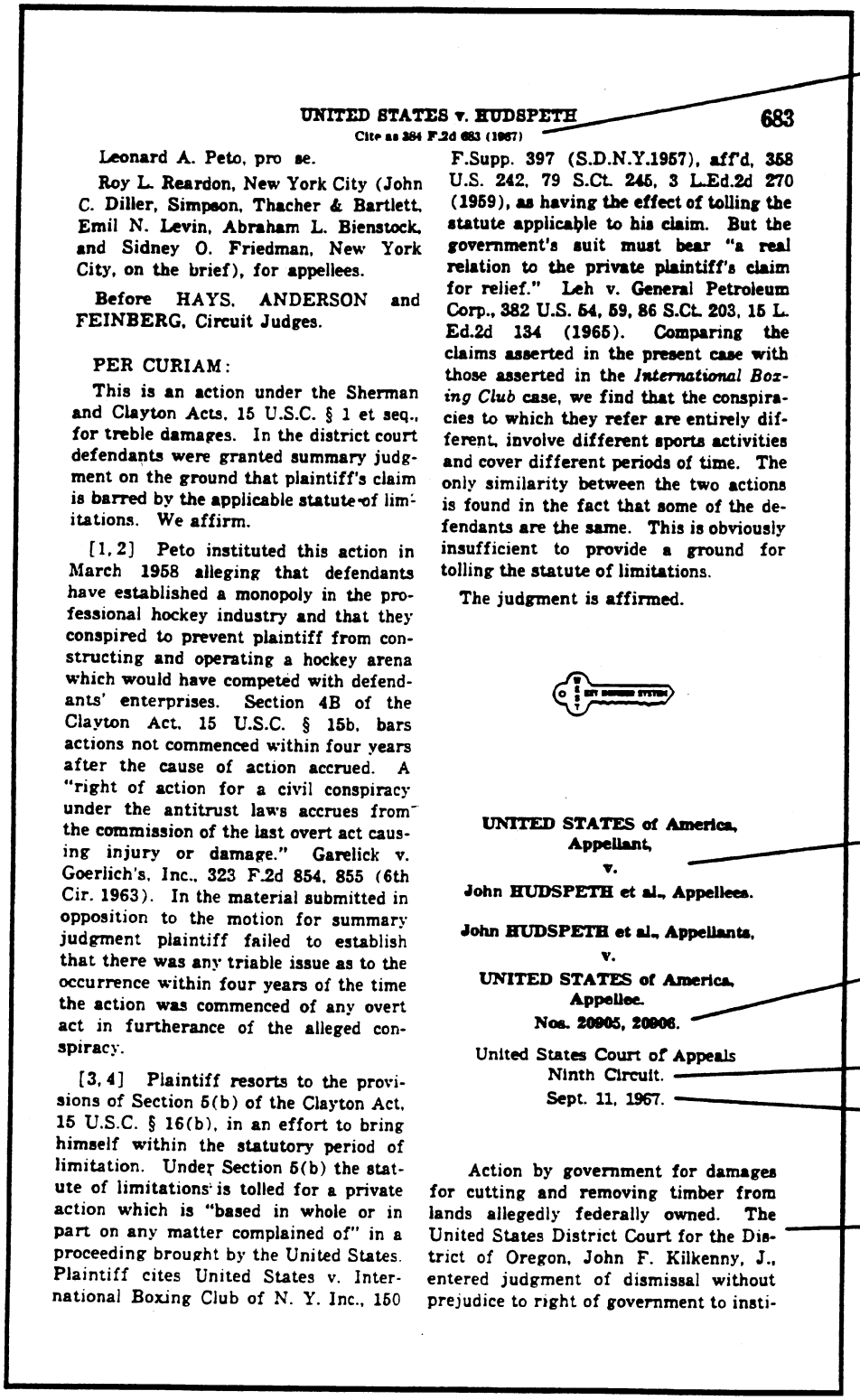
f. Name of judges who wrote the individual opinions;

g. Table of statutes construed in that volume; and

h. "Words and Phrases" section that shows, in alphabetical order, both legal and nonlegal words or phrases that have been judicially defined in that volume.

The following two pages illustrate the elements of a published federal court decision in the *Federal Reporter.*

Fig.53 : *Federal Reporter*



Leonard A. Peto, pro se.

Roy L. Reardon, New York City (John C. Diller, Simpson, Thacher & Bartlett, Emil N. Levin, Abraham L. Bienstock, and Sidney O. Friedman, New York City, on the brief), for appellees.

Before HAYS, ANDERSON and FEINBERG, Circuit Judges.

PER CURIAM:

This is an action under the Sherman and Clayton Acts, 15 U.S.C. § 1 et seq., for treble damages. In the district court defendants were granted summary judgment on the ground that plaintiff's claim is barred by the applicable statute of limitations. We affirm.

[1, 2] Peto instituted this action in March 1958 alleging that defendants have established a monopoly in the professional hockey industry and that they conspired to prevent plaintiff from constructing and operating a hockey arena which would have competed with defendants' enterprises. Section 4B of the Clayton Act, 15 U.S.C. § 15b, bars actions not commenced within four years after the cause of action accrued. A "right of action for a civil conspiracy under the antitrust laws accrues from the commission of the last overt act causing injury or damage." Garelick v. Goerlich's, Inc., 323 F.2d 854, 855 (6th Cir. 1963). In the material submitted in opposition to the motion for summary judgment plaintiff failed to establish that there was any triable issue as to the occurrence within four years of the time the action was commenced of any overt act in furtherance of the alleged conspiracy.

[3, 4] Plaintiff resorts to the provisions of Section 5(b) of the Clayton Act, 15 U.S.C. § 16(b), in an effort to bring himself within the statutory period of limitation. Under Section 5(b) the statute of limitations is tolled for a private action which is "based in whole or in part on any matter complained of" in a proceeding brought by the United States. Plaintiff cites United States v. International Boxing Club of N. Y. Inc., 150 F.Supp. 397 (S.D.N.Y.1957), aff'd, 358 U.S. 242, 79 S.Ct. 245, 3 L.Ed.2d 270 (1959), as having the effect of tolling the statute applicable to his claim. But the government's suit must bear "a real relation to the private plaintiff's claim for relief." Leh v. General Petroleum Corp., 382 U.S. 54, 59, 86 S.Ct. 203, 15 L.Ed.2d 134 (1965). Comparing the claims asserted in the present case with those asserted in the *International Boxing Club* case, we find that the conspiracies to which they refer are entirely different, involve different sports activities and cover different periods of time. The only similarity between the two actions is found in the fact that some of the defendants are the same. This is obviously insufficient to provide a ground for tolling the statute of limitations.

The judgment is affirmed.

UNITED STATES of America, Appellant,

v.

John HUDSPETH et al., Appellees.

John HUDSPETH et al., Appellants,

v.

UNITED STATES of America, Appellee.

Nos. 20905, 20906.

United States Court of Appeals Ninth Circuit.

Sept. 11, 1967.

Action by government for damages for cutting and removing timber from lands allegedly federally owned. The United States District Court for the District of Oregon, John F. Kilkenny, J., entered judgment of dismissal without prejudice to right of government to insti-

FEDERAL REPORTER CITATION

ELEMENTS OF A PUBLISHED CASE

STYLE OR NAME OF CASE

DOCKET NUMBER ASSIGNED TO CASE BY COURT

COURT

DATE OF DECISION

CASE SYNOPSIS (EXPLAINS NATURE OF CASE)

Fig.54 : Federal Reporter

HOLDING OF THE COURT

DECISION OF COURT (THE COURT OF APPEALS AFFIRMED THE TRIAL COURT'S DECISION)

DIGEST TOPIC AND KEY NUMBER

INDEX TO DISCUSSION OF POINT IN TEXT OF OPINION

HEADNOTE OR SYLLABUS (SUMMARY OF PART OF THE OPINION)

tute an action based on a certain survey, and the government appealed. The Court of Appeals, Browning, Circuit Judge, held that evidence supported finding that surveyor instructed by Secretary of Interior to resurvey portion of township in which defendants allegedly cut and removed timber from federally owned lands had not accurately retraced the original lines.

Affirmed.

1. Courts ⇐408.9(2)

Although district court's findings and conclusions in action by government for damages for cutting and removal of timber from lands allegedly federally owned were general, they were sufficient, in context of the whole record, to review the basis for the decision and thus permit review.

2. Boundaries ⇐37(3)

Evidence supported finding that surveyor instructed by Secretary of Interior to resurvey portion of township in which defendants allegedly cut and removed timber from federally owned lands had not accurately retraced the original lines.

3. Appeal and Error ⇐169

It is ordinarily inappropriate to reverse upon a ground not submitted to district court, and this is true though the appellant be the United States.

4. Appeal and Error ⇐169

Reversal of judgment unfavorable to government was not appropriate on basis of contentions not made in district court.

5. Boundaries ⇐40(1)
Constitutional Law ⇐72

The accuracy of surveys of public lands before their disposition is committed exclusively to the Executive Branch, but in disputes with or between private owners after disposition by the government, the questions of where the lines run by such survey lie on the ground and whether any particular tract is on one side or the other of the line are factual and are always open to inquiry in the courts.

6. Public Lands ⇐28

Generally, a resurvey of public lands is evidence, though not conclusive, of location of the original line.

7. Courts ⇐406.1(18)

The government could not on its appeal fault trial court for proceeding as both parties had requested to determine as a fact issue whether the government had accurately resurveyed a certain township in accordance with original surveys, in action for damages for alleged cutting and removing of timber from federally owned lands.

8. Courts ⇐406.9(9)

Remand for consideration of new issues rather than dismissal may be appropriate where dismissal would obviously result in plain miscarriage of justice.

9. Courts ⇐406.9(9)

Remand by Court of Appeals of government's unsuccessful damages action for consideration of new issues was not appropriate on theory that dismissal would obviously result in plain miscarriage of justice, where district court's dismissal had been without prejudice to new trial.

10. Federal Civil Procedure ⇐1837

The public interest in obtaining redress for past destruction of public property and in fixing boundary of public lines against future trespass justified discretionary dismissal without prejudice to new trial of government's action for damages for cutting and removing timber from lands federally owned according to resurvey not binding on defendants who admitted that some trespass had occurred.

11. Public Lands ⇐13

A good faith mistake as to location of boundary between public and private lands will not exonerate a trespasser who cuts timber on what actually is public land.

12. Public Lands ⇐13

The government, which sought to recover damages for cutting and removing timber from lands allegedly federally owned, had burden of establishing that

FEDERAL SUPPLEMENT

An appeal taken from a decision rendered by the IBLA would be filed in a U.S. District Court. Federal judicial districts are subdivisions of the Federal judicial districts are subdivisions of the Federal judicial circuits. Each state has at least one Federal district court, and larger states may have several district courts.

As with the Federal Courts of Appeals, Federal district court cases are not officially published. The *Federal Supplement,* first published in 1933, is published in two series: *Federal Supplement* (F. Supp.) and *Federal Supplement Second Series* (F. Supp. 2d). Published unofficially by West, volumes of the *Federal Supplement* contain trial court decisions selected for publication from the United States district courts.

The Federal district court decisions published in the *Federal Supplement* are exceptions to the rule that only appellate court cases and not trial cases are published. In Federal district courts, the Federal district judges have the discretion of whether to publish an opinion in cases litigated in their courts. The judges, not the publisher, make the choice. Published are cases that may set precedent or unique cases involving legal issues not dealt with before. Cases designated for publication first appear in the *Federal Supplement* advance sheets. These advance sheets are later replaced by bound volumes with the same features common to a West reporter. In district court case citations, include as part of the citation the district court from which the case originated (e.g., E.D.N.Y., which means Eastern District of New York).

Citation to *Federal Supplement:*

***Riley v. Ambach,* 508 F.Supp.1222**
(E.D.N.Y. 1980).

States that are not subdivided into districts are cited as follows: *Lima v. United States,* 508 F.Supp.897, (D.Colo.1980). This citation shows that this case was tried in Colorado and that Colorado has only one Federal judicial district.

Special features of the *Federal Supplement* include the following:

1. A list of the judges of the courts covered during the time covered by the volume;

2. Cases are listed alphabetically by the first named party to the action;

3. A digest that provides subject access to the decisions in that volume;

4. Elements included beyond the text of the opinion are name of case, date of decision, docket number of case, summary of the case and headnotes that provide the appropriate West Key numbers, names of attorneys, and name(s) of judge(s) who wrote the individual opinions;

5. A table of statutes construed in that volume; and

6. A "Words and Phrases" section that shows, in dictionary order, legal and nonlegal words or phrases that have been judicially defined in that volume.

REVIEW EXERCISE 3

1. IBLA is an abbreviation for _____, which is part of the Office of _____, Department of the Interior.

2. There is presently within the department a _____ step administrative appeal process for adjudicative decisions issued by BLM State or Field Offices.

3. In addition to important decisions issued by the IBLA, the Interior Decisions (I.D.s) include certain solicitor's memorandum opinions as well as certain selected decisions from other review boards within the Office of Hearings and Appeals.

   True _____ False _____

4. What is the significance of double spaced text in an IBLA decision?

5. Which of the following is a citation to an IBLA decision that has not been reprinted in the Interior Decisions (I.D.s)?

   (a) Paul N. Scherbel, 58 IBLA 52 (1981)
   (b) J. Williams, 90 IBLA 321, 92 I.D. 475 (1985)

6. What does IBLA 85-837 signify?

7. BLM Field and State Office decisions that are not formally distributed are not binding precedents?

   True _____ False _____

8. Decisions issued by U.S. District Courts are printed in the _____. Decisions issued by U.S. Courts of Appeals are printed in the _____.

9. Decisions issued by the U.S. Supreme Court are printed in *U.S. Code Congressional and Administrative News.*

   True _____ False _____

10. The _____ is a subject matter digest of certain important IBLA decisions and Solicitor's memorandum opinions as well as decisions issued by other review boards of the Office of Hearings and Appeals.

REVIEW EXERCISE 3 - ANSWERS

1. Interior Board of Land Appeals; Hearings and Appeals.....page 65

2. One.....page 65

3. True.....page 66

4. The decision will eventually be reprinted in a volume of the hardback publication, *Interior Decisions* (or I.Ds.).....page 67

5. *Paul N. Scherbel*, 58 IBLA 52 (1981).....page 67

6. IBLA 85-637 is a IBLA docket number. The number 637 shows that his case was the 637th appeal filed during fiscal year 1985.....page 67

7. True.....page 68

8. *Federal Supplement*; *Federal Reporter* (2nd series).....page 90-93

9. False. They are printed in the *U.S. Reports*.....page 88

10. Index Digests of the Department of the Interior.....page 66

Section 5
DEPARTMENT OF THE INTERIOR AND BLM RELATED MATERIALS

DEPARTMENTAL MANUAL

The Departmental Manual (DM) is an internal reference that includes organization descriptions; delegations of authority; and policies, procedures, and standards for administrative, legal, legislative, informational and program activities of the Department. It is the Department's authorized means of documenting and issuing instructions, policies, and procedures that have general and continuing applicability to Departmental activities, and/or that are important to the management of the Department.

Electronic Departmental Manuals (both archived and updated) can be accessed through the Electronic Library of Interior Policies (ECLIPS) website:

http://elips.doi.gov/

BLM DIRECTIVES SYSTEM

The BLM Directives System is an integral element of the Bureau's Records Management program. The contents of Directives are **mandatory** unless the direction provides discretion or is specifically stated as guidance.

The Directives System must provide the central instructions needed to comply with laws, regulations, an administrative policy, ensure program effectiveness; and provide a reasonable consistency of approach and results among Field Offices, while allowing flexibility to respond to local circumstances. All directives shall be user-oriented and kept to the minimum needed for program direction.

The BLM Directives Systems is comprised of **temporary** (Instruction Memoranda and Information Bulletins) and **permanent** (Manuals and Handbooks) directives.

The temporary directives convey **interim program policy instructions** (IMs are used for this purpose) or **convey information** (IBs are used for this purpose) which are in effect for a short specific time only. Directives remain in effect until they are superseded, canceled or have expired.

When interim instructions conveyed in IMs become permanent in nature, these instructions are then incorporated in the revised Manual Section and Handbooks.

BLM MANUAL SYSTEM

The BLM Manual System is a permanent record of written policy, procedural and directional instructions for BLM programs. Instructions in BLM manuals are **mandatory** unless the text states otherwise.

The Manual System is arranged by numbered Manuals, as outlined in the BLM Subject Code Index, provided in Appendix 3 of Manual Section 1220, Records and Information Managements.

BLM Manuals consist of Manual Section, Manual Section Supplements, Handbooks and Handbook Supplements.

The Manual Section and Handbook must not conflict; they combine to form a complete set of instructions. Both the Manual Section and Handbook have equal force and effect. They are structured systems tied together by a subject code. A Handbook cannot be released without a Manual Section in effect. These Manuals and Handbooks remain in effect until they are updated, revised or removed from the BLM Manual System.

Program Managers are responsible for keeping the Manuals current; hence, Program Managers are the primary audience for Manuals.

BLM HANDBOOKS

Handbooks provide detailed instructions ("hows-tos") necessary to carry-out program policy and direction described in the Manual Section. Officials may elect to write Handbooks to transmit an additional or a particular set of detailed technical or procedural instruction. Resource Specialists, Technicians and Clerks are the primary audience for Handbooks.

BLM SUBJECT-FUNCTION CODE SYSTEM

The Bureau's Paperwork Management System uniformly identifies all records/documents, regardless of physical form or characteristic, based on a logical numerical coding system.

Subject Codes are grouped into 9 primary subject areas with one-thousand level codes from 1000 through 9000, which represents BLM's major functions. Related subsidiary subjects and corresponding codes fall under each of these 9 major subject areas. The subjects are codified by a series of numbers, generally with a four-digit number to the left of the decimal (the decimal is represented by a hyphen) and subsidiary numbers and letters to the right of the decimal.

Examples:
2200
Exchange of Public Lands

1400-410 (P)
Personnel Management-Training,
Public

The major headings are further divided into subheadings to represent sub-functions. Each heading has a number code that is tied or linked to related sections in the Code of Federal Regulations(CFR) and at the same token, linked to BLM Manuals, Handbooks, instruction memoranda, information bulletins, training courses, correspondences, forms and reports. All BLM offices must ensure to use the most current and up-to-date subject codes.

To ensure consistent management of records and information, it is imperative that correct Subject Function Codes be applied to all BLM records or documents. The use of accurate subject codes assists Users in creating, maintaining, storing, locating and retrieving information.

Subject Codes are updated every 2 years, by the Directives and Information Services Branch. A Subject Code Index, a complete listing of all BLM subject areas, is provided in Appendix 3 of Manual Section 1220, Records and Information Management.

INSTRUCTION MEMORANDA (IMS)

Instruction Memoranda (IM) is a temporary directive issued when conveying an interim policy, procedural instructions, or interpretations of existing regulations; and, instructions must reach BLM employees quickly.

Each IM contains a subject code which links the BLM Manual section and Handbook. Each IM is assigned a Memorandum Number consisting of a fiscal year and number (IM 2005-002).

Instructions contained in IMS are in effect for 12 months and could be extended for only another 12 months. IMs expire at the end of the next fiscal year from the fiscal year they were issued; hence, IMs issued in fiscal year 2004 expire at the end of fiscal year 2005 (9/30/05). If certain IMs need to be extended for another 12 months, an IM must be issued, conveying and citing those particular IMs that are extended for another fiscal year.

If instructions, contained in a certain expired IM (after the 2 fiscal year period lasped), needed to be further extended, a new IM, reconveying those instructions, must be issued.

When **policy instructions** contained in IMs become permanent in nature, the policy instructions are incorporated in the updated/revised Manual Section. Manuals are revalidated once every 2 years by Program Lead or Managers and their respective group teams.

The following is an example of an Instruction Memorandum (IM):

Fig.55 :

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

October 20, 2003

In Reply Refer To:
1112 (740) P

EMS TRANSMISSION 10/27/2003
Director's Office Instruction Memorandum No. 2004-001
Expires: 09/30/2005

To: All WO Employees

From: Director

Subject: WO Hazard Communication Program

This Instruction Memorandum establishes the Washington Office policy on the Hazard Communication program in accordance with OSHA's 29 CFR 1910.1200, Hazard Communication Standard. The purpose of this policy is to provide guidance and direction to WO employees, contractors, and volunteers who use or may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Please ensure that you are familiar with this policy.

Contact Phyllis McKoy, WO Safety Officer, at 501-2788, if you have any questions regarding this policy.

Signed by:
Jim M. Hughes
Acting Director

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560

1 Attachment
1 - WO Hazard Communication Program (4 pp)

INFORMATION BULLETINS (IBS)

Information Bulletins, on the other hand, **do not contain BLM program policy, direction or instructional material.** IBs are used to convey information of interest to BLM employees, such as announcements; call attention to existing policies or procedures; or to transmit publications. IBs have no expiration dates and must be disposed of when no longer needed.

Certain IBs may require action by, or response from Bureau offices for actions such as confirming attendance at meetings, requesting review or comments to draft documents, or requesting reporting information; hence, IBs may have due dates (DD). (*Please do not confuse due dates with expiration dates).*

Each IB is assigned a Bulletin Number, consisting of a fiscal year and number (IB 2205-002).

On the following page is an example of an Information Bulletin (IB).

Fig.56 :

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

October 22, 2002

In Reply Refer To:
1400-410 (WO-100) P

EMS TRANSMISSION 10/22/2002
Director's Office Information Bulletin No. 2003-001

To: All WO Officials
Attn: WO Staff Assistants

From: Director

Subject: Telephone Courtesy Seminar

The Bureau of Land Management (BLM) Director's Office is sponsoring a Telephone Courtesy Seminar for all BLM Washington Office Staff Assistants. This seminar is part of the ongoing effort to maintain and support the high level of expertise that staff assistants provide to BLM customers. All staff assistants should plan to attend this important seminar. The seminar will be held on November 6, 2002, from 9:00-11:30 a.m., at the South Interior Building Auditorium. Please make arrangements for phone coverage of your offices, with utilization of voicemail as the last method of office coverage, while your staff assistants attend this seminar.

Deputy Director Fran Cherry will open the seminar with introductory remarks about the mission critical role that staff assistants play in the Washington Office. After the opening remarks, a short video entitled "Telephone Courtesy: The Royal Connection" will be shown followed by several team communication activities. Colin Voigt (WO-700) will be conducting this seminar. Colin can be contacted at 304-876-7464 or colin_voigt@blm.gov.

Signed by:
Francis R. Cherry, Jr
Acting Director

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560

Final Exercise

1. Your office is having problems with local ranchers building temporary fences on BLM lands leased for cattle grazing. Your supervisor has asked you to find the Federal Statute that covers such enclosures on public lands. She recalls hearing about such a statute called "the fencing law" or some such title.

   (a) Write the citation to this law.

   (b) Explain where you found the citation.

2. You are surveying on BLM lands in Colorado during elk season. A hunting party threatens you and your crew with bodily harm if you continue with the survey. What type of Federal protection are you and the crew entitled?

   (a) Cite the appropriate Federal statute

   (b) Explain how you found it.

3. What do the following abbreviations mean?

   (a) OHA

   (b) 9th Cir.

   (c) LSA

   (d) IBLA

4. (a) Write the definition of "surface coal mining operation" found in Title 43 of the CFR.

   (b) Provide the CFR citation and explain how you found the answer.

5. Locate IBLA 2002-187 and answer the following questions.

   (a) What kind of action is being appealed?

   (b) Where are the regulations pertaining to this type of case found?

   (c) Were these regulations affected by any documents published in the *Federal Register* in 2002 or 2003?

6. In 43 CFR, locate the table "Alphabetical List of Agencies Appearing in the CFR." Find the CFR title, subtitle, or chapter number for the Office of Energy. Give the CFR citation.

7. You have the following information about a Federal law that has been codified and published in the *U.S. Code*: *Enacted September 25, 1985 as Public Law 99-96.*

(a) Find and list the *U.S. Code* citation and explain the procedure you used to locate it.

(b) What is the subject covered by the statute you found in the *U.S. Code*?

(c) What is the *U.S. Statutes at Large* citation in this public law? Where did you find the citation?

8. Find regulation 43 CFR 2742.1 – Land Subject to Disposition (Subpart 2742 – Recreation and Public Purposes Act: Omitted Land and Unsurveyed Islands).

(a) What is the original regulatory source and date of this regulation?

(b) Under what provisions may omitted lands and unsurveyed islands be conveyed to State and other local political subdivisions?

True or False

9. Every regulation and notice published in the *Federal Register* will eventually be reprinted in the *Code of Federal Regulations*. True_____ or False_____

10. Slip laws are published by the Government Printing Office and issued in chronological order by date of enactment. True _____ or False _____

11. The United States Code has been officially published by the Government Printing Office since 1976. A revised edition of the set is published every three years.
True _____or False ____

12. Instruction Memoranda (IM) and Instruction Bulletins (IB) are effective for 12 months.
True _____or False_____

13. The U.S. Supreme Court is highly selective in determining which appeals it will review from U.S. District Courts. True_____ or False _____

14. If a Solicitor's Memorandum "M" Opinion is published, you always cite the published source. True _____ or False _____

Final Exercise Answers

Note: There are different ways to find the popular name of a statute.

1. (a) U.S. C. (2000 edition, volume 25)
   43 U.S.C. §1061-1066 (2000)
   (b) U.S.C.A. Index – 43 (Public Lands)
   - Table of Contents (Chapter and volume containing §§) Page number
   - Popular Name Acts (Table) cited by popular name, Fencing Act (Public Lands) – Section 1061-1066 chapter 25 §1061-1066 (page 270)
     U.S.C.. Index – 43 (Public Lands)
   - Popular Name Acts (Table) Fencing Act (Public Lands) – Section 1061-1066 chapter 25 §1061-1066
   -

2. (a) 43 U.S.C .§774
   Protection of surveyor by marshal

   (b) 43 U.S.C.A. Index
   Tables of titles and chapters
   Protection of surveyor by marshal
   Section 774 page 648
   Or
   U.S.C. General Index S-Z (1982 edition, Vol. 25)
   Surveyors
   Deputies
   Marshall required to protect, 43 U.S.C. §774
   Or
   United States Marshalls
   Surveyor, duty to protect, 43 U.S.C. §774

3. (a) Office of Hearings and Appeals

   (b) U.S. District Court of Appeals for the Ninth Judicial Circuit 9th Cir.

   (c) List of CFR Sections affected

   (d) Interior Board of Land Appeals

4. (a) Surface coal mining operations means activities conducted on the surface of lands in connection with a surface coal mine or surface operations and surface impacts incident to an underground mine, as defined in section 701(28) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1291(28)).

(b) 43 CFR 3400-0.5(mm)(2007)
Look in index under Coal Management Part 3400
Subpart –Introduction: General
Subpart 3400.0-5 Definitions
Or

General Introductions include (4) The Surface Mining Control and Reclamation Act of 1977, August 3, 1977 (30 U.S.C 1201 et.seq)
You may consult the Popular Name Table in the U.S.C. or U.S. C.A.
Or
Look for "surface coal mining operations" in the General Index of the U.S.C. or U.S.C.A. The definition is found at 30 U.S.C. §1291 (28) (2000)

5. (a) An Alaska Native Veteran Allotment application (AA-83320)
(b) The regulations pertaining to Alaska Native Veteran allotments can be found in 43 CFR 2568. (cited in decision: 43 CFR 2568.90(a)(2) AND 43 CFR 2568.90(a)(3)).
(c) No. According to the CFR, 2007 edition, these regulations were amended at 66 FR 52547, October 16, 2001.

6. Look under: Energy, Office of
- Found in Title 7.XXIX

Look at Title 7 – Agriculture
- XXIX Office of Energy Policy and New Uses, Department of Agriculture (Parts 2900-2999)

Note: This office is within the Department of Agriculture, not the Department of Energy as one may suspect.

7. (a) 43 U.S.C. 1629
Using the given Public Law number 99-96, go to the United States Statutes at Large, the 99th Congress, session 1, 1985, volume 1 Part 1 – looking under the list of public laws, find 99-96 At amend the Alaska Native Claims Settlement Act dated September 25, 1985 listed on page 460. U.S. Code citation is noted in the document.
(b) Amendment of the Alaska Native Claims Settlement Act
(c) 99 Stat. 46

8. (a) 44 FR 41794, July 18, 1979, unless otherwise noted. Redesignated at 50 FR 50301, December 10, 1985.
(b) Under the provisions of Section 211 of the Federal Land Policy and Management Act of 1976 (40 U.S.C. 1721)

True or False

9. False Notices will not be reprinted in the *Code of Federal Regulations*

10. False Slip Laws are published by the Government Printing Office and issued in chronological order by **public law number**

11. False The U.S.C. has been published by the GPO since **1926** and is published every **six years.**

12. False Information bulletin's (IB's) have no expiration dates and must be disposed of when no longer needed. IB's are used to convey information of interest to BLM employees.

13. Only decisions issued by a District Court of Appeals can be reviewed by the Supreme Court.

14. True