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ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER.

REGULATIONS FOR THE CODIFICATION OF EXECUTIVE AND ADMINISTRATIVE DOCUMENTS

Issued by the Administrative Committee of the Federal Register, with the Approval of the President, Pursuant to the Act of June 19, 1937, Public No. 158, 75th Congress

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RESOLUTION

Whereas, by the terms of the Act of June 19, 1937 (Public No. 158, 75th Cong.) a code of all executive and administrative "documents", rules and orders "of general applicability and legal effect", of "each agency" of the Federal government, is required to be prepared and submitted to the President (Sec. 11a) and, thereafter, at his direction, to be published and to be "prima-facie evidence of the text of such documents and of the fact that they are in full force and effect" (Sec. 11c); in carrying out this purpose, the Congress has provided that "each agency of the Government" within the executive and administrative branch is required to prepare and file with the Administrative Committee of the Federal Register, not later than July 1, 1938, a "complete codification" of all such documents which "are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities" (Sec. 11a); a Codification Board to "supervise and coordinate the form, style, arrangement, and indexing" of the codifications of the various agencies is established (Sec. 11b); and the Administrative Committee of the Federal Register is required to "prescribe, with the approval of the President, regulations for carrying out" these purposes and provisions (Sec. 11d);

And whereas, the Administrative Committee, after some months of careful study and deliberation upon the problem of carrying through a project of such extended scope and vital importance to both the federal executive and administrative establishment and the public, agrees that the prompt, accurate, efficient, and adequate carrying out of the Act of Congress requires (1) an immediate and close liaison between the Codification Board and the several agencies, together with the prompt and energetic prosecution of the work by each agency; (2) the submission of completed units of the proposed codification of each agency from time to time prior to July 1, 1938; for criticisms, suggestions, and fitting into the general code, subject, however, to the final approval, amendment, and certification of each code by the agency concerned not later than July 1, 1938, as provided in the act and the regulations which follow herein; (3) the exertion of every effort to assure that each of the several Federal agencies will submit creditable codifications so that no agency will suffer by comparison with the codifications of other agencies or be subject to legal



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difficulties or practical embarrassments in its operations after the codification for the whole executive and administrative branch is published; and (4) the submission of the whole completed code of executive and administrative rules and

orders to the President in accurate, complete, and usable form, ready for printing, within the time limit prescribed in the Act of Congress;

Therefore, pursuant to the authority contained in Section 11 (d) of the Federal Register Act, as amended by the Act of June 19, 1937 (Pub. No. 158, 75th Cong.), the Administrative Committee of the Federal Register hereby prescribes, with the approval of the President, the following regulations to govern the preparation (including form, style, arrangement, and indexing) and submission of the codes required to be submitted thereunder.

TITLE I. CODIFICATION OF EXECUTIVE OR ADMINISTRATIVE DOCUMENTS

Chapter I. Definitions

SEC. 1. As used herein, unless the context otherwise requires,

PAR. a. *Act*.—The term "act" means the Federal Register Act, approved July 26, 1935 (49 Stat. 500) as amended by the Act of June 19, 1937 (Pub. No. 158, 75th Cong.).

PAR. b. *Document*.—"The term 'document' means any Presidential proclamation or Executive order, and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency" (Sec. 4 of the act) and of "general applicability and legal effect" which is "in force and effect and relied upon by such agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities" (Sec. 11a of the act).¹

PAR. c. *Agency or Federal Agency*.—The terms "Federal agency" or "agency" mean "the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States, but not the legislative or judicial branches of the Government" (Sec. 4 of the act).

PAR. d. *Committee or Administrative Committee*.—The terms "Committee" or "Administrative Committee" mean the Administrative Committee of the Federal Register established under Section 6 of the act.

PAR. e. *Secretary*.—The term "Secretary" means the Secretary of the Administrative Committee.

PAR. f. *Board and Chairman*.—The term "Board" means the "Codification Board" established under Section 11 of the act, and the term "Chairman" means the Chairman of the Codification Board by virtue of his office as Director of the Division of the Federal Register, The National Archives.

Chapter II. Preparation, Submission and Certification by Agencies

Part A. Contents of Codifications

SEC. 2. *Nature of the codification*.—"Codification" as ordinarily used in the United States and as intended in the act and these regulations means the collection of all documents and their orderly and systematic arrangement, with all obsolete and repealed matter eliminated and all new matter or amendments incorporated in their appropriate sections or paragraphs, so that the whole may be republished as one simultaneously issued document.²

¹ See also Chapter II, Sec. 3, *infra*.

² "The word 'codification' is not intended to lay down rigid requirements. It means an orderly presentation of 'documents' brought up to date in the form best adapted to usefulness as tested by the experience of the agency. Thus, if there have been a series of amendments to a regulation, the minimum requirement would be a rewriting of such regulation, eliminating from its text obsolete provisions, and inserting therein new matter. If a regulation is already in such form, the agency may in its discretion deem further codification unnecessary, even though the inclusion of various regulations in that form may involve some repetition of provisions common to two or more of them.

"If a regulation has never been set forth by the agency in an orderly and easily available form, the amendment would require that this be done. In many cases an adequate codification would also require the systematizing of regulatory material according to subject matter." House Report 478, 75 Cong. 1 Sess.

SEC. 3. Revisions.—The complete revision or restatement of documents, either in their language or substance, is not necessarily contemplated, although agencies are free to do so provided such work may be completed and the revision made effective not later than June 1, 1938. On the other hand, portions of documents consisting of extensive quotation of statutory provisions, with or without quotation marks, should be excluded.

SEC. 4. Completeness.—Main emphasis should be laid upon completeness and accuracy rather than form, since the act requires a "complete" codification of "all" documents (Sec. 11a of the act) and obviously the omission of material which should be included will lessen the legal effect as well as the practical value of each codification and will prove confusing and embarrassing to the agency in its future work.

SEC. 5. Present general applicability and legal effect.—Each agency should keep constantly in mind the fact that the codifications are to include only documents which are (1) currently "in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities", and also (II) "of general applicability and legal effect". Without attempting to set forth all applications of present "general applicability and legal effect", the phrase means all documents (1) prescribing a penalty (Sec. 5 (a) (3) of the act), conferring rights, privileges, authority, or immunities, or imposing obligations, and (2) currently relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations. In short, such documents must be of "public" as distinguished from "private" import, as generally exemplified in the classification of laws in the Statutes at Large into "Public Laws" and "Private Laws", and in the regulations approved by the President respecting the type of matter to be published in the Federal Register.³ More particularly, the following types of documents require special treatment:

PAR. a. Internal administration.—Those documents or parts of documents "effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof" shall not be included (Cf. Sec. 5 (a) (1) of the act); but documents or portions thereof prescribing intra-departmental procedure which the public should know or follow in dealing with an agency shall be included.

PAR. b. Administrative decisions.—The decisions of executive or administrative agencies, made upon hearing or otherwise and applicable only to named parties, unless also promulgated as formal and general rules, shall not be included, although upon analogy with judicial decisions they may be said to form a body of rules or principles in which the public or a class may be interested.

PAR. c. Repealed or superseded matter.—No obsolete, repealed, or superseded matter should be included even though it might be called in question or become relevant in cases arising under past states of fact. In short, the term "in force or effect and relied upon by the agency as authority for, or invoked by it in the discharge of, any of its functions or activities" means *present* activities under the *latest* statutes or regulations on the same subject matter. Thus, regulations under old tax statutes should be excluded, except as they are applicable to current taxation.⁴

³"As the President has for purposes of the daily issues determined the classes of documents having general applicability and legal effect, the several agencies would in general be guided by that determination in selecting the kinds of material for inclusion in the codification." House Report 478, 75 Cong. 1 Sess. See the last revision of "Regulations Prescribed by the Administrative Committee of the Federal Register with the Approval of the President". The National Archives (Published in pamphlet form by the Government Printing Office and in the Federal Register for Jan. 12, 1937).

⁴"Regulations, under acts of Congress which have been repealed or superseded, for instance, would presumably be found no longer to have 'general applicability', even though a few cases arising under them still remain open." House Report 478, 75 Cong. 1 Sess.

PAR. d. Documents referring to public lands.—Where there are masses of documents referring to public lands, the agency concerned should consult with representatives of the Board before attempting a codification of such documents, in order that special rules may be formulated.

SEC. 6. Other information to be included.—In addition to the text of all documents, each document, or section or paragraph of the codification, should have noted at the bottom thereof the following:

PAR. a. Authority on which based.—The authority (statute, order, proclamation, or otherwise) for the issuance of each document which is embodied in a section of the code shall be cited in *parenthesis* at the end of each section or paragraph. This citation should include (a) the specific authorization, if any, for the issuance of regulations, and (b) if possible, the statutory provisions interpreted or applied by the section. Citations, as nearly as possible, should be in the following form:

Statutes—

"(Sec. 6, 49 Stat. 501; 44 U. S. C. 306)"

Where statutes are cited, the United States Code citations should be given as well as the Statutes at Large. Only the section number and page or pages of the Statutes at Large on which the authority for the regulation appears should be given, rather than the first page of the statute or the chapter; and in citing the United States Code, the 1934 edition should be used and only the title number and the section number (and subsection number or letter, if any) should be given, separated by "U. S. C."

Proclamations.—

"(Pres. Proc. 2256, Oct. 12, 1937.)"

"(Proc., Sec. Ag., April 3, 1936.)"

Executive orders.—

"(Ex. Order 7298, Feb. 18, 1936.)"

Administrative orders.—

"(Adm. Order 145, R. E. A., Oct. 5, 1937.)"

Treaty.—

"(Par. 21, Art. 22, General Radio Regulations annexed to International Telecommunication Convention, Proclaimed by President, June 27, 1934, 49 Stat. 2391.)"

PAR. b. Citation of sources.—At the end of each section or paragraph, (1) the official designation or type of original document (Executive Order, Administrative Order, Memorandum, Bulletin, etc.) from which the text of section or paragraph originally formed a part and is taken, together with (2) the date of its adoption and (3) the title of the officer, board or commission issuing the same, unless the issuing agency is the same as the agency named in the "Title" of the codification, and (4) the same information with respect to all amendments thereto, shall be cited in brackets immediately following the citations of authority on which the documents are based—in the following form:

Executive orders (President).—

"[Ex. Order 7298, Feb. 18, 1936.]"

Regulations (Veterans' Administration and Bureau of Internal Revenue).—

"[Reg. R-1001 (K), V. Ad., Oct. 14, 1937.]"

"[Reg. 100, Art. 603, Bu. Int. Rev., Oct. 12, 1937.]"

Bulletins (Agricultural Adjustment Administration).—

"[SR-Bull.-1, A. A. A., March 20, 1936.]"

Orders (Federal Communications Commission):

"[Order 17-A, F. C. C., Sept. 29, 1937.]"

Rules (Securities and Exchange Commission).—

"[Rule 3D8, S. E. C., Oct. 4, 1937.]"

Circulars (Treasury).—

"[Dept. Circ. 570, Sec. Treas., Oct. 11, 1937.]"

PAR. c. Explanatory material or references.—Any other material which the agency deems necessary by way of explanation or reference may be submitted in the form of footnotes.

⁵See Ch. III, Part B, Sec. 1, Par. 1, *infra*.

PAR. d. Decisions and interpretations.—Since the act has not required the submission of "annotated" codifications and since an attempt to do so would make codification impossible for many agencies in the time available, decisions of executive or administrative agencies, construing or applying documents, but which do not have the effect of a formal amendment of the text, and judicial opinions referring to documents shall not be cited except in unusual circumstances and then only in the form of explanatory footnotes.

Part B. Liaison and Cooperation with Board

SEC. 7. Codification committees in agencies.—In the execution of the codifications within the short time prescribed by Congress, it is indispensable that each agency set up an organization for the preparation of its codification. In order that the Board may deal with each agency from day to day, a responsible person of legal training or knowledge, such as the solicitor or general counsel for the agency, should be placed in charge of the codification in each agency, with assistants drawn from the several units of the agency. Agencies, with extended functions and organization, should set up in effect their own codification committees. The Codification Board at the Department of Justice shall be informed of the codification organization and plans of each agency at once.

SEC. 8. Cooperation with Board.—The several members of the Board will be individually assigned to the several agencies, to effect an immediate and continuous liaison between the Board and the several agencies, so that there may be mutual information, advice, and suggestions and the problems of the separate agencies may be presented to the Board for prompt and early decision.

Part C. Preliminary Submission of Codifications

SEC. 9. Early submission of portions of codifications.—While the act does not require the submission of the completed codifications by the several agencies until July 1, 1938 (Sec. 11a of the act), it is indispensable that the Codification Board receive units or parts of the codifications of each agency from time to time so that the work of arranging the code for the entire executive and administrative branch of the government may proceed immediately. Such partial codifications, so submitted, may be those of separate units or functions within an agency. Through this method of procedure, the complete codification for each agency may proceed by stages, the simpler and less extensive parts of the codification being submitted first. Both the agency and the Board will thus be afforded an opportunity to perfect form and arrangement prior to the final submission of the full codification for each agency.

SEC. 10. Resubmission.—Partial codifications, submitted as suggested in the preceding section, should be reasonably final but will not bind the agency and will be resubmitted to the agency for final approval and certification as herein-after provided.

Part D. Transmission, Certification, and Final Submission of Codifications

SEC. 11. Preliminary or partial submissions.—Where preliminary or partial codifications are submitted in accordance with Part C, above, they should be accompanied by a letter setting forth (1) the nature of the matter submitted, (2) its relation to the other portion of the codification being prepared by the agency, and (3) any questions or problems in connection therewith which the agency desires to submit to the Board.

SEC. 12. Final submission and certification.—Between June 1 and July 1, 1938, each agency must submit in final form its codification (Sec. 11a of the act), to each copy of which shall be attached a certificate signed by the chief authority of the submitting agency (with the seal, if any, affixed), in the following language:

Certificate

It is hereby certified that the attached document is a complete codification of all documents which, in the opinion of this agency, have general applicability and legal effect and which have been issued or promulgated by this agency and were in force and effect and relied upon by this agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938:

SEC. 13. To whom submitted.—All material submitted shall be addressed and delivered to

Secretary of the Administrative Committee,
c/o Codification Board,
Department of Justice,
Washington, D. C.

Chapter III. Form, Style, and Arrangement

Part A. Physical Format

SEC. 14. The partial and final codifications submitted shall conform to the following:

PAR. a. Number of copies.—Three copies shall be submitted.

PAR. b. Size of paper.—Only letter size paper (approximately 8½x10 or 11 inches) shall be used, and the material shall be placed thereon parallel with the long side of the sheet so that the individual sheets may be conveniently handled and filed, and in order to leave a maximum of margins for notes and corrections or insertions.

PAR. c. Contents and numbering of pages.—Not more than one section, subsection, or numbered paragraph shall be placed on one page, and the pages shall be numbered consecutively in Arabic numerals.

PAR. d. Typing.—All matter shall be legibly typewritten, mimeographed, or printed, except that material already in such form may be cut and pasted on pages of the prescribed size in order to save time and eliminate typing and the errors often consequent therein, and in such cases corrections may be made in ink or by typewriter in the margins or by interlineation and striking out.

PAR. e. Forms—Illustrations and diagrams.—Ordinarily, forms should not be incorporated in the codifications. Illustrations shall not be incorporated in the code as a part of a document unless publication is essential in the public interest. In cases where an illustration was incorporated as a part of a document which has been issued and amended prior to June 1, 1938, and the publication of the illustration is essential, a new illustration including the necessary changes to conform to the amendments shall be prepared and forwarded with the codified document. Illustrations accompanying codes, when published, shall be reduced to page size and be line-cuts only. Copy for illustrations, preferably tracings on linen, must be securely attached to the part of the code which incorporates such illustration.

Part B. Arrangement

SEC. 15. System of heading and numbers.—As stated above, main emphasis should be laid upon the completeness of the collection of documents which comprise the codification of each agency rather than revisions in form or substance. However, it will be necessary for each agency to assemble the whole of its codification according to some system of headings and numbers. Similarly, it will be necessary for the Board to assemble the codifications of all the agencies in order to produce the complete codification required by the act (Sec. 11a of the act). While considerable latitude is necessarily given each agency in determining the headings, headnotes, and numbering of its codification, the following should be followed as nearly as practicable:

PAR. a. Titles, chapters, etc.—The final and complete codification, comprised of the codification of all the agencies, will be submitted to the President by the Administrative Committee in the following form (as exemplified in the form

of these regulations), so far as practicable and adaptable to each agency:

1. "*Titles*", numbered in Arabic and preceded by the word "Title", will be assigned to each agency by the Board, and these will constitute the major units of the complete codification; such assignments of "titles" will be made in the following order: (1) the President of the United States; (2) the Executive departments, in the order of their precedence; (3) all other Federal agencies, listed in alphabetical order by their official titles.

I. "*Chapters*", numbered in Roman and preceded by the word "Chapter", should be assigned to each division, bureau, or unit of each agency, within its "title":

A. "*Parts*", differentiated by capitals and preceded by the word "Part", will be used, where necessary or convenient, to indicate the major divisions of "Chapters";

1. "*Sections*", numbered in Arabic and preceded by "Sec.", will be the normal unit within "Chapters" or "Parts";

a. "*Paragraphs*", differentiated in lower case letters of the alphabet and preceded by "Par.", will be the subdivisions of "Sections" where necessary.

PAR. b. *Headings of titles, chapters and parts.*—Each title, chapter, and part shall have a heading. Titles will be headed by the official name of the agency to which it is assigned, as for example:

"TITLE 1. THE PRESIDENT OF THE UNITED STATES"

Chapters will be headed by the official title of divisions, bureaus, or units, as for example:

"Chapter II. Bureau of Agricultural Economics"

PAR. c. *Headnotes to sections and paragraphs.*—Sections and paragraphs shall have headnotes in the style now in use in the United States Code, as for example:

SEC. 3. *Notice of Application; Service; Order for Taking.*—Reasonable notice of not less than ten days, and when the deposition is to be taken in a foreign country, of not less than fifteen days, must first be given in writing. * * *

SEC. 16. *Table of contents; indexing.*—Each submission of a partial or final codification shall be accompanied by a table of contents in outline form, giving the titles, chapters, parts, sections, and paragraphs, together with their numbers, headings, and headnotes; but no index need be prepared, since the indexing for the entire codification for all agencies must necessarily be done by the central codification organization according to one system.

SEC. 17. *Joint regulations.*—Whenever officers of two or more Federal agencies have joint power to issue documents, or whenever regulations issued by one officer affect two or more subdivisions of one agency, the question of location of the joint regulations within the codifications involved should be submitted to the Board in order to assure uniformity of treatment.

Part C. Style

SEC. 18. *Abbreviations.*—Each agency shall cooperate with the Board in settling the abbreviations peculiar to, and to be used by, the agency in order that there may be no confusion of abbreviations as between agencies and so that identical matter will be cited by different agencies according to the same abbreviations.

SEC. 19. *Style manual.*—Punctuation, capitalization, orthography, and other matters of style should conform, so far as possible and practicable, to the most recent edition of the Style Manual of the United States Government Printing Office. The spelling of geographic names shall conform to the most recent decisions of the United States Geographic Board made pursuant to Executive Orders, No. 27-A of September 4, 1890, No. 399 of January 23, 1906, and No. 6680 of April 17, 1934.

SEC. 20. *Descriptions of tracts of land.*—Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive orders and Proclama-

tions, issued by the Board of Surveys and Maps of the Federal Government.

Chapter IV. Miscellaneous

SEC. 21. *Effective date of regulations.*—The foregoing regulations, subject to amendment or amplification, shall be effective immediately upon the approval of the President.

SEC. 22. *Official mail.*—All official mail on matters arising under Section 11 of the act or these regulations should be addressed to:

The Chairman, Codification Board,
Department of Justice,
Washington, D. C.

SEC. 23. *Publication of regulations.*—The foregoing regulations shall be printed in the Federal Register; and there shall be appended thereto a copy of the Federal Register Act, as amended, with pertinent portions italicized.

ADMINISTRATIVE COMMITTEE OF
THE FEDERAL REGISTER.

By R. D. W. CONNOR, *Chairman*.

Approved.

FRANKLIN D. ROOSEVELT

The White House, November 10, 1937.

[F. R. Doc. 37-3289; Filed November 11, 1937; 11:25 a. m.]

FEDERAL REGISTER ACT

PUBLIC NO. 220, 74TH CONGRESS (49 STAT. 500-503), AS AMENDED
BY PUBLIC NO. 158, 75TH CONGRESS

AN ACT

To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. *There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year.*

SEC. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of

all such documents issued, prescribed, or promulgated by the agency.

SEC. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." *It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder.* The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. *The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.*

SEC. 4. As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) *such documents or classes of documents as may be required so to be published by Act of the Congress: Provided, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.*

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

SEC. 6. *There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things:*

(a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) *the manner and form in which the*

Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

SEC. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

SEC. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

SEC. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the

publication of the Federal Register shall begin within three business days thereafter. *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

SEC. 11. (a) *On July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938. The Committee shall, within ninety days thereafter, report thereon to the President, who may authorize and direct the publication of such codification in special or supplemental editions of the Federal Register.*

(b) *There is hereby established a Codification Board, which shall consist of six members: The Director of the Division of the Federal Register, chairman ex officio; three attorneys of the Department of Justice, designated by the Attorney General; and two attorneys of the Division of the Federal Register, designated by the Archivist. The Board shall supervise and coordinate the form, style, arrangement, and indexing of the codifications of the various agencies.*

(c) *The codified documents of the several agencies published in the supplemental edition of the Federal Register pursuant to the provisions of subsection (a) hereof, as amended by documents subsequently filed with the Division, and published in the daily issues of the Federal Register, shall be prima-facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication thereof.*

(d) *The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section.*

SEC. 12. *Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.*

SEC. 13. *All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.*

SEC. 14. *This Act may be cited as the "Federal Register Act."*

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

REGULATIONS GOVERNING THE LEASING OF RESTRICTED ALLOTTED INDIAN LANDS FOR MINING PURPOSES

APPLICABLE TO ALL RESTRICTED LANDS ALLOTTED TO OR HELD IN TRUST BY INDIVIDUAL MEMBERS OF INDIAN TRIBES EXCEPT THE FIVE CIVILIZED TRIBES AND OSAGE NATION

A provision in the act of March 3, 1909 (35 Stat. 781, 783), reads:

That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect.

1. To carry this provision of law into effect the following regulations are prescribed:

The term "Superintendent" herein refers to the superintendent or other officer of the Indian Service or of the Government who may have jurisdiction over the allotments involved.

The term "Supervisor" herein refers to a representative of the Secretary of the Interior, under direction of the Director of the United States Geological Survey, authorized and empowered to supervise and direct operations under oil and gas or other mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

Applications for leases should be made to the Superintendent having jurisdiction over the lands.

2. No lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government whether connected with the Indian Service or otherwise, and no employee of the Interior Department shall be permitted to acquire any interest in such leases by ownership of stock in corporations having leases or in any other manner.

3. At such times and in such manner as he may deem appropriate, the Superintendent shall publish notices that oil and gas leases on specific tracts, each of which shall be in a compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. The successful bidder must deposit with the Superintendent on the day of sale a certified check or bank draft on a solvent bank in an amount equal to 20 percent of the bid as a guaranty of good faith. Balance of the bonus and the first year's rental shall be paid and lease in completed form shall be filed within 20 days after the lease is forwarded to the lessee by the Superintendent for execution, unless such period shall have been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or pay the full consideration within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Interior Department, the amount of bonus deposited will be forfeited for the use and benefit of the Indian allottee, in the discretion of the Secretary of the Interior.

The right is reserved by the Secretary of the Interior to reject any and all bids and to disapprove and reject prior to approval any lease made on an accepted bid; and should any bid be rejected after bonus deposit is made by bidder, such deposit shall be immediately returned. The successful bidder or bidders shall pay the costs of advertising lands for oil and gas, or other mineral leases.

4. The Superintendent shall execute leases on behalf of allottees who are incompetent by reason of mental incapacity, and of minor allottees, except such persons for whom guardians have been appointed, in accordance with tribal constitutions which provide for the appointment of guardians.

5. Leases for minerals other than oil and gas shall be negotiated with the Indian allottee whose lands are sought to be leased after permission so to do has first been obtained from the Superintendent and, with the papers required, shall be filed with the Superintendent within 30 days from and after the date of execution: *Provided*, That no such lease on lands of allottees incompetent by reason of mental incapacity, and of minor allottees, shall be made until competitive bids have been invited therefor by advertising for at least two weeks in two or more papers of general circulation in the vicinity; but if a minor or such incompetent person is interested with competent adults in inherited lands, and such adults agree respecting a lease, the Superintendent or properly designated guardian may sign for the minor or mentally incompetent person without advertising. The minor's age and date of birth must be shown whenever possible.

6. If the applicant for a lease is a corporation it shall file evidence of authority of its officers to execute papers, and with its first application it shall also file:

(I) A certified copy of its articles of incorporation, and, if foreign to the State in which the lands are located, evidence showing compliance with the corporation laws thereof.

(II) Lists of officers, principal stockholders and directors, with postoffice addresses and number of shares held by each.