

Public Law 90-23

June 5, 1967
[H. R. 5357]

AN ACT

To amend section 552 of title 5, United States Code, to codify the provisions of Public Law 89-487.

Public information.
80 Stat. 383.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 552 of title 5, United States Code, is amended to read:

“§ 552. Public information; agency rules, opinions, orders, records, and proceedings

“(a) Each agency shall make available to the public information as follows:

Publication in
Federal Register.

“(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

“(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

“(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

“(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

“(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

“(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

Inspection and
copying.

“(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

“(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

“(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

“(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. A final order, opinion, statement of policy, interpretation, or staff manual

Conditions.

or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

“(i) it has been indexed and either made available or published as provided by this paragraph; or

“(ii) the party has actual and timely notice of the terms thereof.

“(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

“(4) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

“(b) This section does not apply to matters that are—

Nonapplica-
bility.

“(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

“(2) related solely to the internal personnel rules and practices of an agency;

“(3) specifically exempted from disclosure by statute;

“(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

“(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

“(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

“(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

“(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

“(9) geological and geophysical information and data, including maps, concerning wells.

“(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.”

Congressional
reservation.

80 Stat. 380.

SEC. 2. The analysis of chapter 5 of title 5, United States Code, is amended by striking out:

"552. Publication of information, rules, opinions, orders, and public records." and inserting in place thereof:

"552. Public information; agency rules, opinions, orders, records, and proceedings."

Repeal.

SEC. 3. The Act of July 4, 1966 (Public Law 89-487, 80 Stat. 250), is repealed.

Effective date.

SEC. 4. This Act shall be effective July 4, 1967, or on the date of enactment, whichever is later.

Approved June 5, 1967.

Public Law 90-24

June 5, 1967
[H. R. 7965]

AN ACT

To transfer title to tribal land on the Fort Peck Indian Reservation, and for other purposes.

Fort Peck
Indian Reserva-
tion, Mont.
Land convey-
ance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to issue a patent conveying to School District No. 45 and 45A, Roosevelt County, Montana, or any other local authority in Montana empowered to take title for the construction of a public school on the land, all right, title, and interest of the Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation and of the United States in and to a tract of land containing 20.62 acres, more or less, on the Fort Peck Indian Reservation, Roosevelt County, Montana, located in the southeast quarter of section 16, township 27, north range 47 east, principal meridian Montana, and more particularly described as follows:

From the southeast corner of section 16, township 27 north, range 47 east, principal meridian Montana, proceed north 00 degrees 12 minutes 45 seconds west, along the section line, 1,325.5 feet; thence south 89 degrees 48 minutes west, 600.00 feet to the true point of beginning; thence north 00 degrees 12 minutes west, 625.60 feet; thence south 75 degrees 20 minutes 10 seconds west, along the Great Northern Railroad right-of-way line, 920.66 feet; thence south, 875.93 feet; thence east, 1,007.78 feet; thence north 27 degrees 42 minutes 59 seconds west, 197.45 feet; thence north 22 degrees 41 minutes 32 seconds west, 59.90 feet; thence north, 253.36 feet to the true point of beginning;

Mineral rights.

reserving to the tribes all minerals, including oil and gas: *Provided*, That the patent shall not be delivered to the grantee until School District Numbered 45 and 45A, Roosevelt County, Montana, has conveyed to the United States in trust for the Fort Peck tribes, lands in accordance with the terms and conditions set forth in Resolution Numbered 545B-67-3, adopted March 17, 1967, by the Fort Peck Tribal Executive Board and until all other terms and conditions of that resolution are fully satisfied.

Approved June 5, 1967.