THROUGH THE MAZE OF
FEDERAL RESEARCH

Materials Prepared for
Seminar
November 8, 1986

by

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I. Federal Research

A. Introduction to Federal law

B. Federal legislation

1. Session laws/Public laws
   - Slip laws
   - Statutes at Large (Illustration 1)
   - Other sources
     - USCAN
     - LEXIS and WESTLAW topical databases
     - UBCS advance service

2. Codes
   - Official Revised Statutes of 1873 (Illustration 2)
     - Complete reenactment as positive law
     - 1878 edition
     - GPO
     - LEXIS
     - WESTLAW
     - looseleafs
   - Unofficial United States Code Service
     - Lawyers Coop
     - Includes many regulations and cites therein
     - Selected cases in annotations
     - Excellent references to law review articles and other L. Coop publications
- Annual pocket parts and updating by Public Law
- United States Code Annotated
  - West
  - All reported cases in annotations
  - References to other sources limited to older bound volumes
  - Annual pocket parts and updating by Code section with PL numbers on spine

- See Senioff, A Comparison of Annotated U.S. Codes, 2 Legal Ref. Serv. Q. 37-53 (Spg. 1982)

3. Legal effect

- Code titles reenacted as positive law are legal evidence, currently titles 1, 3-5, 9-11, 13-14, 17-18, 23, 28, 31-32, 35-37, 39, 44, 46 and 49

- For Code titles not reenacted as positive law, U.S. Statutes at Large is legal evidence while these Code titles are only prima facie evidence (creates presumption which is subject to rebuttal by language in U.S. Statutes at Large)

4. Use of these tools

- Many tables
  - Popular name of act
  - Stat. cite
  - Public law cite

- Comprehensive subject indexes

- History of Act - trace language of statute (Illus. 3a and 3b)

- Uncodified laws (Illustrations 4a and 4b)
- Good cross references

- Use on-line with care

- Best searches are all occurrences of unique words and phrases

- Update text of laws - shepards, supplementation to USCA and USC startup and looseleafs

C. Federal Case Law

1. Federal Court System

- U.S. Supreme Court

- U.S. Courts of Appeal

- U.S. District Courts

- Specialized Courts (Ct. Cl.; Ct. Int'l. Trade; J.P.M.L.; Bank r.; T.C.; C.M.A.) (Illustration 5)

- Relationship to state case law

2. Court Reports - by court

- U.S. Supreme Court

  .U.S.
  .L. Ed., L. Ed. 2d
  .S. Ct.
  .USLW
  .LEXIS
  .WESTLAW
- U.S. Courts of Appeal (~38% reported)
  .F. Cases
  .7., F. 2d (includes Fed. Cir. and Temp. Emer.
  Ct. App.)
  .LEXIS
  .WESTLAW

- U.S. District Courts (~10-15% reported)
  .F. Cases
  .F. (1880-1924)
  .F. Supp. (since 1924); (includes Cl. Ct., J.P.M.L.)
  .F.R.D. (since 1939)
  .Bankr.
  .Fed. R. Serv. (Callaghan) and 2d
  .WESTLAW
  .LEXIS

3. Court Reports - by subject

- WESTLAW and LEXIS topical databases

- Looseleaf services

- Federal Rules Decisions

- West's Bankruptcy Reporter

- United States Claims Court Reporter

- Military Justice Reporter

- Education Law Reporter

- Social Security Reporter
4. Case finding tools

- American Digest System (West)
  - U.S. Supreme Court Digest (U.S. Sup. Ct. only)
  - Federal Digest (pre-1939) (U.S., Ct. App. and D.C.)
  - Modern Federal Digest (1940-1960)
  - Federal Practice Digest, 2d (1961-1975)
  - Federal Practice Digest, 3d (1975 (Dec.) to present)

- American Law Reports
  - Since 1969, ALR-Fed
  - LEXIS

- Shepard's

- Texts and Treatises

- Legal Periodicals

D. Federal procedure

1. Embodied in court rules

- Congressional function delegated to U.S. Supreme Court

- Drafted by Advisory Committee under Judicial Conference (see 28 U.S.C. 331)

- Sent to Judicial Conference, Standing Committee on Rules of Practice and Procedure

- Approved by Judicial Conference

- Transmitted by Judicial Conference to U.S. Supreme Court
U.S. Supreme Court reports rule changes to Congress


- Best history of rule changes are the Advisory Committee Notes along with Congressional reports if legislatively enacted (Illus. 6)

- Fed. R. Civ. P., first effective 9-16-38 (Illus. 7)

- Fed. R. Crim. P., first effective 3-21-46 (Illus. 7)

- Fed. R. Evid., first effective 7-1-75 (P.L. 93-595) (Illus. 8)

- Fed. R. App. P., first effective 7-1-08

2. Sources of Court Rules

- Proposed

  - Advance Sheets to F. 2d, P.S., S. Ct., L. Ed. 2d, M.R., Bankr., F.R.D.
  - USLW

- Public Information Office, U.S. Supreme Court

- Communication from the Chief Justice of the United States transmitting amendments... GPO, House Document (Illus. 9)

- Final

- All above sources

- Federal Rules Decisions

- USC, USCA, USCS


- LEXIS (Illustration 10)

- WESTLAW (Illustration 10)
3. Federal Practice and Procedure

- Primary sources (Case Reporters)
  - Federal Rules Decisions (West)
  - Federal Rules Service and Digest (Callaghan)
  - Federal Rules of Evidence Service (Callaghan)

- Primary sources (Codes)
  - United States Code
  - United States Code Annotated
  - United States Code Service

- Secondary sources (include rules)
  - Legal Encyclopedia (organized by subject)
    - Cyclopedia of Federal Procedure, 3rd ed (Callaghan)
      - Cyclopedia of Federal Procedure: Forms
    - Federal Procedure, L. Ed.
      - Federal Procedural Forms, L. Ed.

  - Comprehensive Treatises (organized by rule)
    - Moore's Federal Practice
      - Bender's Federal Practice Forms
    - Orfield's Criminal Procedure Under the Federal Rules, 2d
    - Weinstein's Evidence
    - Wright, Miller & Cooper, Federal Practice and Procedure, 2d
      - West's Federal Forms
4. Research tips

- Determine if your question is governed by a federal rule

- Go on-line to answer procedural questions with care -- these are often tough questions to research in full-text: 1) words too common; 2) concepts are hard to express

- Federal Procedure, L. Ed. is wonderful!
PUBLIC LAW 94-279—APR. 22, 1976

90 STAT. 417

94th Congress

An Act

To create the Act of August 26, 1906, as amended, to increase the protection afforded animals in transit and to establish humane treatment of certain animals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Act Amendments of 1976.

Sec. 1. Section 1 of the Act of August 26, 1906 (66 Stat. 300; 7 U.S.C. 2141–2145) is amended to read as follows:

"Section 1. (a) This Act may be cited as the "Animal Welfare Act."

"(b) The Congress finds that animals and activities which are regulated under this Act are economic interests or foreign commerce or substantially affect such commerce or the free flow thereof, and that regulations of animals and activities as provided in this Act is necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such commerce, in order—

"(1) to ensure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment;

"(2) to assure the humane treatment of animals during transportation in commerce; and

"(3) to protect the owners of animals from theft of their animals by preventing the sale or use of animals which have been stolen.

The Congress further finds that it is essential to regulate, as provided in this Act, the transportation, purchase, sale, housing, care handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or for any such purpose or use."

Sec. 3. Section 3 of such Act is amended—

(1) by striking out subsection (c) and (d) thereof and inserting the following:

"(c) The term "commerce" means trade, traffic, transportation, or other commerce—

"(1) between a place in a State and any place outside of such State, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia;

"(2) which affects trade, traffic, transportation, or other commerce described in paragraph (3);

"(d) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States;"

"(f) by striking out the term "affecting commerce" in subsection (a) and (f) and inserting in lieu thereof "in commerce"; and

"(g) by revising paragraph (f) thereof to read as follows:

"(g) The term "commerce" means trade, traffic, transportation, or other commerce described in paragraph (3)."

Deficit:

7 USC 2132

Public Law

From U.S. Statutes at Large
"(4) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

'(6) the term ‘animal’ means any live bird, or any live dog or other mammal, except man; and

'(6) the conduct by any person, of any activity prohibited by this section shall not render such person subject to the other sections of this Act as a dealer, exhibitor, or otherwise.

*(b)* (1) The provisions of this Act shall not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in cases of a direct and irreconcilable conflict between any requirements thereunder and this Act or any rule, regulation, or standard hereunder.

'(6) Section 5 of title 89, United States Code, is amended by striking immediately after the words ‘such title 89 a comma and the words’ or section 96 of the Animal Welfare Act’.

Sec. 28. Section 28 of such Act is amended by inserting immediately before the period at the end of the third sentence ‘Provided, That there is authorized to be appropriated to the Secretary of Agriculture for enforcement by the Department of Agriculture of the provisions of section 96 of this Act an amount not to exceed $100,000 for the transition quarter ending September 30, 1976, and not to exceed $600,000 for each fiscal year thereafter’.

Sec. 11. Section 14 of such Act is amended by inserting in the first sentence after the term ‘standards’ the phrase ‘and other requirements’.

Approved April 22, 1976.

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**LEGISLATIVE HISTORY**

HOUSE REPORTS. No. 94-531, accompanying H.R. 5803 (Comm. on Agriculture) and No. 94-374 (Committee of Conference).

SENATE REPORTS. No. 94-665 (Comm. on Commerce) and No. 94-777 (Committee of Conference).

CONGRESSIONAL RECORD:

Vol. 121 (1975) (Dec. 18), considered and passed Senate.


Apr. 6, House agreed to conference report.

Apr. 7, Senate agreed to conference report.
REVISED STATUTES
OF
THE UNITED STATES,
PASSED AT THE
FIRST SESSION OF THE FORTY-THIRD CONGRESS,
1873-'74;
EMBRACING THE STATUTES OF THE UNITED STATES GENERAL AND PERMANENT
IN THEIR MANNER IN FORCE ON THE FIRST DAY OF JUNE, ONE
THOUSAND SEVENTY-EIGHT, AS AMENDED AND CONSOLIDATED BY CONGRESSMEN APPOINTED
UNDER AN ACT OF CONGRESS;
WITH
AN APPENDIX
CONTAINING
"AN ACT TO CORRECT ERRORS AND SUPPLY OMISSIONS."
EDITED, PRINTED AND PUBLISHED UNDER THE AUTHORITY OF
AN ACT OF CONGRESS, AND UNDER THE DIRECTION
OF THE SECRETARY OF STATE.
WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1875.
§ 47. Impairment of rights or interests in certain mining property

Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws [prior to May 10, 1872], nor to affect the provisions of the act entitled "An act granting to A. Sturte the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-nine.

(R.S. § 2344.)

HISTORY: ANCILLARY LAWS AND DIRECTIVES

References in text:
"This chapter", referred to in this section, is chapter 6 of Title 32 of the Revised Statutes, R.S. §§ 2318-2352, of which this section is a part, and which appears as 30 USCS §§ 21 et seq., and 43 USCS § 661.

Explanatory notes:
This section was derived from Act July 9, 1870, ch 235, § 17, 16 Stat. 218, May 10, 1872, ch 152, § 16, 17 Stat. 96.
That part of this section before the semicolon was derived from Act May 10, 1872, ch 152, § 16, 17 Stat. 96, and therefore the words "prior to May 10, 1872," have been inserted in brackets.

Other previous:
Submerged Lands Act. The provisions of this section are not amended, modified, or repealed by the Submerged Lands Act; see 43 USCS § 1503.

CROSS REFERENCES
Certain states excepted, 30 USCS §§ 48, 49, and 171.
This section is referred to in 30 USCS §§ 24, 29, 33, 37-40, 42, 44, 48, 49, 541b; 43 USCS §§ 1712, 1714, 1732.

INTERPRETIVE NOTES AND DECISIONS
Prior to Act July 24, 1866, no person could acquire, as against United States, mineral rights in public lands, and under that act and subsequent acts only citizens could acquire such rights and as consequence no rights of noncitizens could be preserved by 30 USCS § 47. Lee v Doon v Task (1947) 40 Cal 43, 8 P 621.
Revised Statutes were not intended to impair rights of persons minors in cases where locations were made before May 10, 1872. Williams v
§ 647. Termination date

No payment shall be made under this Act on any ore or concentrates sold or processed in lieu of sale, after December 31, 1969, but authorized payment shall be made only if application therefor is filed not later than March 31, 1970, in accordance with regulations established by the Secretary.


HISTORY; ANCILLARY LAWS AND DIRECTIVES

References to act:

Amendments:
1965. Act Oct. 5, 1965 (effective 1/1/66, as provided by § 7 of that Act), substituted "1969" for "1965" and substituted "1970" for "1966".

§ 688. Reports to Congress

The Secretary shall make an annual report with respect to operations under this Act not later than March 1, of each year to the Congress of the 606
Question:

What authority should be given to a portion of an enacted federal public law that does not appear as part of the U.S. Code but rather as a note following the text? The precise example given was concerned with P.L. 93-759, Section 7, regarding discussion of social security numbers. The codification of this public law appears in 5 U.S.C.A. § 552(a). However, if you search through the Code, you will not find the language that appeared as Section 7 of the public law. If you look at the notes following the text you do find a reference to this section. Further, in 1978 (three years after the Privacy Act of 1974 became law) a district court decision, Greater Cleveland Welfare Rights Organization v. Brennan, "did not cite to any U.S. Code section in referring to the language of Section 7 of the Act, but rather to the proper name of the act and the appropriate section within it." 3

Answer:

The relationship between the varying authority of statutes and codes can be confusing. This is largely due to the fact that the United States Code and its unofficial versions are more easily and therefore far more frequently, consulted than are the Statutes at Large. In addition, it is easy to confuse the "official" status of the United States Code with its legal authority. Public Laws are published in the United States Statutes at Large. The Congress has directed the Archivist of the United States to compile, edit, index, and publish in the Statutes at Large all the laws, concurrent resolutions, proclamations by the President of constitutional amendments, issued during each session of Congress. The Congress has further provided that the United States Statutes at Large shall be legal evidence of such documents "all the courts of the United States, the several States, and the Territories and insular possessions of the United States." Through the 99th Congress, the Statutes at Large will consist of approximately 80 volumes. Obviously, a subject, rather than a chronology or arrangement of matters is reproduction. The Revised Statutes of the United States, enacted in 1874 and published in 1875, attempted to analyze all the existing laws of the United States and group them into subject arrangements. Laws of temporary, private, local, or limited interest were excluded. More importantly, the Revised Statutes of 1874 were remade into positive law. This means that the Revised Statutes rather than the Statutes at Large are legal evidence of the laws therein contained. The Revised Statutes was republished in 1879 to correct errors, but the second edition was never enacted into positive law. The Revised Statutes of 1874 remains the only federal statutory compilation to be enacted in its entirety into positive law. 4

Legal Effect of Unspecified Laws

From Questions and Answers, 78 Law Library Journal 590-92 (1986)

The United States Code (U.S.C.) is a consolidation and codification of all the general and permanent laws of the United States in force at the time of publication. Editions of the U.S. C. have been published in 1926, 1934, 1946, 1952, 1958, 1964, 1970, 1976, and 1982, with annual cumulative supplements reflecting newly enacted laws. 5 The Office of the Law Revision Counsel was created in 1958 as part of the House of Representatives. 6 The office prepares and submits new editions of the United States Code to the Committee on the Judiciary, which is authorized to prepare and publish new additions and supplements to the Code of the United States. The office also classifies newly enacted provisions of law into their proper positions in the Code. 7

The material appearing in the current edition of the United States Code, together with that in the current supplement, establishes prima facie evidence of the general and permanent laws of the United States. [Secretary, however,] [that whenever title of such Code shall have been enacted into positive law the same thereof shall be legal evidence of the laws therein contained]. . . . 8 In other words, until a title is enacted into positive law, the language of the code creates only a presumption of what the law states, which can be rebutted by the language appearing in the Statutes at Large. Once the title has been enacted into positive law, that title of the Code serves as legal evidence of the laws contained therein. The following titles of the United States Code have been enacted into positive law: 1, 3, 4, 5, 9, 10, 11, 13, 14, 17, 18, 22, 23, 24, 31, 32, 35, 37, 38, 39, 46, and 49. The Act of 1954 also was enacted into positive law, and the language of Title 30 of the United States Code is identical to that of the Internal Revenue Code. The titles of the United States Code that have been enacted into positive law are named in the preamble to each edition of the Code. The Office of the Law Revision Counsel is in the process of revising and codifying, for enactment into positive law, each title of the Code. The Office states that, "[w]hen this project is completed, all of the titles of the Code will be legal evidence of the general and permanent laws and require to the numerous volumes of the


The comptroller would like to thank John Miller of the Office of the Law Revision Counsel for his assistance in answering this question.


United States Statutes at Large for this purpose will no longer be necessary."

There are, however, numerous statutes and sections of statutes that never are codified. To determine whether a statute has been codified, in whole or in part, check the Table of volumes of the United States Code or its unofficial versions. Exclusion of a statute or section of a statute from the Code in no way affects the validity of the statute. The Office of the Law Revision Council selects the statutes which meet the statutory requirements for inclusion in the Code. Once a bill is enrolled, it is sent to the President. The Office of the Legislative Counsel has a ten-day period to review the legislation for inclusion in the Code. The Office supplies the Archives, who are responsible for producing both the slip laws and Statutes at Large, with the codification information that appears in the margin of the official slip laws and Statutes at Large. The Office selects for inclusion in the Code all provisions of a statute that it considers general and permanent in nature; "sections included in one edition may be omitted from the next or changed from one title of the Code to another by editorial fiat.""

"Matters involving exclusion from or inclusion in the Code by the Office do not operate to change the construction or effect of laws." In compiling the Code, the Office also includes material, either in notes or appendices, to aid in the construction and interpretation of the Code. As in the case of the notes to section 5124a of 5 U.S.C., "[n]otes often refer to uncodified parts of a statute from which a Code section was derived."

Notes may refer to statutory provisions that set out effective or termination dates, require reports or studies to be submitted, release monies, or are otherwise temporary or limited in scope. Material not statutory in nature, but which may be fundamental to understanding the Code provisions, such as Presidential proclamations, executive orders, regulations, and court rules also may be included. The appendices include major laws not thought to be of a general or permanent nature

at the time of enactment, but that are too lengthy or important to be included in a note. Inclusion of material in a note rather than in an appendix is purely a matter of editorial discretion. A positive law title tend to contain more notes and appendices, because in order for a law to amend a positive law title section, the title and section of the code to be amended must be set out specifically in the statute. Statutes affecting the subject matter of positive law titles but not specifically amending them may be set out in notes or appendices but cannot be codified.

The statute in point, the Privacy Act, is a statute which, in part, amends Title 5 of the U.S. Code, a positive law title. Only section 3, which adds section 5124a to Title 5 of the Code, and section 4, which alters the chapter analysis of Title 5, specifically amend Title 5. Section 7 of the act does not, even though the subject matter of that section does relate to that of Title 5. Inclusion of section 7 in the notes helps to insure that researchers will not overlook that portion of the statute. Again, the exclusion of a section from the Code in no way affects the section's validity. Section 7 of the Privacy Act of 1974 is law; it is merely uncodified.
Illustration 4b

Question:
Why are some sections of the Statutes at Large set forth as annual sections of the United States Code while others, which seem at least as general and permanent, are only added as notes to the Code?

24. This question, together with the substance of its answer, was cited in an ABA Release from the University of Minnesota Law Library.

Law Library Journal

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That only Congress can change parts of the United States Code that have been enacted into positive law can be seen from the fact that Congress had to include a separate section in the Privacy Act in order to accomplish the purely ministerial insertion of "152a. Records about individuals," in the chapter analysis of chapter 5 of title 5 of the Code and is given effect immediately preceding section 501. Our correspondents decided that this question deserved an official answer and wrote to the Office of the Federal Register, which asked the question up to the Office of the Law Revision Counsel of the U.S. House of Representatives. She received an answer from the Law Revision Counsel himself, Mr. Edward F. Willett, Jr., part of whose letter we quote as follows:

Section 7 of Pub. L. 95-579 was not as a note under 5 U.S.C. 152a because that section was not enacted as an amendment of Title 5. Title 5 and those other acts that have been enacted into positive law can be changed (by addition of new sections and amendment or repeal of existing sections) only by Congress. Thus, if Congress enacts a provision that should (by virtue of the subject matter) be set out in a title that has been enacted into positive law, but the provision was not enacted as an amendment of that title, we will classify the provision as a note under the appropriate section of the title.

Other provisions are classified as notes because they are considered as being not general and permanent, but may be of sufficient interest to warrant setting out as a note. Examples would be short rules of art, effective date provisions, transitional and savings provisions, etc.

Legal Effect of Uncodified Laws
Federal

United States

Supreme Court (U.S.): Cite to U.S. S. Ct., or U.S.L.W. in that order of preference. Do not give a parallel citation.

United States Reports

1879-date U.S.

Wallace 1863-1874 e.g. 86 U.S. (1 Wall.)
Back 1861-1862 e.g. 46 U.S. (1 Black)
Howard 1843-1860 e.g. 42 U.S. (1 How.)
Peres 1825-1842 e.g. 26 U.S. (1 Pet.)
Wheaton 1816-1827 e.g. 14 U.S. (1 Wheat.)
O'neil & Co 1815 e.g. 3 U.S. (1 Cranch)
Dart 1790-1800 e.g. 1 U.S. (1 Dart.)

Supreme Court Reporter 1802-date S. Ct.

United States Law Week 1939-date U.S.L.W.

Circuit Justices (e.g. Reth, Wilson, Circuit Jst): Cite to U.S. S. Ct., or U.S.L.W. if therein, in that order of preference.

United States Reports 1969-date U.S.

Supreme Court Reporter 1926-date U.S.

United States Law Week 1933-date U.S.L.W.

(a few other courts are reported in other reports, e.g. United States v. Maryland, 10 F.2d 847 (4th), Circuit Jst (4th)).

Courts of Appeals (e.g. 1st Cir., D.C. Cir.), previously Circuit Courts of Appeals (e.g. 1st Cir.), and Court of Appeals of for the District of Columbia (D.C. Cir.): Cite to F. or F.2d.

Federal Reporter 1891-date F., F.2d

Circuit Courts (e.g. C.C.S.D.N.Y., C.C.D. Cal.) (abridged 1912): Cite to F. Cas., or F.

Federal Cases 1789-1880 F. Cas.

(Citations to F. Cas. should give the case number parenthetically, e.g. Hackett v. Schriffl, 18 F. Cas. 598 C.C.W.D. Pa. 1851 (No. 10,440).)

Federal Reporter 1890-1912 F.

Temporary Emergency Court of Appeals (Temp. Emer. Ct. App.) (created 1972) Emergency Court of Appeals (Emer. Ct. App.) (created 1942, abolished 1961), and Commerce Court (Comm. Ct.) (created 1914, abolished 1915): Cite to F. or F.2d.

Federal Reporter 1940-date F., F.2d

A Uniform System of Citation, 14th ed. pp. 173-175 (1986)
United States

Tax Court (T.C.) (created 1942). Previously Board of Tax Appeals (B.T.A.).
Cite to T.C. or B.T.A., if therein; otherwise cite to T.C.M. (CCH), T.C.M. (P-H), or B.T.A.M. (P-H).

Reports of the United States Tax Court 1943-date T.C.
Reports of the United States Board of Tax Appeals 1924-1942 B.T.A.
Tax Court Memorandum Decisions 1942-date T.C.M. (CCH) (or P-H)
Board of Tax Appeals Memorandum Decisions 1934-1942 B.T.A.M. (P-H)

Court of Military Appeals (C.M.A.): Cite to C.M.A. if therein and to M.J. or C.M.R.

Court of Military Appeals Reports 1951-1975 C.M.A.
Military Justice Reporter 1975-date M.J.
Court-Martial Records 1951-1977 C.M.R.

Courts of Military Review (e.g., A.C.M.R., A.F.C.M.R.), previously Boards of Review (e.g., A.R.R.): For cases after 1950, cite to M.J. or C.M.R. For earlier cases, cite to the official reporter.

Military Justice Reporter 1975-date M.J.
Court Martial Reports 1951-1977 C.M.R.

Statutory compilations: Cite to U.S.C., if therein.

United States Code (U.S.C. may be abbreviated as U.C.)


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

Session laws

United States Statutes at Large
(Cite public laws before 1957 by chapter number; cite subsequent Acts by public law number.)

Administrative compilation

Code of Federal Regulations (C.F.R.)
Administrative Register (Fed. Reg.)

Federal Register 1935-date
Questions:

We are frequently asked questions about both the history of and the most recent amendments to the various federal procedural rules. Where can we most easily find this information?

Answer:

This century has witnessed the spawning of various uniform federal rules of procedure—criminal, civil, appellate and the evidentiary rules. These rules have been the subject of much published commentary and criticism. This answer will attempt to identify a few major and easily retrievable sources of information on both the history and the amendment of these rules.

General History

Probably two of the most widely accessible repositories of narrative discussion of the events leading to the drafting and adoption of the various rules are Moore's Federal Practice (2d Ed.) and Federal Practice and Procedure (authored by Charles Alan Wright and others). The thoroughness of the general historical chronologies provided by Moore's varies for each rule, although certainly the general background discussion for the Federal Rules of Criminal Procedure is Moore's leaves the most to be desired. Historical summaries can be found at the following paragraphs in Moore's:

Federal Rules of Appellate Procedure thereinafter FRAP: § 301.05 et seq.

Federal Rules of Civil Procedure thereinafter FRCP: § 301.01 et seq.

Federal Rules of Criminal Procedure thereinafter FRCP: § 411.02 et seq.

Federal Rules of Evidence thereinafter FED.EvD: § 301.01 et seq.

Wright presents similar historical summaries throughout his treatise and the FRCP adoption process is more fully discussed there. Wright's summaries can be found at the following sections:

FRAP: § 301.05 et seq.

FRCP: § 100 et seq.

FED.EvD: § 301.01 et seq.

Descriptive historical discussions of the adoption of the various federal rules can also, of course, be found in the legal periodical literature by using the standard periodical indices.

Legislative History

Because the federal procedural rules are products of the federal court system, acting under congressional grant of rule-making authority, it was, of course, necessary to compile strict "legislative histories" of these rules. The rules have traditionally been drafted by various Advisory Committees to the Judicial Conference. The Judicial Conference submits the draft of the proposed rules to the Supreme Court, which has routinely passed the proposals on to Congress for information without comment. Each act authorizing the drafting of rules provides for a congressional vote on amendments or denial of the enactment of rules of procedure. If Congress fails to act on rules submitted to it...

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The new, composite revision will take place upon the completion of the October 1981 term of the Supreme Court; this means a publication date of probably no sooner than 1983.

Federal Rules - History and Amendments
within a specified time period, the rules quickly take effect. When Congress does fail to act, there will be no debate, reports, prints, hearings or documents (except for the House document that contains the Chief Justice's transmittal of the text of the proposed rule changes and Advisory Committee notes). This does not mean, however, that no material is available for these rules. The Advisory Committee's notes explaining their reasons for drafting the rules have traditionally been accorded great weight by the courts in construing the rules, and in the absence of more traditional "legislative history" material. These notes can be found in many sources, including the Chief Justice's transmittal to Congress and separate pamphlet editions of the various rules, in treatises like Moore's, and in the U.S. Code and the annotated commercially produced versions of the U.S. Code.

Recent Amendments

Finding the text of recent amendments to the various procedural rules is fairly simple. First, as noted earlier, the Chief Justice's message transmitting proposed rule changes to Congress is always printed as a House of Representatives document. Provided that Congress makes no changes in the rules, these documents continue handy pamphlet-styled editions of rules changes and advisory committee notes.

Of course, Moore's looseleaf volume will also quickly reflect any changes in the rules. Callaghan's Federal Rules Service also will provide a quickly updated version of the FRCP. Federal Rules Service routinely publishes both recent amendments and advisory committee notes. Annular reissue notes compilations published by the West Publishing Company will often incorporate pending but not yet approved rule changes.

Yet another current source for rulings changes is BNA's U.S. Law Week—Supreme Court Section. Since the rules are promulgated by the Court, BNA publishes special editions of the changes in the Opinion sections of its service shortly after their promulgation by the Court. The text of the Advisory Committee notes are not included in Law Week.

* A recent exception to this rule are proposed amendments to the PREvid which create, abolish or modify a privilege. These rules do not take effect until they are approved by Congress. See 28 U.S.C. § 2076 (1976).

Illustration 7

Introduction:

The dissenting opinion in the case of United States v. Sellis Engineering, Inc.1 cites to "2 Commerce, Recommendations and Suggestions Concerning the Proposed Federal Rules of Criminal Procedure 375 (1945)." Having looked everywhere and can't find any further information about this apparently multi-volume work, can you help?

Answer:

This question is definitely not as easy one to answer. In our research we did find at least one other treatise that cites to the work you have asked about, and, because one of those cites is to a volume 4, we were reasonably sure that the work is fairly substantial. Nevertheless, it proved difficult to find: and when we did find it, it proved to be pretty rare. Here is its history.

In 1941, the Supreme Court appointed an Advisory Committee on Rules of Criminal Procedure. A similar history of the Advisory Committee's work on the Federal Rules of Criminal Procedure can be found in Wright's Federal Practice and Procedure. This history indicates that the Advisory Committee got both recommendations and suggestions from committees of the bench and bar throughout the country and from individual lawyers and laymen.12

These recommendations and suggestions were collected, collated, microfilmed, and bound into ten sets of four volumes each, and these were distributed to the members of the Committee for their personal use while working on the proposed rules. We have been unable to determine exactly how many copies were microfilmed, but it is certain that the number was quite small, and the sense of transitive for each volume contains language along the following lines: "As only a limited number of copies has been microfilmed, it will be appreciated if each member will

bring his copy to the next meeting of the Committee."13 Only nineteen individuals served on the Committee, and assuming that only a few extra copies were produced, it is unlikely that more than thirty copies were produced at all.

To the best of our knowledge, the only way these volumes can be obtained at this time is by having the Harvard Law Library microfilm them for you. However, negotiations are currently under way to have the materials reprinted in a more accessible form. Libraries interested in obtaining this set should send an expression of interest to this column, also we will try to notify you if a reprint becomes available.


15. J. LAPP, supra note 12, at introductory pages (parentheses).


10. 1 C. WRIGHT, supra note 2, at 2.

11. Id. at 3.

Federal Rules of Criminal Procedure
From Questions and Answers, 76 Law Library Journal 685 (1983)
Illustration 8

Question:
What are the Supreme Court Standards of Evidence, and where can I find them?

Answer:
The Supreme Court Standards of Evidence, sometimes also known as the "Federal Standards of Evidence" and by various other unofficial popular names, are really quite easy to find once their history is identified. The Federal Rules of Evidence were originally proposed pursuant to 18 U.S.C. §§ 3623, 3771, and 3772 and 26 U.S.C. §§ 2027 and 2073 by the Supreme Court by an order dated November 30, 1972, to become effective July 1, 1973. Some of these rules, however, were controversial, and Congress stipulated in its approval that implementation pending effectiveness. That study resulted in the current Federal Rules of Evidence, enacted by Congress to become effective on July 1, 1973.

The Federal Rules of Evidence as passed by Congress varied in some significant respects from the rules proposed by the Supreme Court. Specifically, the Supreme Court's proposed rules 106, 303, 406(b), 502-312, and 806(b)(2) were completely omitted in the final rules. Some of these omitted rules have become known as standards instead of rules and are sometimes numbered as standards 107 and 552 to 513 (proposed rules 303, 406(b), and 806(b)(2) are rarely cited as standards). The standards are set out explicitly, together with the notes of an advisory committee appointed by Chief Justice Earl Warren to formulate the rules, in Weinstein's text on evidence. Many other texts include them implicitly in their respective covering the rules as originally proposed by the Supreme Court.

9. The order was transmitted to Congress on February 1, 1973, and was printed as H.R. Doc. No. 92 Cong., 1st Sess., 1973. It was reprinted at 46 F.R.D. 18.

Federal Rules of Evidence
AMENDMENTS TO THE FEDERAL RULES OF
CIVIL PROCEDURE

COMMUNICATION

FROM

THE CHIEF JUSTICE OF THE
UNITED STATES

TRANSMITTING

AMENDMENTS TO THE FEDERAL RULES OF CIVIL PROCEDURE
PRESCRIBED BY THE COURT, PURSUANT TO 28 U.S.C. 2012

APRIL 30, 1985—Referred to the Committee on the Judiciary and ordered
to be printed
ILLUSTRATION 10

Court Rules
Databases

LEXIS

GRANTED library

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<td>Rules of Procedure of the U.S. Tax Court, as amended to 1/85</td>
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<td>DOSBUL</td>
<td>Department of State Bulletin 1/84 to 9/86</td>
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<td></td>
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<td>FJA</td>
<td>Federal Judiciary Almanac, 1986</td>
</tr>
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</table>

N.B. The FRCP and FRCP and FRE are not current. 1985 amendments do not appear in this LEXIS version.
II. Federal Constitutional Law

A. U.S. Constitution

1. Text
   - U.S.C.

2. Annotated Constitution
   - U.S.C.A.
   - U.S.C.S.
   - *Constitution of the United States of America: Analysis and Interpretation* (Illustration II)
   - Other

B. Finding cases interpreting the Constitution

   - *Constitution of the United States of America: Analysis and Interpretation*
   - U.S.C.A. (comprehensive - annotations)
   - U.S.C.S. (selective - annotations)
   - Shepard's (federal and state citators)
   - *U.S. Supreme Court Digest, L. ed.* (U.S. Supreme Court and lower federal courts)
   - *United States Supreme Court Digest* (West) (U.S. Supreme Court only)
   - *West's Federal Digest*, et. al. (U.S. Supreme Court and federal courts)
C. Other selected secondary sources


5. Many 1 and 2 volume texts and treatises on special areas -- civil rights, search and seizure, etc.

D. Research tips

1. Distinguish between federal constitutional law and state constitutional law

2. Determine from the outset whether you need all available case law or need most significant recent case on point or landmark decision

3. Biggest problem is sorting through what you find. Huge body of law available.

4. Determine what part of the Constitution is at issue (Illus. 12)

E. U.S. Supreme Court

1. Practice and procedure

   - Term of court
- Petition for Writ of Certiorari (discretionary)
- Appeal (mandatory)
- Conference List
- Rule of 4
  - Grant or deny cert
  - Jurisdiction postponed or noted
  - Announced via Order List - Published in U.S. Law Week and CCH Supreme Court Bulletin
- Parties submit briefs - under Supreme Court Rules
- Set for oral argument (LEXIS loads briefs 60-90 days) (Microfilm R&B) (Illustration 13)
- Draft opinions written on-line and typeset electronically
- Most cases decided in term in which argued
- Announced from the bench 10 a.m.
  - Opinion available Public Infomation Office, U.S. Supreme Court
  - LEXIS and WESTLAW input 24-48 hours
  - USLAW - 3-7 days
  - S. Ct. and L. Ed. 2d advance sheets - 14-28 days

2. Selected secondary sources

- Congressional Quarterly's Guide to the U.S. Supreme Court (1979)

- *Supreme Court Review* (U Chicago)

- *Harvard Law Review*, first issue of each volume

- Oliver Wendell Holmes Devise - *History of the Supreme Court of the United States*
Illustration II

Question:
Where can I find a list of state statutes and local ordinances which have been held unconstitutional by the U.S. Supreme Court?

Answer:
This answer is readily discoverable in a reference source few reference desks should be without: The Constitution of the United States of America: Analysis and Interpretation. This publication, frequently referred to as the Constitution Annotated, is now prepared by the Congressional Research Service under a continuing mandate from Congress, calling for decennial total revision of the work and biennial pocket-part supplementation.

In addition to the section-by-section analysis of the Constitution which constitutes the bulk of this book, there is also included a "literal print" of the Constitution and its amendments (preserving original spelling, punctuation, and capitalization), and several special data compilations. One of these is, of course, a list of "State Constitutional and Statutory Provisions and Municipal Ordinances Held Unconstitutional on Their Face or As Administered." It also included is a list of Acts of Congress held unconstitutional in whole or in part and a list of Supreme Court decisions overruled by subsequent decisions.


The next complete revision will take place upon the completion of the October 1981 term of the Supreme Court; this means a publication date of probably no sooner than 1983.
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<td>Supremacy Clause</td>
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Question:

One of our law professors was looking for a transcript of oral arguments before the United States Supreme Court in a case which was decided in 1951. He was unable to locate a transcript for that particular case. We would like some general information on the availability of records of oral arguments before the United States Supreme Court.

Answer:

Records of oral arguments before the United States Supreme Court can be located from a variety of sources. Taped recordings of oral arguments before the United States Supreme Court have been made since 1955. The recordings of arguments up to 1970 are available for inspection in the National Archives. Inquiries should include the case and full citation to the case and should be directed to:

The National Archives
NNSM: Room G13
Washington, D.C. 20500
(202) 512-6004

Copies of tapes over three years old can be purchased from the National Archives after permission from the Mexicans of the Supreme Court. There is a minimum charge of five dollars. Charges for copies over one-to-one-and-a-half years are ninety cents per minute. Charges for copies over one-and-a-half years are fifty cents per minute. Researchers would verify that the audiovisual print-out of the recordings of particular oral arguments before requesting that a copy be made. Allow at least two weeks for copies to be provided.

In 1968 the Court entered into a contract for the production of printed transcripts of all oral arguments. The Supreme Court Library houses this collection, The Supreme Court Library receives the transcripts for arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand. Transcripts of oral arguments from the courts within five to seven working days after the argument in hand.

In 1980, University Publications of America issued a microfilm set entitled The Complete Oral Arguments of the Supreme Court of the United States (1969 to present), which is based on the transcripts produced for the Supreme Court. It is updated annually in 1984. University Publications issued a second microfilm set entitled Oral Arguments of the Supreme Court of the United States: The Warren Court, 1953-1961. This is based on the set of pre-1968 transcripts held at the Supreme Court, printed transcripts produced by the University Publications from the National Archives tapes kept on file. When available, from individual parties or their attorneys, they are not published. University Publications also prints oral arguments for some cases in its series Landmark Briefs and Argumentos of the Supreme Court of the United States: Constitutional Law (1793-1983 term) and Argumentos of the Supreme Court of the United States: 1953 Term to 1972 Term, summaries of oral arguments for selected cases argued in United States Law Week, Section Three: Supreme Court: Proceedings.

5. The monk would like to thank Beatrice Matist and Norman Fagging of the Mason Proust, Seward, and Voynich Broth of the National Archives, and Anne Ashmore of the Supreme Court Library for their help in formulating this portion of the question.


7. The monk would like to thank Beatrice Matist and Clare Bailey of the Supreme Court Library for their help in answering the portion of the question.
III. Federal Administrative Law

A. Introduction

B. Rules and Regulations

1. Daily publication in Federal Register, 1936 to date
   - Paper (GPO)
   - WESTLAW, July 1, 1980 to date (within 3 days of publication)
   - LEXIS, July 1, 1980 to date (within 3 days of publication)
   - Microfiche
     - William S. Hein (Jan. 2, 1980 to date)

2. Codified by title in Code of Federal Regulations, 1938 to date
   - Paper (GPO), each title revised and republished annually - quarterly basis
   - LEXIS, 1983 to date
   - WESTLAW, 1984 to date
   - Microfiche
     - William S. Hein (1981 to date)
   - Microfilm
     - Trans-Media (1939-1980)
- Update with Federal Register (Illustrations 14a and 14b)

- Can shepardize to find judicial treatment, but not agency treatment

3. Other sources of F. Reg. and C.F.R.
   - Official publications
   - Unofficial publications
     - Looseleafs

C. Adjudicatory functions

1. Exercise of judicial power in determining cases and questions arising under its statutes and regulations

2. Administrative Procedure Act of 1946 (60 stat. 238) (5 USC §551 et seq) strengthened procedural safeguards, established standards to assure fair hearings, and increased publication requirements

3. Freedom of Information Act, 5 USC §552 (enacted 80 stat 383, Sept. 6, 1966, PL 89:554) improved public access to information and documents

4. Official and unofficial publication
   - Monthly Catalog of Government Publications
   - Legal Looseleafs in Print
   - Appendix D in Cohen & Berring, How to Find the Law, 8th ed., (Sources of Federal Regulatory Agency Rules, Regulations and Adjudication)
   - WESTLAW, esp. topical databases
   - LEXIS, esp. topical databases
5. Specialized citators available to shepardize agency adjudications

6. Judicial decisions relating to administrative law

D. Other selected sources for administrative law questions


### Illustration 14a

#### CPR PARTIES AFFECTED IN THIS WEEK

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*Figure 13: CPR Holiday Notice, Jan 1952*
Illustration 34b
IV. Federal Administrative Law (con't)

A. Environmental Law

1. Primary sources

- USC primarily in titles 33, 42 and 43 (laws) (Illus. 15)

- CFR primarily in titles 33, 36 and 40 (rules and regulations)

2. Secondary sources

- BNA Environment Reporter (on LEXIS)

  - Cases (all courts)
  - Current Developments
  - Permanent vols - Federal Laws; Federal Regulations; State Air Laws; State Water Laws; State solid waste/land use; mining

- ELI Environmental Law Reporter (on LEXIS)

  - Cases (all courts)
  - Permanent vols - Pending litigation; regulations; statutes (very little state material)
  - A lot of separate publications and articles


- Law, Natural Resources and Land Use: The Environmental Collection of the Paul L. Boley Law Library (July 1986) (v. 1-5)
- Periodicals devoted to environmental law
  - Boston College Environmental Affairs Law Review
  - Columbia Journal of Environmental Law
  - Ecology Law Quarterly (Berkeley)
  - Environmental Law
  - Harvard Environmental Law Review
  - Natural Resources & Environment (ABA)
  - Pace Environmental Law Review
  - Temple Environmental Law & Technology Journal
  - UCLA Journal of Environmental Law & Policy
  - Virginia Journal of Natural Resources Law
  - William Mitchell Environmental Law Journal

B. The Law of Hazardous Waste

   - Federal classification of hazardous waste
   - Cradle-to-grave manifest system
   - Federal standards to be followed by all involved in treatment, storage and disposal of hazardous wastes
   - Enforcement of standards through permit system
   - State programs
   - Assure that ultimate disposition of waste materials is environmentally sound
2. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) 42 USC §§9601-9657

- Authority for removal of hazardous substances from active and inactive disposal sites

- Trust fund

- Places financial responsibility for cleanup on companies responsible for contamination

- National contingency plan to govern cleanup

- Notice requirements for all spills of hazardous substances

3. Selected sources

- LEXIS (Environmental - ENVIRN) (Illustrations 16a and 16b)

- WESTLAW (Environmental Law - FENV) (Illustration 16c)

- BNA, Environment Reporter

- ELI, Environmental Law Reporter


- Metaxas, "Hazardous Waste Law Evolves", 9 Nat'l L.J. 1, 9-10 (9-15-86)

- BNA Chemical Regulation Reporter - Hazardous Materials Transportation (mostly regulations)
A. Research hints

- Transportation, energy and chemical regulation are related topics

- Current topics of interest -- sites for hazardous wastes disposal; liability issues for migration of waste

- LEXIS has better on-line database

- NEXIS

- DIALOG

C. Banking Law

1. Primary sources

- USC in titles 12 and 15

- CFR primarily in titles 12, 24 and 31 (rules and regulations)

- Direct - Various agencies (interpretive releases; general counsel opinions; etc.) (Illustration 17)

2. Secondary sources

- CCH, Federal Banking Law Reporter

- Solomon & Fredric, Banking Law (MB) (1981 to date)


- Beutel & Schuender, Bank Officer's Handbook of Commercial Banking Law, 5th (1982) (W&L)

- Michie on Banks and Banking, perm. ed. (7 vols.)

- Annual Review of Banking Law (W&L) (1982 to date)

D. The Law of Savings and Loan Associations

1. Federal Home Loan Bank Act of 1932, 12 USC §1421 et. seq. (Illus. 18)
   - Established the Federal Home Loan Bank Board (FHLBB)
   - To encourage thrift and economical home ownership

2. Federal Savings and Loan Insurance Corporation (FSLIC) created in 1934, 12 USC §1724 et. seq.
   - To insure the safety of savings in thrift and home-financing institutions

3. FHLBB General Counsel Opinions
   - CCH, Federal Banking Law Reporter
   - Direct from FHLBB

4. FHLBB Memorandums
   - CCH, Federal Banking Law Reporter
   - Direct from FHLBB

5. Selected Sources
   - LEXIS (Banking library - BANKING) (Illustration 19)
- WESTLAW (Financial Services database - FFIN) (Illustration 19)

- NEXIS

- DIALOG

- See general banking law texts and treatises

6. Research hints

- Narrow search, if possible, to particular kind of financial institution

- Familiarize yourself with the terminology and acronyms

- Related areas include installment credit, consumer credit, truth-in-lending and securities

- CCH, Federal Banking Law Reporter is excellent
Illustration 15

ENVIRONMENTAL PROTECTION AGENCY
401 M Street SW., Washington, DC 20460
Phone: 202-260-2000

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A. James Barnes
Deputy Administrator

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Gerald A. Ensign
Director, Office of Air Quality Planning and Standards
The purpose of the Environmental Protection Agency (EPA) is to protect and enhance our environment today and for future generations to the fullest extent possible under the laws enacted by Congress. The Agency's mission is to control and abate pollution in the area of air, water, solid waste, pesticides, radiation, and toxic substances. EPA's mandate is to mount an integrated, coordinated attack on environmental pollution in cooperation with State and local governments.

The Environmental Protection Agency was established in the executive branch as an independent agency pursuant to Reorganization Plan No. 3 of 1970, effective December 2, 1970. The Environmental Protection Agency was created to permit coordinated and effective governmental action on behalf of the environment. EPA endeavors to abate and control pollution systematically, by proper integration of a variety of research, monitoring, standard-setting, and enforcement activities. As a complement to its other activities, EPA coordinates and supports research and abatement activities by State and local governments, private and public groups, individuals, and educational institutions. EPA also reinforces efforts among other Federal agencies with respect to the impact of their operations on the environment, and it is specifically charged with publishing its determinations when those hold that a proposal is unsatisfactory from the standpoint of public health or welfare or environmental quality. In all, EPA is designed to serve as the public's advocate for a livable environment.

Activities

Air and Radiation Programs. The air activities of the Agency include development of national programs, technical policies, and regulations for air pollution control, enforcement of standards; development of national standards for air quality, emission standards for new stationary sources, and emission standards for hazardous pollutants, technical direction support,
and evaluation of regional air activities and programs of research in the field of air pollution control. Related activities include technical assistance to States and agencies and air pollution control programs; a national surveillance and inspection program for measuring emission levels in the environment.

for further information, call 202-353-2700.

Water Programs The EPA's water quality activities represent a coordinated effort to restore the Nation's waters. The functions of this program include development of national programs, technical policies, and regulations for water pollution control; ground water protection; marine and estuary protection; water supply; enforcement of standards; water quality standards and effluent guidelines development; technical direction, support, and evaluation of regional water activities; development of programs for technical assistance and technology transfer; and provision of training in the field of water quality.

for further information, call 202-353-2700.

Solid Waste and Emergency Response Programs The Office of Solid Waste and Emergency Response provides policy, guidance, and direction for the Agency's solid waste and emergency response programs. The functions of these programs include control, protection, and management of hazardous waste; control of underground storage tanks; enforcement of applicable laws and regulations; development of waste Minimizations and recycling programs; development of guidelines and standards for land disposal of hazardous wastes and for underground storage tanks; analysis of technologies and methods for the recovery of useful energy from solid waste; and provision of technical assistance in the development, management, and operation of waste management facilities.

for further information, call 202-353-4410.

Pesticides and Toxic Substances Program The Office of Pesticides and Toxic Substances is responsible for developing national strategies for the control of toxic substances; directing the pesticides and toxic substances enforcement activities; developing criteria for assessing chemical substances, standards for test protocols for chemicals, rules and procedures for industry reporting and regulations for the control of substances deemed to be hazardous to man or the environment; and evaluating and assessing the impact of existing chemicals, new chemicals, and chemical uses in new ways to determine the hazard and, if needed, develop appropriate restrictions. Additional activities include control and regulation of pesticides and resistance in their use to ensure human safety and protection of environmental quality; establishment of tolerance levels for pesticides that enter in or on food; monitoring of pesticide residue levels in food, humans, and non-target fish and wildlife and their environments; and investigation of pesticide incidents. It also coordinates activities under its statutory responsibilities with other agencies for the assessment and control of toxic substances and pesticides.

for further information, call 202-353-2002.

Research and Development The Office of Research and Development is responsible for a national research program in pursuit of technological controls of all forms of pollution, it directly supervises the research activities of EPA's national laboratories and gives technical policy direction to those laboratories that support the program responsibilities of EPA's regional offices. Close coordination of the various research programs is designed to yield a synthesis of knowledge from the biological, physical, and social sciences that can be interpreted in terms of total human and environmental needs. General functions include management of selected demonstration programs, planning for Agency environmental quality monitoring programs, coordination of Agency monitoring efforts with those of other federal agencies, the States, and other public bodies, and dissemination of Agency...
research, development, and
demonstrated results.

For further information, call 202-382-7467.

Regional Offices

EPA's 10 regional offices represent the Agency's commitment to the development of strong local programs for pollution abatement. The Regional Administrators are the Agency's principal representatives in the regions in contact

and relationships with Federal, State, interstate and local agencies, industry, academic institutions, and other public

and private groups. They are responsible for accomplishing within their regions the national program objective established by the Agency. They develop, propose, and implement an approved regional program for comprehensive and integrated environmental protection activities.

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Sources of Information

Inquiries or information on the following subjects should be directed to the specified office of the Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

Contracts and Procurement

Procurement and Contracts Management Division, Phone: 202-382-1020.

Employment Personnel Management Division, Phone: 202-382-3144.

Freedom of Information

Freedom of Information Office, Phone: 202-382-4048.

Library Information Management and Services Division, Phone: 202-382-3921. Public Reading Room—2430 Mall.


For further information contact the Office of Public Affairs, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. Phone: 202-382-4361. Or write to the Public Information Office of the nearest EPA Regional Office.
**ENVIRONMENT (ENVRN)**

Please TRANSMIT the abbreviated NAME of the file you want to search. To see a description of a file, type its page number and press the TRANSMIT key.

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**ENERGY**

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<td>CASES -Combined COURTS, FERC, FPC &amp; NRC Files BNA's Energy Report has been removed from LEXIS. It is no longer published by BNA.</td>
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**TRANSPORTATION (TRANS)**

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ENVIRONMENTAL LAW (FENV) P273

Scope. Environmental Law databases contain documents that relate to regulation of the natural environment. Included are pollution control, radioactive and toxic waste management, N.E.P.A., and conservation of natural resources.

CODE
FENV-USC U.S. Code sections .....................P274 CASES
FENV-CS Federal cases ...........................P275
FENV-SCT Supreme Court cases ...................P275
FENV-CTA Court of Appeals cases .................P276
FENV-DCT District Court cases .....................P276
ADMINISTRATIVE MATERIALS
FENV-CFR Code of Federal Regulations sections ....P277
FENV-FR Federal Register ........................P277

ENERGY AND UTILITIES (FEN) P256

Scope. These databases contain documents relating to or affecting the energy industry including public energy utilities and excluding tax questions.

CODE
FEN-USC U.S. Code sections .P257 CASES
FEN-CS Federal cases ..........P258
FEN-SCT Supreme Court cases ..........P258
FEN-CTA Court of Appeals cases ..........P259
FEN-DCT District Court cases ..........P259

ADMINISTRATIVE MATERIALS
FEN-CFR Code of Federal Regulations sections ....P260
FEN-FR Federal Register ..........P260
FEN-FERC Federal Energy Regulator Commission ..........P260

SPECIALTY DATABASES
FEN-PUR Public Utility Reports (includes both state and federal materials) ..........P266

TEXTS AND PERIODICALS DOCUMENTS
FEN-TP Texts and Periodicals Documents ..........P277

To access a database, enter its identifier, e.g., FEN-USC.
For information about a database, enter its page number, e.g., P257

TRANSPORTATION (FTRAN) P441

Scope. Documents relating to federal law affecting the air and surface transportation industries. Excludes pipe lines and general automobile traffic.

TEXTS AND PERIODICALS
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Administrative Agency Rules and Decisions
From CCH Federal Banking Law Reporter pp. 601-602
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FEDERAL HOME LOAN BANK BOARD
7300 C Street NW, Washington, DC 20512
Phone: 202-377-6000

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Executive Staff Director
Deputy Executive Staff Director
Board Member
Assistant to the Board Member
Board Member

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Director, Congressional Relations Office
Director, Communications Office
Director, Personnel Management Office
Director, Minority Affairs Office
Director, Secretariat, Planning and Management Coordination Office
Director, Office of Enforcement
Secretary to the Board

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Appointed Council Members:

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John Collins
Stewart Greenbaum
Eric L. Hagem
Paul Hovitz
Sandra Johnson
Patrick Krue
Norman Radin
William Schilling
James C. Schmidt
Donald F. Shickelford
John C. Wrench

Federal Home Loan Bank Board
The Federal Home Loan Bank Board was established to encourage thrift and economical home ownership. The Board supervises and regulates savings institutions, which specialize in the financing of residential real estate and are the country’s major private source of financing for the construction and purchase of homes. The Board operates the Federal Savings and Loan Insurance Corporation (FSIC), which insures the savings of the more than $4 million Americans with savings accounts in FSIC-insured savings and loan associations. The Board also directs the Federal Home Loan Bank System, which, like the Federal Reserve System for banks, provides reserve credit to ensure that member savings institutions will continue to be a source of economical financing for homes.

The Federal Home Loan Bank Board was established by the Federal Home Loan Bank Act, approved July 22, 1932 (47 Stat. 725; 12 U.S.C. 1411 et seq.), and was made an independent agency in the executive branch under section 129 of the Housing Amendments of 1955-56 (Stat. 640, 12 U.S.C. 4371). All of the Board’s activities are self-supporting and do not require the appropriation of United States Treasury funds. Expenses of the Board are paid by assessments against the regional Federal Home Loan Banks and the Federal Savings and Loan Insurance Corporation, and charges against institutions examined by its Office of Examinations and Supervision, Federal Savings and Loan Insurance Corporation.

Federal Home Loan Bank System

The Federal Home Loan Bank System was created by authority of the Federal Home Loan Bank Act, approved July 22, 1932 (47 Stat. 725; 12 U.S.C. 1421 et seq.), to provide a flexible credit reserve for member savings institutions engaged in home mortgage lending.

Regional Banks

There are 12 regional Federal Home Loan Banks in this System. The management of the Banks in Pittsburgh, Atlanta, San Francisco, and Seattle is vested in a board of 14 directors, of whom 8 are appointed by the Federal Home Loan Bank Board to represent the public interest and 6 of whom are elected by the member institutions. The Banks in Boston, Dallas, Norman, little Rock, and Topeka have 15 directors—8 appointed and 7 elected. The Banks in New York, Cincinnati, Chicago, and Des Moines have 16 directors—8 appointed and 8 elected; the Bank in Indianapolis has 17 directors—9 appointed and 8 elected. The directors of each Bank elect a president and other officers, subject to approval by the Board.

Capital and Funds

The capital stock of the district Federal Home Loan Banks is owned by member institutions, each of which is required to purchase stock. The Banks obtain other lendable funds...
through the issuance of consolidated obligations in the money and capital markets, through time and demand deposits accepted from member institutions and from other Federal home Loan Banks.

Operations The Federal Home Loan Banks implement the responsibility of Congress and the Bank Board in the fields of savings and housing finance by providing appropriate loans, referred to as advances, to their members as a supplement to savings flows in meeting recurring variations in the supply of and demand for residential mortgage credit. Such loans, within the context of national housing goals, aid in stabilizing those sectors of the housing and mortgage markets served by the savings and loan industry. The Banks also provide various services to member institutions pursuant to the statutory authority contained in the Federal Home Loan Bank Act.

The Banks are authorized to perform their debt marketing operations, liquidity portfolio management, and financial forecasting through the Office of Finance located in Washington, DC. The Office also coordinates financial planning for the Bank System.

The operations of the Banks are supervised by the Bank Board through the Office of District Banks.

Eligible Institutions. The types of institutions eligible to become members of the Federal Home Loan Banks are savings and loan, building and loan and homestead associations, savings and cooperative banks, and insurance companies. Every Federal savings and loan association, every Federal savings bank, and every State-chartered savings and loan association insured by the Federal Savings and Loan Insurance Corporation is required to become a member of its regional Federal home Loan Bank and to qualify for insurance of deposit accounts (see Federal Savings and Loan Insurance Corporation).

Power to Borrow Consolidated Federal Home Loan Bank obligations, which are the joint and several liabilities of all the Banks, are issued by the Bank Board in the form of notes or bonds. Although the Banks are instrumentalities of the United States, such securities are not obligations of, and are not guaranteed by, the United States. In case of need, the Secretary of the Treasury is authorized to purchase consolidated Federal Home Loan Bank obligations up to an aggregate amount of $4 billion outstanding at any one time.

For further information, contact the Director, Bank Loans Division, Phone, 202-377-4664.

Federal Savings Institutions

Section 5 of the Home Owners' Loan Act of 1933 (48 Stat. 132; 12 U.S.C. 1444), as amended, provides for the organization of Federal owners and loan associations or federal savings banks. They are chartered and supervised by the Federal Home Loan Bank Board and may or may not be either new institutions or converted from State-chartered institutions upon application.

For further information, contact the Director, Applications Analysis Division, Phone, 202-377-6412.

Federal Savings and Loan Insurance Corporation

The Federal Savings and Loan Insurance Corporation was created by title IV of the National Housing Act, approved June 27, 1934 (48 Stat. 1255; 12 U.S.C. 1724 et seq.), to provide the safety of savings in thrift and home-finance institutions.

Management. The operations of the federal Savings and Loan insurance Corporation are under the supervision of the Federal Home Loan Bank Board.

Functions. The Corporation insures the safety of savings up to $100,000 in an insured institution. All Federal savings and loan associations, and those State-chartered building and loan, savings and loan, homestead associations, and cooperative banks that apply and are approved, are insured.

Default Procedure. To prevent the default of an insured institution or restore it to normal operations, the Corporation may make loans so, purchase assets of, or make a financial contribution to such an institution. In the event of a default by
In the event of the Corporation's failure, the Corporation is authorized to obtain additional funds by selling its shares to the Federal Home Loan Bank Board, which in turn sells them to the public. The Corporation is also authorized to issue bonds and notes to raise additional funds.

The Federal Home Loan Bank System is a network of 12 Federal Home Loan Banks and their subsidiaries. Each bank provides funds for local savings and loan associations by purchasing their deposits and securities. The Federal Home Loan Bank System also provides services such as loan guarantees, credit counseling, and training for its members.

For further information, contact the Director of Communications, Federal Home Loan Bank Board, 700 C Street NW, Washington, DC 20552. Phone: 202-577-6222.
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BANKING LAW

Databases

LEXIS

Your response BANKING was assumed to be a request for the BANKING library. If it was not, press the CRS LG key to select another library.

Please TRANSMIT the NAME (only one) of the file you want to search.

NAME      FILE      NAME      FILE

COURTS -Combined:     COMGEN -Controller General Decisions
 U.S. Rts.  10/26 to 6/86                      10/62 to 7/86
 Cts. App.  1/35 to 10/86                  unreported dec. from 5/87
 CFR        -Title 12 as of                Interp. Letters
            7/1/86
 CODE       -Title 12 as of                7/17/86 to 1986
            6/24/86
 FDRFB -Federal Reserve Bulletin         BUSLAW -ASA Business Lawyer
            1/80 to 10/86                      11/81 to 5/86
 FRRB -Federal Reserve Regulatory       1/81 to Current
        Service

For further explanation, press the H key (for HELP) and then the TRANSMIT key.

WESTLAW

WESTLAW DIRECTORY

FEDERAL TOPICAL DATABASES

FINANCIAL SERVICES

Scope. These databases contain documents relating to or affecting banks, savings and loan associations, credit unions, and other entities dealing in financial transactions, including consumer credit transactions.

CODE

FFIN-USC   U.S. Code ................P279
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