

## Department of the Interior Departmental Manual

---

**Effective Date:** 12/29/20  
**Series:** Delegations  
**Part 209:** Secretarial Officers  
**Chapter 3:** Solicitor

**Originating Office:** Office of the Solicitor

---

### 209 DM 3

3.1 **General Authority.** Subject to the limitations contained in 200 DM 1 the Solicitor is authorized to exercise all of the authority of the Secretary, including, but not limited to:

- A. All the legal work of the Department;
- B. The authority to issue amendments of and additions to the material in the Code of Federal Regulations; and
- C. The administration of the oath of office or any oath required by law in connection with employment.

### 3.2 **Authority in Specified Matters.**

- A. The responsibilities of the Solicitor in 209 DM 3.1A include but are not limited to the authority:
  - (1) Conferred by the provisions of 28 U.S.C. 2672, with respect to tort claims;
  - (2) With respect to claims under 25 U.S.C. 388, for damage arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects; and under Public Works for Water Appropriation Acts, for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation;
  - (3) With respect to the disposition of appeals to the Secretary:
    - (a) Involving estates of Indians of the Five Civilized Tribes;
    - (b) From decisions of the Appellate Division of the High Court of American Samoa which affirm sentences of death pursuant to section 3.0505, as amended, of the Code of American Samoa (1961 Ed.);

(4) To supervise, administer, and control all activities within or on behalf of the Department relating to intellectual property including patents, inventions, trademarks, and copyrights;

(5) When acting upon a proposal by a Bureau, to acquire real estate for the United States by condemnation pursuant to section 1 of the Act of August 1, 1888, as amended (40 U.S.C. 257) whenever in the opinion of the Solicitor it is necessary or advantageous to the Government to do so and to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation;

(6) Under section 1 of the Act of February 26, 1931 (40 U.S.C. 258a), to sign declarations of taking;

(7) When acting upon a proposal to acquire real estate for the United States pursuant to section 3 of the Helium Act (50 U.S.C. 167a) by condemnation pursuant to section 1 of the Act of August 1, 1888, as amended (40 U.S.C. 257) whenever the Solicitor determines that a satisfactory agreement to acquire such land or interests in land cannot be made and that such acquisition by condemnation is necessary in the national interest and to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation;

(8) Under 43 CFR Part 2, with respect to the availability of official records and testimony of employees;

(9) With respect to the settlement of claims against the United States by employees for damage to, or loss of personal property pursuant to the Military Personnel and Civilian Employee Claims Act of 1964, as amended (31 U.S.C. 240-243);

(10) With respect to claims arising under the Act of March 9, 1920 (46 U.S.C. 742, 747, 749 and 750), as amended by Public Law 92-417, also known as the Suits in Admiralty Act; and

(11) To issue final legal interpretations, in the form of M-Opinions published in Decisions of the United States Department of the Interior, on all matters within the jurisdiction of the Department, which shall be binding, when signed, on all other Departmental offices and officials and which may be overruled or modified only by the Solicitor, the Deputy Secretary, or the Secretary.

B. The Solicitor is authorized:

(1) To determine, compromise, and settle claims and demands of the United States pursuant to section 12 of the Act of August 20, 1937, as amended (16 U.S.C. 832K);

(2) If he/she determines in connection with a claim under a contract that, as a matter of justice and equity, all or any part of the liquidated damages assessed on or after July 1, 1949, because of delay, against a party to a contract made by the Department on behalf of the Government should be remitted, to recommend to the Comptroller General that such remission

be made, pursuant to the provisions of 41 U.S.C. 256a;

(3) To accept on behalf of any Secretarial Officer service of judicial process and service of process issued by the legislative branch of the Government; and

(4) To execute confidentiality agreements on behalf of the Bureaus and Offices of the Department in the context of Indian water rights settlement negotiations.

**3.3 Authority to Redelegate.** The Solicitor may, in writing, redelegate or authorize written redelegation of any authority delegated to him/her in this chapter except where prohibited by statute, Executive Order, or limitations established by other competent authority. However, the Solicitor may redelegate the authority described in 209 DM 3.2A(11) only to a Deputy Solicitor.

12/29/20 #5045

Replaces 3/16/92 #3537