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TITLE 5--GOVERNMENT ORGANIZATION AND EMPLOYEES

PART I--THE AGENCIES GENERALLY

CHAPTER 5--ADMINISTRATIVE PROCEDURE

SUBCHAPTER II--ADMINISTRATIVE PROCEDURE

Sec. 551. Definitions

For the purpose of this subchapter--

(1) ``agency'' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include--

- (A) the Congress;
- (B) the courts of the United States;
- (C) the governments of the territories or possessions of the United States;
- (D) the government of the District of Columbia;

or except as to the requirements of section 552 of this title--

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; subchapter II of chapter 471 of title 49; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix;

(2) ``person'' includes an individual, partnership, corporation, association, or public or private organization other than an agency;

(3) ``party'' includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes;

(4) ``rule'' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(5) ``rule making'' means agency process for formulating, amending, or repealing a rule;

(6) ``order'' means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing;

(7) ``adjudication'' means agency process for the formulation of an order;

(8) ``license'' includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission;

(9) ``licensing'' includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license;

(10) ``sanction'' includes the whole or a part of an agency--

(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;

(B) withholding of relief;

(C) imposition of penalty or fine;

(D) destruction, taking, seizure, or withholding of property;

(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;

(F) requirement, revocation, or suspension of a license; or

(G) taking other compulsory or restrictive action;

(11) ``relief'' includes the whole or a part of an agency--

(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;

(B) recognition of a claim, right, immunity, privilege, exemption, or exception; or

(C) taking of other action on the application or petition of, and beneficial to, a person;

(12) ``agency proceeding'' means an agency process as defined by paragraphs (5), (7), and (9) of this section;

(13) ``agency action'' includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act; and

(14) ``ex parte communication'' means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding

covered by this subchapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 381; Pub. L. 94-409, Sec. 4(b), Sept. 13, 1976, 90 Stat. 1247; Pub. L. 103-272, Sec. 5(a), July 5, 1994, 108 Stat. 1373.)

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(1).....	5 U.S.C. 1001(a).	June 11, 1946, ch. 324, Sec. 2(a), 60 Stat. 237.
.....	.....	Aug. 8, 1946, ch. 870, Sec. 302, 60 Stat. 918.
.....	.....	Aug. 10, 1946, ch. 951, Sec. 601, 60 Stat. 993.
.....	.....	Mar. 31, 1947, ch. 30, Sec. 6(a), 61 Stat. 37.
.....	.....	June 30, 1947, ch. 163, Sec. 210, 61 Stat. 201.
.....	.....	Mar. 30, 1948, ch. 161, Sec. 301, 62 Stat. 99.
(2)-(13).....	5 U.S.C. 1001 (less (a)).	June 11, 1946, ch. 324, Sec. 2 (less (a)), 60 Stat. 237.

In paragraph (1), the sentence ``Nothing in this Act shall be construed to repeal delegations of authority as provided by law,`` is omitted as surplusage since there is nothing in the Act which could reasonably be so construed.

In paragraph (1)(G), the words ``or naval`` are omitted as included in ``military``.

In paragraph (1)(H), the words ``functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947`` are omitted as executed. Reference to the ``Selective Training and Service Act of 1940`` is omitted as that Act expired Mar. 31, 1947. Reference to the ``Sugar Control Extension Act of 1947`` is omitted as that Act expired on Mar. 31, 1948. References to the ``Housing and Rent Act of 1947, as amended`` and the ``Veterans' Emergency Housing Act of 1946`` have been consolidated as they are related. The reference to former section 1641(b)(2) of title 50, appendix, is retained notwithstanding its repeal by Sec. 111(a)(1) of the Act of Sept. 21, 1961, Pub. L. 87-256, 75 Stat. 538, since Sec. 111(c) of the Act provides that a reference in other Acts to a

provision of law repealed by Sec. 111(a) shall be considered to be a reference to the appropriate provisions of Pub. L. 87-256.

In paragraph (2), the words ``of any character'' are omitted as surplusage.

In paragraph (3), the words ``and a person or agency admitted by an agency as a party for limited purposes'' are substituted for ``but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes''.

In paragraph (9), a comma is supplied between the words ``limitation'' and ``amendment'' to correct an editorial error of omission.

In paragraph (10)(C), the words ``of any form'' are omitted as surplusage.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Codification

Section 551 of former Title 5, Executive Departments and Government Officers and Employees, was transferred to section 2242 of Title 7, Agriculture.

Amendments

1994--Par. (1)(H). Pub. L. 103-272 substituted ``subchapter II of chapter 471 of title 49; or sections'' for ``or sections 1622,''.

1976--Par. (14). Pub. L. 94-409 added par. (14).

Effective Date of 1976 Amendment

Amendment by Pub. L. 94-409 effective 180 days after Sept. 13, 1976, see section 6 of Pub. L. 94-409, set out as an Effective Date note under section 552b of this title.

Section Referred to in Other Sections

This section is referred to in sections 500, 504, 552, 562, 571, 592, 595, 601, 701, 804, 3344, 3348 of this title; title 2 sections 501, 502, 658, 1602; title 7 section 6997; title 15 sections 78d-1, 78w, 632, 637c, 766, 2053, 3412, 3416; title 16 section 470w; title 22 sections 3731, 6033; title 26 sections 6103, 9041; title 30 sections 185, 956; title 31 sections 3901, 6101, 7501; title 41 section 422; title 42 sections 2231, 2992c, 6107, 6241, 6393, 7191, 8259, 8262, 8287c, 11317, 11504; title 46 sections 7702, 9303; title 47 sections 155, 409; title 49 sections 106, 11324; title 50 App. sections 2159, 2412.