

ADMINISTRATIVE PROCEDURE

Administrative Procedure Act*

5 U.S.C. §§500-559

The statute provides general rules concerning the **representation** of persons before agencies.

The statute provides for witnesses' **fees and allowances**.

Agencies engaged in **informal rulemaking** (where rules are not required by statute to be made on the record following a hearing) must generally provide adequate notice, allow public comment, publish substantive rules at specified times, and give interested persons the right to petition for issuance, amendment, or repeal.

Agencies engaged in **formal adjudication** (required by the statute to be decided on the record following a hearing) must generally provide adequate notice and give interested parties opportunity to submit facts and arguments and to receive a hearing and decision.

The statute limits **ex parte communications** and prosecutorial and investigatory activities by agency employees engaged in deciding adjudications.

Interested persons may appear before an agency for the presentation or determination of an issue or request in a proceeding.

An agency shall within a reasonable time proceed to conclude a matter presented to it.

The statute provides for the rights of persons who are compelled to provide evidence.

The agency shall provide prompt and adequate no-

tice of the denial of a written request in connection with an agency proceeding.

The statute provides for the manner in which **hearings on the record** (for formal rulemaking and adjudications) shall be conducted.

The statute provides for procedures to be followed when an agency employee renders a decision following such a hearing on the record and the decision is appealed to the agency itself.

The statute provides for the rights of parties as to the submission of **proposed findings and conclusions** following such a hearing on the record.

The statute provides for the creation of a **record of decision**, including findings, conclusions, and reasons, following a hearing on the record.

Ex parte communications by or with the agency concerning a matter subject to a hearing on the record are generally prohibited.

The statute provides for the general procedures that an agency must follow in the granting and denial of **licenses**.

The statute establishes who may seek **judicial review** of an agency action, the applicable form of appellate proceeding, what kinds of agency actions are reviewable, when courts may grant relief pending review, and the applicable scope of review.