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TITLE 5--GOVERNMENT ORGANIZATION AND EMPLOYEES

PART I--THE AGENCIES GENERALLY

CHAPTER 5--ADMINISTRATIVE PROCEDURE

SUBCHAPTER II--ADMINISTRATIVE PROCEDURE

Sec. 553. Rule making

(a) This section applies, according to the provisions thereof, except to the extent that there is involved--

- (1) a military or foreign affairs function of the United States;

or

- (2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

(b) General notice of proposed rule making shall be published in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include--

- (1) a statement of the time, place, and nature of public rule making proceedings;
- (2) reference to the legal authority under which the rule is proposed; and
- (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Except when notice or hearing is required by statute, this subsection does not apply--

- (A) to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or
- (B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) After notice required by this section, the agency shall give

interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except--

(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

(2) interpretative rules and statements of policy; or

(3) as otherwise provided by the agency for good cause found and published with the rule.

(e) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 383.)

Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
	5 U.S.C. 1003.	June 11, 1946, ch. 324, Sec. 4, 60 Stat. 238.

In subsection (a)(1), the words ``or naval'' are omitted as included in ``military''.

In subsection (b), the word ``when'' is substituted for ``in any situation in which''.

In subsection (c), the words ``for oral presentation'' are substituted for ``to present the same orally in any manner''. The words ``sections 556 and 557 of this title apply instead of this subsection'' are substituted for ``the requirements of sections 1006 and 1007 of this title shall apply in place of the provisions of this subsection''.

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 553 of former Title 5, Executive Departments and Government Officers and Employees, was transferred to section 2245 of Title 7, Agriculture.

Executive Order No. 12044

Ex. Ord. No. 12044, Mar. 23, 1978, 43 F.R. 12661, as amended by Ex. Ord. No. 12221, June 27, 1980, 45 F.R. 44249, which related to the improvement of Federal regulations, was revoked by Ex. Ord. No. 12291, Feb. 17, 1981, 46 F.R. 13193, formerly set out as a note under section 601 of this title.

Cross References

Federal Register Act, see section 1502 et seq. of Title 44, Public Printing and Documents.

Wildlife management areas, hunting game birds, see section 718d of Title 16, Conservation.

Section Referred to in Other Sections

This section is referred to in sections 552a, 556, 561, 566, 601, 603, 604, 611, 1103, 1105, 5304 of this title; title 2 sections 501, 502, 1383, 1384; title 7 sections 6j, 12e, 499c, 499f, 927, 944a, 2013, 2014, 2707, 4906, 6802, 6804, 7251, 7253, 7281, 7412; title 8 section 1288; title 9 section 306; title 12 sections 635, 1441a, 1735f-17, 1828, 3336, 4004, 4008, 4112, 4308, 4526, 4589, 4611; title 15 sections 18a, 45a, 57a, 78l, 78s, 78ggg, 1193, 1203, 1262, 1277, 1474, 1476, 1604, 1693b, 2058, 2079, 2082, 2309, 2603, 2604, 2605, 2618, 2643, 2703, 2823, 3412, 3803, 4017, 4404, 5624, 5711, 5721, 5724, 6004, 6102; title 16 sections 620a, 839b, 971d, 1379, 1381, 1383b, 1463, 1533, 1535, 1604, 1821, 1822, 3341, 3604, 3636, 3801, 5504; title 19 section 2561; title 20 sections 1221e-4, 1232, 6104; title 21 sections 358, 463; title 25 sections 450c, 450k; title 28 section 994; title 30 sections 185, 811, 936, 1211, 1468, 1751; title 33 sections 1231, 1322, 1504; title 38 sections 501, 502; title 40 section 333; title 41 sections 43a, 47, 422; title 42 sections 289d, 290aa-10, 300g-1, 300h, 421, 902, 1320a-7c, 1395ff, 1395hh, 1437d, 1437l, 1437u, 1796c, 2210a, 2992b-1, 4029, 4905, 5403, 5506, 5919, 6239, 6306, 7191, 7407, 7502, 7511a, 7607, 8275, 8411, 9112, 9127, 9204, 9605, 10155, 10193, 11023, 11376, 11387, 12725, 12879, 12898, 12898a, 13603, 13643; title 43 section 1740; title 44 section 2206; title 46 sections 7702, 9303, 14104; title 46 App. sections 1241f, 1716; title 49 sections 5103, 20103, 24102, 24308, 31136, 31317, 32502, 32902, 40103, 60102; title 50 App. sections 2158, 2159, 2412.