

# **Federal Administrative Agencies**

## **Background and Sources**

# 1. Delegated powers

- President
- Congress
- Agencies created by enabling statute

21 U.S.C. § 331

The following acts and the causing thereof are prohibited:

...

(hh) The failure by a shipper, carrier by motor vehicle or rail vehicle, receiver, or any other person engaged in the transportation of food to comply with the sanitary transportation practices prescribed by the Secretary under [section 350e](#) of this title.

## **2. Statutory Requirements**

- **Federal Register Act (1935)**

  - Federal Register (F.R.)**

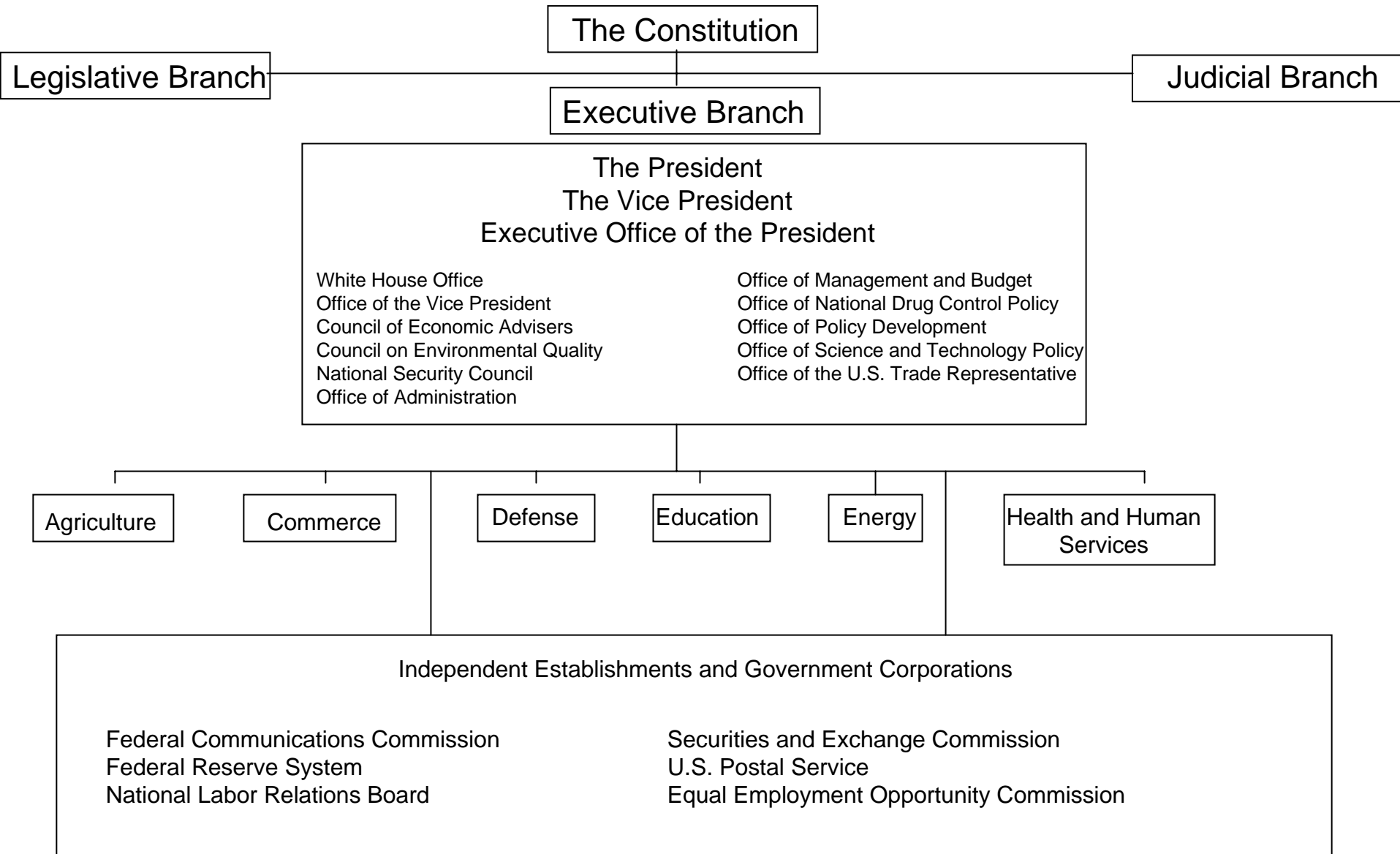
  - Code of Federal Regulations (C.F.R.)**

  - Government Manual**

- **Administrative Procedure Act (1946)**

  - Types of Rule Making (Formal and Informal)**

# The Government of the United States



# **Functions of Administrative Agencies:**

- Rulemaking**
- Ratemaking, licensing**
- Adjudication**
- Enforcement**

# **Rulemaking Procedures:**

## **1. Informal (a.k.a. Notice and Comment)**

**APA governs**

**Basic publication requirements**

## **2. Formal**

**APA governs**

**only when required by enabling statute  
hearing required with witnesses**

**Steps:**

**1. Notice of proposed rulemaking**

**2. Comment period**

**3. Final rule**

# Ossification of Rulemaking

- **Judicial Review**
- **Formal requirements of process**
- **Regulatory requirements**  
**Source: Executive orders & statutes**

## **Types:**

**paperwork reduction**  
**environmental impact**  
**small business**

# Alternative forms of rulemaking

## 3. Negotiated Rulemaking

Negotiated Rulemaking Act controls

## 4. Direct Rulemaking

Recommended procedure under Adm.  
Conference

Direct final rule and proposed rule

## 5. Best Practices