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TITLE 5 &gt; PART I &gt; CHAPTER 5 &gt; SUBCHAPTER II &gt; § 551

## § 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.

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