

Editorial Notes

CODIFICATION

Section 558 of former Title 5, Executive Departments and Government Officers and Employees, was transferred to section 2209 of Title 7, Agriculture.

§ 559. Effect on other laws; effect of subsequent statute

This subchapter, chapter 7, and sections 1305, 3105, 3344, 4301(2)(E), 5372, and 7521 of this title, and the provisions of section 5335(a)(B) of this title that relate to administrative law judges, do not limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, requirements or privileges relating to evidence or procedure apply equally to agencies and persons. Each agency is granted the authority necessary to comply with the requirements of this subchapter through the issuance of rules or otherwise. Subsequent statute may not be held to supersede or modify this subchapter, chapter 7, sections 1305, 3105, 3344, 4301(2)(E), 5372, or 7521 of this title, or the provisions of section 5335(a)(B) of this title that relate to administrative law judges, except to the extent that it does so expressly.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 388; Pub. L. 90-623, §1(1), Oct. 22, 1968, 82 Stat. 1312; Pub. L. 95-251, §2(a)(1), Mar. 27, 1978, 92 Stat. 183; Pub. L. 95-454, title VIII, §801(a)(3)(B)(iii), Oct. 13, 1978, 92 Stat. 1221.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 5 U.S.C. 1011. June 11, 1946, ch. 324, §12, 60 Stat. 244.

In the first and last sentences, the words "This subchapter, chapter 7, and sections 1305, 3105, 3344, 4301(2)(E), 5362, and 7521, and the provisions of section 5335(a)(B) of this title that relate to hearing examiners" are substituted for "this Act" to reflect the codification of the Act in this title. The words "to diminish the constitutional rights of any person or" are omitted as surplusage as there is nothing in the Act that can reasonably be construed to diminish those rights and because a statute may not operate in derogation of the Constitution.

The third sentence of former section 1011 is omitted as covered by technical section 7. The sixth sentence of former section 1011 is omitted as executed.

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

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AMENDMENTS

1978—Pub. L. 95-454 substituted "5372" for "5362" wherever appearing.

Pub. L. 95-251 substituted "administrative law judges" for "hearing examiners" wherever appearing.

1968—Pub. L. 90-623 inserted "of this title" after "7521" wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective on first day of first applicable pay period beginning on or after the

90th day after Oct. 13, 1978, see section 801(a)(4) of Pub. L. 95-454, set out as an Effective Date note under section 5361 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

SUBCHAPTER III—NEGOTIATED RULEMAKING PROCEDURE

Editorial Notes

PRIOR PROVISIONS

A prior subchapter III (§571 et seq.) was redesignated subchapter V (§591 et seq.) of this chapter.

AMENDMENTS

1992—Pub. L. 102-354, §3(a)(1), Aug. 26, 1992, 106 Stat. 944, redesignated subchapter IV of this chapter relating to negotiated rulemaking procedure as this subchapter.

§ 561. Purpose

The purpose of this subchapter is to establish a framework for the conduct of negotiated rulemaking, consistent with section 553 of this title, to encourage agencies to use the process when it enhances the informal rulemaking process. Nothing in this subchapter should be construed as an attempt to limit innovation and experimentation with the negotiated rulemaking process or with other innovative rulemaking procedures otherwise authorized by law.

(Added Pub. L. 101-648, §3(a), Nov. 29, 1990, 104 Stat. 4970, §581; renumbered §561, Pub. L. 102-354, §3(a)(2), Aug. 26, 1992, 106 Stat. 944.)

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AMENDMENTS

1992—Pub. L. 102-354 renumbered section 581 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL; SAVINGS PROVISION

Pub. L. 101-648, §5, Nov. 29, 1990, 104 Stat. 4976, as amended by Pub. L. 102-354, §5(a)(2), Aug. 26, 1992, 106 Stat. 945, which provided that subchapter III of chapter 5 of title 5 and the table of sections corresponding to such subchapter, were repealed, effective 6 years after Nov. 29, 1990, except for then pending proceedings, was repealed by Pub. L. 104-320, §11(a), Oct. 19, 1996, 110 Stat. 3873.

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-354, §1, Aug. 26, 1992, 106 Stat. 944, provided that: "This Act [amending sections 565, 568, 569, 571, 577, 580, 581, and 593 of this title, section 10 of Title 9, Arbitration, and section 173 of Title 29, Labor, renumbering sections 571 to 576, 581 to 590, and 581 to 593 as 591 to 596, 561 to 570, and 571 to 583, respectively, of this title, and amending provisions set out as notes under this section and section 571 of this title] may be cited as the 'Administrative Procedure Technical Amendments Act of 1991'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-648, §1, Nov. 29, 1990, 104 Stat. 4969, provided that: "This Act [enacting this subchapter] may be cited as the 'Negotiated Rulemaking Act of 1990'."

CONGRESSIONAL FINDINGS

Pub. L. 101-648, §2, Nov. 29, 1990, 104 Stat. 4969, as amended by Pub. L. 117-286, §4(a)(4), Dec. 27, 2022, 136