

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

APPLICATION OF SECTION 3, ADMINISTRATIVE PROCEDURE ACT OF 1946 (5 U.S.C. 1002)
TO THE FUNCTIONS AND ACTIVITIES OF THE DEPARTMENT

(Items keyed to questions in letter dated February 12, 1965, to the Secretary from Congressman John E. Moss, chairman, Foreign Operations and Government Information Subcommittee, House Committee on Government Operations)

1. Section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002) applies to all functions of the Department of Health, Education, and Welfare. No divisions, bureaus, branches, or other constituent units of this Department are exempt.

2. (a) The Department publishes descriptions of its central and field organization in the—

(1) Federal Register, as changes occur.

(2) United States Government Organization Manual, annually.

(3) Congressional Directory, annually.

(4) Various publications of the operating agencies of the Department, issued irregularly.

(b) The Department publishes statements of the general course and method by which its functions are channeled and determined in the—

(1) Federal Register, as such determinations are made or revised.

(2) Code of Federal Regulations, as compiled by National Archives and Records Service.

(3) Various publications of the operating agencies of the Department, issued irregularly.

(c) The Department publishes substantive rules adopted as authorized by law in the—

(1) Federal Register, as such rules are adopted or revised.

(2) Code of Federal Regulations, as compiled by National Archives and Records Service.

(3) Various publications of the operating agencies of the Department, issued irregularly.

(d) The Department publishes statements of general policy and interpretations formulated and adopted by the Department for the guidance of the public in the:

(1) Federal Register, currently as adopted.

(2) Code of Federal Regulations, as compiled by National Archives and Records Service.

(3) Various publications of the operating agencies of the Department, issued irregularly.

In most of the functions of the Welfare Administration (the Federal-State public assistance programs under titles I, IV, X, XIV, and XVI of the Social Security Act and the Federal-State grant programs of maternal and child health, crippled children, and child welfare services of title V of the Social Security Act) the "public" for which policies are prescribed are confined to State agencies. The policies, rules, and standards governing these programs are published in handbooks and manuals for use of appropriate State agencies and distributed to such agencies. An interpretation of the Administrative Procedure Act by the Attorney General (Attorney General's Manual on the Administrative Procedure Act, 1947, p. 22) indicates that materials of this type need not be published in the Federal Register.

In the child welfare research, training, or demonstration grants program, juvenile delinquency demonstration and training grants program and cooperative research and demonstration grants program statements of general policy or interpretations are issued for guidance of the public, by means of announcements, application kits, brochures, periodicals, etc.

(e) The Department publishes rules addressed to and served upon named persons in accordance with law in the Federal Register when such rules pertain to suspension or withdrawal of new drugs under the new drug provisions of the Federal Food, Drug, and Cosmetic Act, and, when appropriate, in suspensions or revocations of licenses under the biological products control program (42 U.S.C. 262).

3. The Social Security Administration publishes selected final opinions or orders in social security benefit claims cases which are of precedent value and