

Key West, Florida, on January 1, 1945; in barracks at Manna Group, American Samoa Islands, on July 19, 1944; in Quonset hut 5, Tolosa, Leyte, Philippine Islands, on March 19, 1945; at officers' quarters 4 at United States Naval Mobile Hospital 9, on January 2, 1944; at Harrowbeer Airport, Plymouth, England, in January 1945; at officers' quarters OSS, Para-Military School, Chrea, Algiers, on June 2, 1944; at officer quarters I, naval air facility, Navy 129, on March 3, 1945; at Dewey unit, ships service building, naval training center, Sampson, New York, on January 15, 1945: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 10, 1946.

[CHAPTER 298]

AN ACT

To establish the civilian position of Academic Dean of the Postgraduate School of the Naval Academy and compensation therefor.

June 10, 1946
[S. 1854]
[Public Law 402]

Naval Academy.
Academic Dean of
Postgraduate School.

Compensation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the civilian position of Academic Dean of the Postgraduate School of the Naval Academy is hereby established. The Secretary of the Navy, upon the recommendation of the Postgraduate School Council, which shall consist of the Superintendent, Deputy Superintendent, and the Directors of the Technical, Administrative and Professional Divisions of the Postgraduate School, shall appoint an academic dean to serve for periods of not in excess of five years. The Secretary of the Navy is hereby authorized to pay as compensation to such dean not more than \$12,000 annually from appropriations made for operation of the Naval Academy and postgraduate school, and said dean shall be considered as a member of the civilian teaching staff of the postgraduate school of the Naval Academy insofar as provisions of law regarding retirement are concerned.

Approved June 10, 1946.

[CHAPTER 299]

AN ACT

For the relief of the county of Hawaii, Territory of Hawaii.

June 10, 1946
[H. R. 4300]
[Public Law 403]

Hawaii.
Settlement of
claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the county of Hawaii of the Territory of Hawaii, the sum of \$1,550. The payment of such sum shall be in full settlement of all claims of the said county of Hawaii against the United States on account of property damages caused by personnel of the Fifth Marine Division of the United States Marine Corps, when they shot up, burned, or took away property belonging to the county of Hawaii, located adjacent to the quarry in engineer area numbered 1, Camp Tarawa, Marine Camps, Hawaii, Territory of Hawaii, during the period from approximately November 6, 1944, to December 12, 1944: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or

attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 10, 1946.

[CHAPTER 324]

AN ACT

To improve the administration of justice by prescribing fair administrative procedure.

June 11, 1946
[S. 7]
[Public Law 404]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE

SECTION 1. This Act may be cited as the "Administrative Procedure Act".

Administrative Procedure Act.

DEFINITIONS

SEC. 2. As used in this Act—

(a) AGENCY.—"Agency" means each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia. Nothing in this Act shall be construed to repeal delegations of authority as provided by law. Except as to the requirements of section 3, there shall be excluded from the operation of this Act (1) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them, (2) courts martial and military commissions, (3) military or naval authority exercised in the field in time of war or in occupied territory, or (4) functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947, and the functions conferred by the following statutes: Selective Training and Service Act of 1940; Contract Settlement Act of 1944; Surplus Property Act of 1944.

Post, pp. 918, 993.

(b) PERSON AND PARTY.—"Person" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies. "Party" includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any agency proceeding; but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes.

54 Stat. 885; 58 Stat. 649, 765.
50 U. S. C. app. §§ 201-318; Supp. V, app. § 302 et seq., 41 U. S. C., Supp. V, §§ 101-125; 50 U. S. C., Supp. V, app. §§ 1611-1646.
Ante, pp. 168, 169, 181; post, pp. 341, 342, 599, 754, 886.

(c) RULE AND RULE MAKING.—"Rule" means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any 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 upon any of the foregoing. "Rule making" means agency process for the formulation, amendment, or repeal of a rule.

(d) ORDER AND ADJUDICATION.—"Order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. "Adjudication" means agency process for the formulation of an order.