

Administrative Procedure in
Government Agencies
monograph of the
Attorney General's Committee
on Administrative Procedure.
War Department.

**ADMINISTRATIVE PROCEDURE IN
GOVERNMENT AGENCIES**

MONOGRAPH

OF THE

**ATTORNEY GENERAL'S COMMITTEE
ON ADMINISTRATIVE PROCEDURE**

EMBODYING THE

**RESULTS OF THE INVESTIGATIONS MADE BY THE
STAFF OF SAID COMMITTEE RELATIVE TO THE
ADMINISTRATIVE PRACTICES AND PRO-
CEDURES OF SEVERAL AGENCIES
OF THE GOVERNMENT**

IN 14 PARTS

PART 2

WAR DEPARTMENT

SENATE RESOLUTION NO. 68

[Reported by Mr. Hayden]

IN THE SENATE OF THE UNITED STATES,

February 6, 1941.

Resolved, That the monographs published by the Attorney General, Committee on Administrative Procedure embodying the results of the investigations made by the staff of said committee relative to the practices and procedures of the administration of the Fair Labor Standards Act of 1938 (Wage and Hour Division and Children's Bureau); War Department; Social Security Board; National Mediation Board; National Railroad Adjustment Board; National Labor Relations Board; Civil Aeronautics Authority; Department of the Interior; United States Employees' Compensation Commission; administration of the internal revenue laws; Bituminous Coal Division, Department of the Interior; Interstate Commerce Commission; Federal Power Commission; Securities and Exchange Commission; Tariff Commission; and Bureau of Customs, be printed as a Senate Document; and that one thousand three hundred additional copies be printed for the use of the Joint Committee on Printing.

EDWIN A. HALSEY, *Secretary.*

PREFACE

ATTORNEY GENERAL'S COMMITTEE
ON ADMINISTRATIVE PROCEDURE,
DEPARTMENT OF JUSTICE,
Washington, D. C.

This monograph was one of a series of studies submitted to this Committee by the investigating staff working under the Director. The members of the staff are Walter Gellhorn, director; and Ralph S. Boyd, Kenneth C. Davis, Robert W. Ginnane, William W. Golub, Martin Norr, and Richard S. Salant.

These staff reports represent information and recommendations submitted to the Committee. They are not an expression of Committee findings or opinion. The Committee invited professional and lay criticism and discussion of the matter contained in these studies, both by written communications addressed to it at the Department of Justice, Washington, D. C., and by oral presentation at hearings which the Committee held in Washington on June 26, 27, and 28, and July 10, 11, and 12, 1940.

The Committee on January 24, 1941, made its report, setting forth its findings, conclusions, and recommendations after consideration of all the material submitted to it, including these reports of its staff; the record of oral examination of administrative officers; and the briefs, statements, and testimony furnished by members of the bar and the public. These reports are made available in furtherance of this Committee's desire that the information submitted to it by its investigators shall be public.

The members of the Committee are Dean Acheson, Chairman, of the District of Columbia bar, formerly Under Secretary of the Treasury; Francis Biddle, Solicitor General of the United States; Ralph F. Fuchs, professor of law, Washington University; Lloyd K. Garrison, dean of the University of Wisconsin School of Law; D. Lawrence Groner, chief justice of the Court of Appeals for the District of Columbia; Henry M. Hart, Jr., professor of law, Harvard University; Carl McFarland, of the District of Columbia bar, formerly Assistant Attorney General; James W. Morris, associate justice of the United States District Court for the District of Columbia; Harry Shulman, Sterling professor of law, Yale University; E. Blythe Stason, dean of the University of Michigan School of Law; and Arthur T. Vanderbilt, of the New Jersey bar, formerly president of the American Bar Association.

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APPENDIX A

The reports of district engineers are required to follow this outline:

REPORT OF THE DISTRICT ENGINEER

-----endorsement

(Report on an application for a permit for work in navigable waters of the United States)

UNITED STATES ENGINEER OFFICE, ----- 194...

To the CHIEF OF ENGINEERS,
United States Army, Washington, D. C.

(Through the Division Engineer, ----- Division).

1. Name of applicant -----
2. Proposed location of work -----
(Waterway)

(Nearest town. Distance from mouth of waterway)

3. Has necessary State authority been obtained? -----
4. Character of proposed work -----
5. Attitude of local authorities -----
6. Date of sending information to other interested parties, and summary of objections offered, at public hearings or otherwise, with comments of district engineer thereon -----
7. Views of district engineer concerning probable effect on:
 - (a) Navigation, present or prospective, with reasons -----
 - (b) Harbor lines -----
 - (c) Flood heights and drift -----
8. Remarks -----
9. Recommendations -----
 - General -----
 - Special conditions for inclusion in permit -----

District Engineer.

Enclosures accompanying:

List of interested parties notified and copy of notice (pars. 537 (a) and (b)).

Report of public hearing (par. 578).

List and describe other enclosures as required by paragraph 205 (d), chapter II.