

RULES OF PRACTICE AND PROCEDURE GUIDE

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF ADMINISTRATIVE LAW JUDGES

1. RULES OF PRACTICE

Title 7 – Agriculture

Subtitle A – Office of the Secretary of Agriculture

Part 1 – Administrative Regulations

Subpart H – Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes*

7 C.F.R. §§ 1.130 – 1.151

Authority: 5 U.S.C. § 301; 7 U.S.C. §§ 61, 87e, 228, 268, 499o, 608c(1), 1592, 1624(b), 2151, 2279e, 2621, 2714, 2908, 3812, 4610, 4815, 4910, 6009, 6107, 6207, 6307, 6411, 6808, 7107, 7734, 8313; 15 U.S.C. § 1828; 16 U.S.C. §§ 620d, 1540(f), 3373; 21 U.S.C. §§ 104, 111, 117, 120, 122, 127, 134e, 134f, 135a, 154, 463(b), 621, 1043; 43 U.S.C. § 1740; 7 C.F.R. §§ 2.35, 2.41.

2. SUPPLEMENTAL RULES OF PRACTICE

Title 7 – Agriculture

Supplemental rules applicable to proceedings under the **Plant Protection (Quarantine) Act**, section 424 (7 U.S.C. § 7734); the **Federal Plant Pest Act**; the **Endangered Species Act Amendment of 1973**, as amended, section 11(a) (16 U.S.C. § 1540(a)), the **Lacey Act Amendments of 1981**, section 4(a) and (b) (16 U.S.C. § 3373(a) and (b)); and the Act of January 31, 1942, as amended (7 U.S.C. § 149).

7 C.F.R. § 380.10

Authority: 7 U.S.C. §§ 7701 – 7772 and 7781 – 7786; 16 U.S.C. §§ 1540(a), 3373(a) and (b); 7 C.F.R. §§ 2.22, 2.80, and 371.3.

Title 9 – Agriculture

Supplemental rules applicable to proceedings under the **Animal Welfare Act**

9 C.F.R. §§ 4.10 – 4.11

Authority: 7 U.S.C. §§ 2149 and 2151; 7 C.F.R. §§ 2.22, 2.80, and 371.7.

Title 9 – Agriculture

* Any supplemental rules of practice pertaining to particular proceedings are included in regulations promulgated under the statute authorizing the relevant proceedings.

Supplemental rules applicable to proceedings under the **Horse Protection Act**

9 C.F.R. § 12.10

Authority: 15 U.S.C. §§ 1825 and 1826; 7 C.F.R. §§ 2.22, 2.80, and 371.7.

Title 9 – Agriculture

Supplemental rules applicable to proceedings relating to control and eradication of livestock or poultry diseases and the interstate transportation of animals (including poultry) and animal products under the **Animal Industry Act**, section 7, as amended (21 U.S.C. § 117); the **Cattle Contagious Diseases Act**, section 3, as amended (21 U.S.C. § 122); the **Act of March 3, 1905**, section 6, as amended (21 U.S.C. § 127); the **Act of July 2, 1962**, section 6(a), as amended (21 U.S.C. § 134e); and the **Animal Health Protection Act** (7 U.S.C. § 8301 *et seq.*).

9 C.F.R. § 49.10

Authority: 7 U.S.C. §§ 8301 – 8317; 7 C.F.R. § 2.22, 2.80, and 371.4.

Title 9 – Agriculture

Supplemental rules applicable to proceedings relating to the **Revocation or Suspension of Veterinarians' Accreditation**

9 C.F.R. §§ 162.10 – 162.13

Authority: 7 U.S.C. §§ 8301 – 8317; 15 U.S.C. § 1828; 7 C.F.R. §§ 2.22, 2.80, and 371.4.

3. RULES OF PRACTICE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Title 7 – Agriculture

Subtitle B – Regulations of the Department of Agriculture

Chapter I – Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter B – Marketing of Perishable Agricultural Commodities (Parts 46 to 50)

Part 47 – Rules of Practice Under the Perishable Agricultural Commodities Act

7 C.F.R. §§ 47.1 – 47.5, 47.46 – 47.49

Authority: 5 U.S.C. § 553; 7 U.S.C. § 499f.

4. RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

Title 9 – Animals and Animal Products

Chapter II – Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs)

Part 202 – Rules of Practice Governing Proceedings Under the Packers and Stockyards Act

9 C.F.R. §§ 202.1 – 202.123

Authority: 7 U.S.C. § 228(a); 7 C.F.R. §§ 2.22 and 2.81.

5. RULES OF PRACTICE GOVERNING ADJUDICATION OF SOURCING AREA APPLICATIONS AND FORMAL REVIEW OF SOURCING AREAS PURSUANT TO THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1990 (16 U.S.C. § 620 ET SEQ.)

Title 7 – Agriculture

Part 1 – Administrative Regulations

Subpart M – Rules of Rules of Practice Governing Adjudication of Sourcing Area Applications and Formal Review of Sourcing Areas Pursuant to the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. § 620 *et seq.*)

7 C.F.R. §§ 1.410 – 1.429

Authority: 5 U.S.C. § 301, unless otherwise noted; 5 U.S.C. § 556; 16 U.S.C. §§ 620, *et seq.*

6. RULES OF PRACTICE GOVERNING CONDITIONS IN FERC HYDROPOWER LICENSES

Title 7 – Agriculture

Part 1 – Administrative Regulations

Subpart O – Conditions in FERC Hydropower Licenses

7 C.F.R. §§ 1.601 – 1.674

Authority: 16 U.S.C. §§ 797(e), 811, 823d.

7. RULES OF PRACTICE AND PROCEDURE RELATING TO MARKETING AGREEMENTS AND MARKETING ORDERS

- **RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS**

Title 7 – Agriculture

Subtitle B – Regulations of the Department of Agriculture

Chapter IX – Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

Part 900 – General Regulations

Subpart – Rules of Practice Governing Proceedings to Formulate Marketing Agreements and Marketing Orders

7 C.F.R. §§ 900.1 – 900.18

Authority: 7 U.S.C. § 610.

- **SUPPLEMENTAL RULES OF PRACTICE GOVERNING PROCEEDINGS TO AMEND FEDERAL MILK MARKETING AGREEMENTS AND MARKETING ORDERS**

Title 7 – Agriculture

Subtitle B – Regulations of the Department of Agriculture

Chapter IX – Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

Part 900 – General Regulations

Subpart – Rules of Practice Governing Proceedings to Amend Federal Milk Marketing Agreements and Marketing Orders

7 C.F.R. §§ 900.20 – 900.33

Authority: 7 U.S.C. §§ 608c(17) and 610.

- **RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM MARKETING ORDERS**

Title 7 – Agriculture

Subtitle B – Regulations of the Department of Agriculture

Chapter IX – Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

Part 900 – General Regulations

Subpart – Rules of Practice Governing Proceedings on Petitions to Modify or to Be Exempted from Marketing Orders

7 C.F.R. §§ 900.50 – 900.71

Authority: 7 U.S.C. §§ 601 – 674 and 7 U.S.C. § 7401; 7 U.S.C. § 608c.

8. ADMINISTRATIVE OFFSET, ADMINISTRATIVE WAGE GARNISHMENT, AND DISCLOSURE TO CREDIT REPORTING AGENCIES PROCEDURES

Title 7 – Agriculture

Part 3 – Debt Management

SUBPART D – ADMINISTRATIVE OFFSET

7 C.F.R. §§ 3.40 – 3.47

Authority: 5 U.S.C. § 301; 31 U.S.C. §§ 3701, 3711, 3716-18; 31 C.F.R. parts 285 and 901-904.

SUBPART E – ADMINISTRATIVE WAGE GARNISHMENT

7 C.F.R. §§ 3.50 – 3.53

Authority: 5 U.S.C. § 301; 31 U.S.C. §§ 3701, 3711, 3716-18; 31 C.F.R. parts 285 and 901-904.

SUBPART F – ADMINISTRATIVE REVIEWS FOR ADMINISTRATIVE OFFSET, ADMINISTRATIVE WAGE GARNISHMENT, AND DISCLOSURE TO CREDIT REPORTING AGENCIES

7 C.F.R. §§ 3.60 – 3.62

Authority: 5 U.S.C. § 301; 31 U.S.C. §§ 3701, 3711, 3716-18, 3720B; 31 C.F.R. parts 285 and 901-904.

SUBPART G – FEDERAL SALARY OFFSET

7 C.F.R. §§ 3.70 – 3.87

Authority: 5 U.S.C. § 301; 31 U.S.C. §§ 3701, 3711, 3716-18, 3720B; 31 C.F.R. parts 285 and 901-904; 5 U.S.C. § 5514; 5 C.F.R. part 550, subpart K.

Title 31 – Money and Finance: Treasury

Chapter II – Fiscal Service, Department of the Treasury

Subchapter A – Financial Management Service

Part 285 – Debt Collection Authorities Under the Debt Collection Improvement Act of 1996

Subpart B – Authorities Other Than Offset

SECTION 285.11 – ADMINISTRATIVE WAGE GARNISHMENT

31 C.F.R. § 285.11

Authority: 5 U.S.C. § 5514; 26 U.S.C. § 6402; 31 U.S.C. §§ 321, 3701, 3711, 3716, 3719, 3720A, 3720B, 3720D; 42 U.S.C. § 664; E.O. 13019, 61 F.R. 51763; 3 C.F.R., 1996 Comp., p. 216.

9. FEDERAL LAND SOURCING APPLICATION PROCEDURES

7 C.F.R. PART 1, SUBPART M

36 C.F.R. PART 223, SUBPART D

36 C.F.R. PART 223, SUBPART F

16 U.S.C. § 620(A)(1)

16 U.S.C. § 620B(A)(2)(A)

16 U.S.C. § 620F(A)

GENERALLY, 16 U.S.C. §§ 620 – 620J

10. PROCEDURAL REQUIREMENTS RELATING TO NONPROCUREMENT DEBARMENT AND SUSPENSION

USDA PROCEDURAL REQUIREMENTS (CIRCA 04/11/2006)

Title 7 – Agriculture

PART 3017 – GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

7 C.F.R. §§ 3017.100 – 3017.635

Authority: 5 U.S.C. § 301; 41 U.S.C. § 701 *et seq.*; E.O. 12549, 51 F.R. 6370, 3 C.F.R., 1986 Comp., p. 189.

11. PERSONNEL SECURITY REVIEW BOARD (PSRB)

DEPARTMENTAL REGULATION NO. 4600-002 – PROCEDURES FOR DENIAL OR REVOCATION FOR ACCESS TO NATIONAL SECURITY INFORMATION

D.R. 4600-002

EXECUTIVE ORDER 12968 – ACCESS TO CLASSIFIED INFORMATION

Exec. Order No. 12968, 60 Fed. Reg. 40245 (Aug. 2, 1995)

EXECUTIVE ORDER 10450 – SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

Exec. Order 10450, 18 Fed. Reg. 2489 (Apr. 27, 1953)

12. ADJUDICATIONS UNDER SECTION 741

Title 7 – Agriculture

Subtitle A – Office of the Secretary of Agriculture

Part 15f – Adjudications Under Section 741

7 C.F.R. §§ 15f.1 – 15f.29

Authority: 5 U.S.C. § 301; section 101(a) of Pub. L. 105-277, 112 Stat. 2681; Reorganization Plan No. 2 of 1953 (5 U.S.C. App.).

13. EQUAL ACCESS TO JUSTICE ACT (EAJA)

Title 7 – Agriculture

Subtitle A – Office of the Secretary of Agriculture

Part 1 – Administrative Regulations

SUBPART J – PROCEDURES RELATING TO AWARDS UNDER THE EQUAL ACCESS TO JUSTICE ACT IN PROCEEDINGS BEFORE THE DEPARTMENT

7 C.F.R. §§ 1.180 – 1.203

United States Code, Title 5 – Government Organization and Employees

Part I – The Agencies Generally

Chapter 5 – Administrative Procedure

Subchapter I – General Provisions

SECTION 504 – COSTS AND FEES OF PARTIES

5 U.S.C. § 504