

# GOVERNMENT CANON

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Dexter Hadley, MD/PhD

Hadley Lab CANONIC

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## Abstract

Example

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**hadleylab.org** Governed Research. Every claim cited.

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Government actions **MUST** be authorized by statute. No agency may act beyond its delegated powers.

**Example:** Enumerated powers (US Constitution Art. I, Sec. 8). Non-delegation doctrine Congress may delegate rulemaking authority if it provides an intelligible principle to guide agency discretion (J.W. Hampton, 1928). Enabling statutes create agencies and define their jurisdiction (e.g., FTC Act creates FTC, FDCA creates FDA authority). Ultra vires actions agency acts beyond statutory authority are void. Major questions doctrine (West Virginia v. EPA, 2022) agencies need clear congressional authorization for rules of vast economic/political significance.

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### 0.1 2. Federal Procurement

Procurement **MUST** follow applicable acquisition regulations. Competition is the default.

**Example:** FAR (Federal Acquisition Regulation, 48 CFR) governs all federal procurement. DFARS (48 CFR 2) DoD supplement. GSA Schedule (Multiple Award Schedule) pre-negotiated pricing for commercial products/services. SBIR/STTR programs set aside 3.2% (SBIR) and 0.45% (STTR) of extramural R&D budgets for small business. SAM.gov registration required for all federal contractors. Small business set-asides: 8(a) (socially/economically disadvantaged), HUBZone (historically underutilized), SDVOSB (service-disabled veteran-owned), WOSB (women-owned). Bid protests filed with GAO (within 10 days of award for post-award) or COFC (Court of Federal Claims).

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### 0.2 3. Records & Transparency

Government records **MUST** satisfy retention requirements and be available under applicable transparency laws.

**Example:** FOIA (5 USC 552) 9 exemptions (national security, trade secrets, personal privacy, law enforcement, etc.). Privacy Act (5 USC 552a) governs federal agency collection, maintenance, use, and dissemination of PII. Federal Records Act (44 USC 3101-3107) agencies must preserve records documenting organization, functions, policies, decisions. NARA retention schedules agencies submit records schedules for approval. PRA (Paperwork Reduction Act, 44 USC 3501-3521) agencies must obtain OMB approval before collecting information from 10+ persons. Federal Register Act proposed/final rules must be published for public notice.

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### 0.3 4. Cybersecurity Compliance

Government IT systems MUST meet applicable cybersecurity frameworks and authorization requirements.

**Example:** FISMA (Federal Information Security Modernization Act, 2014) requires agencies to develop, document, and implement information security programs. FedRAMP (Federal Risk and Authorization Management Program) cloud service providers must obtain Authorization to Operate (ATO) at Impact Level (Low, Moderate, High). NIST SP 800-53 Rev. 5 security and privacy controls for federal systems. NIST SP 800-171 CUI (Controlled Unclassified Information) protection for non-federal systems. CMMC (Cybersecurity Maturity Model Certification) DoD contractor requirement, 3 levels. Zero Trust Architecture EO 14028 (2021) directs agencies to adopt ZTA principles.

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### 0.4 5. Grants & Cooperative Agreements

Federal financial assistance MUST comply with Uniform Guidance and specific program requirements.

**Example:** 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements) the Super Circular governing all federal grants. Single Audit Act recipients spending \$750K+ in federal awards must undergo independent audit. Cost principles: allowable, allocable, reasonable, consistent treatment. NIH grant mechanisms: R01 (major research), R21 (exploratory/developmental), R43/R44 (SBIR Phase I/II), K awards (career development), T32 (training), F31/F32 (fellowships). NSF mechanisms: standard grants, continuing grants, cooperative agreements. Indirect cost rates negotiated with cognizant agency.

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### 0.5 6. Regulatory Process

Rulemaking MUST follow Administrative Procedure Act requirements for notice and public participation.

**Example:** APA (5 USC 551-559) informal rulemaking requires: (1) Notice of Proposed Rulemaking (NPRM) published in Federal Register, (2) public comment period (typically 30-60 days), (3) final rule with response to significant comments. Formal rulemaking (rare) requires trial-type hearing. Chevron deference (1984) courts deferred to reasonable agency interpretations of ambiguous statutes. Loper Bright v. Raimondo (2024) Supreme Court overturned Chevron, courts now exercise independent judgment on statutory meaning. OMB/OIRA review under EO 12866 significant rules reviewed for cost-benefit analysis. Congressional Review Act Congress can disapprove final rules within 60 legislative days.

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### 0.6 7. Healthcare Government

Federal healthcare programs MUST administer benefits according to statutory and regulatory requirements.

**Example:** CMS (Centers for Medicare & Medicaid Services) administers Medicare (65+, disabled, ESRD), Medicaid (jointly federal-state, income-based), CHIP (children). VA health system serves 9M+ enrolled veterans through VHA. IHS (Indian Health Service) provides healthcare to 2.6M American Indians/Alaska Natives. TRICARE military health insurance for active duty, retirees, dependents. 340B Drug Pricing Program (42 USC 256b) manufacturers provide outpatient drugs at reduced prices to covered entities (FQHCs, DSH hospitals, Ryan White clinics). Federal anti-fraud programs: OIG exclusion list, corporate integrity agreements.

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## 1. Constraints

MUST: Cite FAR clause, CFR section, or statute for procurement/compliance claims

MUST: Distinguish federal from state/local government requirements

MUST NOT: Present agency guidance as having force of law without statutory basis

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