

### Headnotes

**H** [Cited NaN times for this legal issue]

Devon Energy Corp. v. Kempthorne, 2008 WL 5335583

**15AADMINISTRATIVE LAW AND PROCEDURE**

**15AIV**Powers and Proceedings of Administrative Agencies, Officers and Agents

**15AIV(C)**Rules and Regulations

**15Ak416**Effect

**15Ak417k**. Force of law.  
C.A.D.C.,2008

Agency actions do not have force of law unless they mark consummation of agency's decisionmaking process, and either determine rights or obligations or result in discernible legal consequences for regulated parties.

**H** [Cited NaN times for this legal issue]

Abbott Laboratories v. U.S., 84 Fed.Cl. 96

Fed.Cl.,2008

A legislative regulation which fills a gap Congress intended the agency to fill is entitled to more than mere deference or weight; it has "legislative effect," that is to say the force and effect of law.

**H** [Cited NaN times for this legal issue]

In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation, 539 F.Supp.2d 281

D.D.C.,2008

In order for a regulation to have the force and effect of law, so as to subject it to the Administrative Procedure Act (APA), it must have certain substantive characteristics and be the product of certain procedural requisites. 5 U.S.C.A. § 702.

**H** [Cited NaN times for this legal issue]

In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation, 539 F.Supp.2d 281

D.D.C.,2008

Substantive agency rules are binding and have the force of law pursuant to Administrative Procedure Act (APA). 5 U.S.C.A. § 702.

**H** [Cited NaN times for this legal issue]

In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation, 539 F.Supp.2d 281

D.D.C.,2008

An agency's "interpretive rules" and "general statements of policy" do not have the force and effect of law under the Administrative Procedure Act (APA). 5 U.S.C.A. § 702. See publication Words and Phrases for other judicial constructions and definitions.

**H** [Cited NaN times for this legal issue]

In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation, 539 F.Supp.2d 281

D.D.C.,2008

That an agency regulation is substantive, does not by itself give it the force and effect of law under the Adminis-

trative Procedure Act (APA); rule must be rooted in a grant of power by the Congress and subject to limitations which that body imposes. 5 U.S.C.A. § 702.

**H** [Cited NaN times for this legal issue]

Swallows Holding, Ltd. v. C.I.R., 515 F.3d 162  
C.A.3,2008

When determining whether Congress intends a particular agency action to carry the force of law, as to permit *Chevron* deference, a court's inquiry does not hinge solely on the type of agency action involved; rather, delegation of such authority may be shown in a variety of ways, as by an agency's power to engage in adjudication or notice-and-comment rule-making, or by some other indication of a comparable congressional intent.

**R** [Cited NaN times for this legal issue]

State Farm Bank, F.S.B. v. Reardon, 512 F.Supp.2d 1107  
S.D.Ohio.E.Div.,2007

Under the Administrative Procedure Act (APA), a “legislative rule” is one that has the force of law, while an “interpretive rule” is merely a clarification or explanation of an existing statute or rule and is issued by an agency to advise the public of the agency's construction of the statutes and rules which it administers. 5 U.S.C.A. § 553. See publication Words and Phrases for other judicial constructions and definitions.

**C** [Cited NaN times for this legal issue]

U.S. v. Ford Motor Co., 516 F.Supp.2d 770  
W.D.Tex.El.Paso.Div.,2007

Agency's internal guidelines and manuals do not have equivalent force of law as federal statute or regulation.

**H** [Cited NaN times for this legal issue]

Hi-Tech Pharmaceuticals, Inc. v. Crawford, 505 F.Supp.2d 1341  
N.D.Ga.Atlanta.Div.,2007

Substantive rules established through agency rulemaking are those that implement statutes and have the force and effect of law.

**P** [Cited NaN times for this legal issue]

Been v. O.K. Industries, Inc., 495 F.3d 1217  
C.A.10.Okla.,2007

Regulations promulgated by an agency exercising its congressionally granted rule-making authority are entitled to *Chevron* deference, as is an agency's adjudication of matters over which it has the authority to adjudicate, since such decisions carry the force of law.

**H** [Cited NaN times for this legal issue]

Record Buck Farms, Inc. v. Johanns, 510 F.Supp.2d 868  
M.D.Fla.,2007

Ordinarily, when a regulation is not promulgated in compliance with the Administrative Procedure Act, the regulation cannot be afforded the force and effect of law; yet, when equity demands, an unlawfully promulgated regulation can be left in place while the agency provides the proper procedural remedy. 5 U.S.C.A. § 551 et seq.

**P** [Cited NaN times for this legal issue]

Lima-Rivera v. UHS of Puerto Rico, Inc., 476 F.Supp.2d 92  
D.C.P.R.,2007

Interpretive rules do not have the force and effect of law and are not accorded that weight in the adjudicatory process.

**H** [Cited NaN times for this legal issue]

Extencicare Health Services Inc. v. District 1199P, Service Employees Intern. Union AFL-CIO, CLC, 532 F.Supp.2d 713  
M.D.Pa.,2006

Under Pennsylvania law, state agency's statement of policy does not have force of law.

**C** [Cited NaN times for this legal issue]

Coalition for Common Sense in Government Procurement v. Secretary of Veterans Affairs, 464 F.3d 1306  
C.A.Fed.,2006

A "substantive rule," for purposes of Administrative Procedure Act (APA), has the force and effect of law; change in existing law affected by a substantive rule is binding not only within the agency, but is also binding on tribunals outside the agency. 5 U.S.C.A. § 551(4). See publication Words and Phrases for other judicial constructions and definitions.

**P** [Cited NaN times for this legal issue]

Colacicco v. Apotex, Inc., 432 F.Supp.2d 514  
E.D.Pa.,2006

General statements of policy are excluded from the Administrative Procedure Act's (APA) notice and comment requirements, and lack the force of law. 5 U.S.C.A. § 553(b)(A).

**P** [Cited NaN times for this legal issue]

Utah Environmental Congress v. Dale Bosworth, 443 F.3d 732  
C.A.10.Utah,2006

Although an agency's interpretative rules can inform the court's decision on review of an agency action, they do not have the force and effect of law in the adjudicatory process.

**H** [Cited NaN times for this legal issue]

In re Vioxx Products Liability Litigation, 235 F.R.D. 334  
E.D.La.,2006

Federal regulations are entitled to deference and should, whenever possible, be given full force and effect of law.

**H** [Cited NaN times for this legal issue]

Ace Telephone Ass'n v. Koppendrayner, 432 F.3d 876  
C.A.8.Minn.,2005

Regulations promulgated by a federal agency pursuant to an act of Congress carry with them the force of law.

**P** [Cited NaN times for this legal issue]

SBC Inc. v. Federal Communications Com'n, 414 F.3d 486  
C.A.3,2005

Legislative rules that impose new duties upon the regulated party have the force and effect of law, and must be promulgated in accordance with the proper procedures under the Administrative Procedure Act (APA). 5 U.S.C.A. § 551 et seq.

 [Cited NaN times for this legal issue]

In re Consolidated FGH Liquidating Trust, 325 B.R. 564  
Bankr.S.D.Miss.S.Div.,2005

Regulations issued pursuant to statutory authority ordinarily have the force of law.

 [Cited NaN times for this legal issue]

In re New Motor Vehicles Canadian Export Antitrust Litigation, 350 F.Supp.2d 160  
D.Me.,2004

Under West Virginia law, a legislative rule approved by the legislature generally has the force of a statute itself, and is entitled to controlling weight, rather than mere deference; however, when a rule is approved only as part of omnibus legislation, it has no such effect and is subject to the analytical framework described in *Chevron*.

 [Cited NaN times for this legal issue]

Garnes v. Barnhart, 352 F.Supp.2d 1059  
N.D.Cal.,2004

Legislative regulations, if consistent with statutory authorization, adopted pursuant to proper procedure, and reasonable, have the force of law; interpretations contained in policy statements, agency manuals, and enforcement guidelines, all of which lack the force of law, however, do not warrant *Chevron*-style deference.

 [Cited NaN times for this legal issue]

Lowry v. Barnhart, 329 F.3d 1019  
C.A.9.Or.,2003

To be judicially enforceable, agency pronouncement must prescribe substantive rules, rather than interpretive rules, general statements of policy, or rules of agency organization, procedure or practice, and pronouncement must have been promulgated pursuant to specific statutory grant of authority, and be in conformance with procedural requirements imposed by Congress.

 [Cited NaN times for this legal issue]

Chao v. Rothermel, 327 F.3d 223  
C.A.3.Pa.,2003

“Legislative rules” impose new duties upon regulated party, have force and effect of law, and must be promulgated in accordance with proper procedures under Administrative Procedure Act (APA). 5 U.S.C.A. § 551 et seq. See publication Words and Phrases for other judicial constructions and definitions.

 [Cited NaN times for this legal issue]

Bosscher v. Township of Algoma, 246 F.Supp.2d 791  
W.D.Mich.,2003

Federal regulations have the force of law and can create rights enforceable through § 1983. 42 U.S.C.A. § 1983.

 [Cited NaN times for this legal issue]

ANA Intern., Inc. v. Way, 242 F.Supp.2d 906  
D.Or.,2002

Official agency interpretations which are due deference in interpretation of meaning of ambiguous statutes are those that have the force of law, such as regulations, rulings, and orders.

 [Cited NaN times for this legal issue]

In re Domina, 274 B.R. 829

Bankr.N.D.Iowa,2002

Under Iowa law, provisions of the Iowa Administrative Code are presumed valid and have force of law. Iowa Admin.Code, 21-4.1 et seq.

 [Cited NaN times for this legal issue]

First Tennessee Bank Nat. Ass'n v. Barreto, 268 F.3d 319

C.A.6.Tenn.,2001

Agency regulations that have been published in the Code of Federal Regulations have force and effect of law.

 [Cited NaN times for this legal issue]

Pearce v. U.S., 261 F.3d 643

C.A.6.Tenn.,2001

To have the force and effect of law, a regulation must be a substantive rule and not an interpretative rule, general statement of policy, or rule of agency organization, procedure, or practice.

 [Cited NaN times for this legal issue]

Owner-Operator Independent Drivers Ass'n v. Mayflower Transit, Inc., 161 F.Supp.2d 948

S.D.Ind.Indianapolis.Div.,2001

Federal regulations that are authorized by statute and properly promulgated carry the force of law.

 [Cited NaN times for this legal issue]

Spirit Lake Tribe v. North Dakota, 262 F.3d 732

C.A.8.N.D.,2001

Informal agency pronouncements such as opinion letters, manuals, and enforcement guidelines, unlike rules and adjudications, lack the force of law.

 [Cited NaN times for this legal issue]

Klinedinst v. Swift Investments, Inc., 260 F.3d 1251

C.A.11.Fla.,2001

An agency's internal directives to its employees are without the force of law.

 [Cited NaN times for this legal issue]

Bean v. Bureau of Alcohol, Tobacco and Firearms, 253 F.3d 234

C.A.5.Tex.,2001

Substantive federal regulations carry the force and effect of federal law; ?however, interpretive regulations serve merely to guide a court in applying a statute.

 [Cited NaN times for this legal issue]

Bean v. Bureau of Alcohol, Tobacco and Firearms, 253 F.3d 234

C.A.5.Tex.,2001

Generally, where a regulation appears supported by the plain language of the statute and is adopted pursuant to the explicit grant of rulemaking authority, that regulation is considered as having legislative effect and accorded more than mere deference.

 [Cited NaN times for this legal issue]

Culpepper v. Irwin Mortg. Corp., 253 F.3d 1324

C.A.11.Ala.,2001

Rational agency regulations have the force of law.

▶ [Cited NaN times for this legal issue]

Brown v. U.S., 227 F.3d 295

C.A.5.La.,2000

Equal Employment Opportunity Commission (EEOC) regulation, promulgated pursuant to Title VII and providing that regulations applicable to federal equal employment opportunity did not apply to uniformed members of military departments, would be accorded force and effect of law, since it was substantive rule based on Supreme Court's reasoning and affected individual rights and obligations. Civil Rights Act of 1964, § 717(a), as amended, 42 U.S.C.A. § 2000e-16(a); 29 C.F.R. § 1614.103(d)(1).

● [Cited NaN times for this legal issue]

Beverly Enterprises, Inc. v. Herman, 130 F.Supp.2d 1

D.D.C.,2000

Regulations that are promulgated pursuant to Executive Order have force and effect of law and, therefore, are entitled to deference from court.

▶ [Cited NaN times for this legal issue]

Moore v. Apfel, 216 F.3d 864

C.A.9.Cal.,2000

Starting point for determining if administrative manual is substantive, so as to have force and effect of law, is its text.

■ [Cited NaN times for this legal issue]

U.S. v. Alameda Gateway Ltd., 213 F.3d 1161

C.A.9.Cal.,2000

For a regulation to have the force and effect of law, it must: (1) prescribe substantive rules rather than interpretive rules, general statements of policy or rules of agency organization, procedure or practice; and (2) conform to certain procedural requirements, and the agency's characterization is not dispositive.

■ [Cited NaN times for this legal issue]

Novell, Inc. v. U.S., 46 Fed.Cl. 601

Fed.Cl.,2000

A regulation is entitled to the force and effect of law if: (1) the promulgating agency was vested with the authority to create such a regulation; (2) the promulgating agency conformed to all procedural requirements, if any, in promulgating the regulation; (3) the promulgating agency intended the provision to establish a binding rule; and (4) the provision does not contravene a statute.

▶ [Cited NaN times for this legal issue]

Appalachian Power Co. v. E.P.A., 208 F.3d 1015

C.A.D.C.,2000

Only legislative rules have the force and effect of law, and a "legislative rule" is one the agency has duly promulgated in compliance with the procedures laid down in the statute or in the Administrative Procedure Act. 5 U.S.C.A. § 551 et seq. See publication Words and Phrases for other judicial constructions and definitions.

■ [Cited NaN times for this legal issue]

Children's Hosp. of Buffalo v. Apfel, 110 F.Supp.2d 158

W.D.N.Y.,2000

Agency's interpretive rules, which are issued by agency to advise public of agency's construction of statutes and rules which it administers, do not require notice and comment, but they also do not have force and effect of law and are not accorded that weight in adjudicatory process.

 [Cited NaN times for this legal issue]

R.L. Inv. Ltd. Partners v. I.N.S., 86 F.Supp.2d 1014

D.Haw.,2000

Changes in administrative interpretations which themselves did not go through formal rulemaking procedures, cannot be regulations having the force of law.

 [Cited NaN times for this legal issue]

Michael C. ex rel. Stephen C. v. Radnor Tp. School Dist., 202 F.3d 642

C.A.3.Pa.,2000

Agency's interpretive rules do not rise to the level of a regulation and do not have the effect of law, and the level of deference to be accorded such interpretive rules depends upon their persuasiveness.

 [Cited NaN times for this legal issue]

East Wind Industries, Inc. v. U.S., 196 F.3d 499

C.A.3.N.J.,1999

Where regulations have continued over long period of time without substantial change and have applied to un-amended or substantially reenacted statutes, they are deemed to have received approval of Congress and thus have effect of law.

 [Cited NaN times for this legal issue]

Armstrong v. Ramos, 74 F.Supp.2d 142

D.C.P.R.,1999

Legislative regulations issued by agency pursuant to statutory delegation have force and effect of law.

 [Cited NaN times for this legal issue]

In Home Health, Inc. v. Shalala, 188 F.3d 1043

C.A.8.Minn.,1999

Administrative agency's interpretive rules, which are not subject to Administrative Procedure Act (APA) rule-making procedures, are nonbinding and do not have the force of law. 5 U.S.C.A. § 701 et seq.

 [Cited NaN times for this legal issue]

Brooks v. Village of Ridgefield Park, 185 F.3d 130

C.A.3.N.J.,1999

Interpretive bulletins do not rise to level of a regulation and do not have the effect of law.

 [Cited NaN times for this legal issue]

Nieman v. Dryclean U.S.A. Franchise Co., Inc., 178 F.3d 1126

C.A.11.Fla.,1999

An agency regulation has force and effect of law only if it is authorized by congressional grant of authority; it is therefore subject to limitations imposed by Congress.

 [Cited NaN times for this legal issue]

Wolcott v. U.S., 43 Fed.Cl. 581  
Fed.Cl.,1999

Provision of an agency's personnel manual or handbook is a regulation entitled to the force and effect of law if: (1) promulgating agency was vested with the authority to create such a regulation; (2) agency conformed to all procedural requirements, if any, in promulgating the regulation; (3) agency intended the provision to establish a binding rule; and (4) the provision does not contravene a statute.

▶ [Cited NaN times for this legal issue]

Butera v. Apfel, 173 F.3d 1049  
C.A.7.Wis.,1999

When Congress expressly delegates the authority to an agency to promulgate regulations implementing a particular statutory provision, the agency's regulations are entitled to more than mere deference or weight; they are entitled to legislative effect.

▶ [Cited NaN times for this legal issue]

Labat-Anderson, Inc. v. U.S., 42 Fed.Cl. 806  
Fed.Cl.,1999

A regulation is entitled to the force and effect of law if: (1) the promulgating agency was vested with the authority to create such a regulation; (2) the promulgating authority conformed to all procedural requirements, if any, in promulgating the regulation; (3) the promulgating agency intended the provision to establish a binding rule; and (4) the provision does not contravene a statute.

▶ [Cited NaN times for this legal issue]

Labat-Anderson, Inc. v. U.S., 42 Fed.Cl. 806  
Fed.Cl.,1999

Agency bulletin and attached instructions concerning when a bid proposal is in the competitive range was not a regulation entitled to the force and effect of law; bulletin was never promulgated, as it was distributed only to contracting personnel within the agency, and there was evidence that it was not intended to be a regulation, but merely an explication of requirement of the Federal Acquisition Regulation (FAR) that a contracting officer should err on the side of establishing a broad competitive range. 48 C.F.R. § 15.609(a).

■ [Cited NaN times for this legal issue]

Campos v. I.N.S., 70 F.Supp.2d 1296  
S.D.Fla.,1998

Where judicial review includes actions taken pursuant to agency regulations, validly promulgated regulations have the force of law.

▶ [Cited NaN times for this legal issue]

Mora v. Chem-Tronics, Inc., 16 F.Supp.2d 1192  
S.D.Cal.,1998

Substantive agency regulations have the force of law if authorized by Congress and promulgated to implement a statute.

▶ [Cited NaN times for this legal issue]

Aragon v. U.S., 146 F.3d 819  
C.A.10.N.M.,1998

Agency manual, in contrast to a regulation, is not necessarily entitled to the force and effect of law; this is particularly true if the agency did not intend the manual to be mandatory, but rather intended it as a guidance or advisory document.

 [Cited NaN times for this legal issue]

Sea-Land Service, Inc. v. Department of Transp., 137 F.3d 640  
C.A.D.C.,1998

In most contexts, administrative command backed by criminal sanction qualifies as “law.” See publication Words and Phrases for other judicial constructions and definitions.

 [Cited NaN times for this legal issue]

Malladi v. Brown, 987 F.Supp. 893  
M.D.Ala.E.Div.,1997

Agency is bound by terms of regulations it enacts according to Congressional authority, because validly enacted regulations have force of law.

 [Cited NaN times for this legal issue]

University Health Services, Inc. v. Health & Human Services, 120 F.3d 1145  
C.A.11.Ga.,1997

Agency's interpretive rules do not have force of law.

 [Cited NaN times for this legal issue]

Associated Builders & Contractors, Inc. v. Herman, 976 F.Supp. 1  
D.D.C.,1997

To have the force of law, a substantive rule must have an effective date.

 [Cited NaN times for this legal issue]

Hauser v. Chater, 963 F.Supp. 797  
E.D.Wis.,1997

While interpretive rules do not require notice and comment under Administrative Procedure Act, they also do not have force and effect of law and are not accorded that weight in adjudicatory process; thus, deference to such rules is not synonymous with acquiescence and only requires court to accept agency's interpretation if it is reasonable. 5 U.S.C.A. § 551 et seq.

 [Cited NaN times for this legal issue]

Schuler Industries, Inc. v. U.S., 109 F.3d 753  
C.A.Fed.,1997

Legislative regulation is issued under specific grant of congressional rule-making authority and has “legislative effect.”

 [Cited NaN times for this legal issue]

Sicard v. City of Sioux City, 950 F.Supp. 1420  
N.D.Iowa.W.Div.,1996

Interpretive rules of agency do not have force and effect of law and are not accorded that weight in adjudicatory process.

 [Cited NaN times for this legal issue]

St. Nicholas Apartments v. U.S., 943 F.Supp. 966  
C.D.Ill.,1996

Regulations of United States Department of Housing and Urban Development (HUD) generally have force of law.

 [Cited NaN times for this legal issue]

St. Nicholas Apartments v. U.S., 943 F.Supp. 966  
C.D.Ill.,1996

For regulation to have force and effect of law, it must create substantive or legislative rules, not just suggest interpretation of statute.

 [Cited NaN times for this legal issue]

Wiggins v. Wise, 951 F.Supp. 614  
S.D.W.Va.,1996

“Interpretive rules” simply state what the administrative agency thinks the statute means and only remind affected parties of existing duties; in contrast, a “legislative rule” or “substantive rule,” promulgated pursuant to properly delegated authority, has force of law and creates new law or imposes new rights or duties. See publication Words and Phrases for other judicial constructions and definitions.

 [Cited NaN times for this legal issue]

Stricker v. Eastern Off Road Equipment, Inc., 935 F.Supp. 650  
D.Md.,1996

Regulations implementing FLSA have force of law and control unless they are arbitrary, capricious or manifestly contrary to FLSA. Fair Labor Standards Act of 1938, § 1 et seq., 29 U.S.C.A. § 201 et seq.

 [Cited NaN times for this legal issue]

Raymond Proffitt Foundation v. U.S. E.P.A., 930 F.Supp. 1088  
E.D.Pa.,1996

Where judicial review includes action taken pursuant to agency regulations, validly promulgated regulations have force of law.

 [Cited NaN times for this legal issue]

Hennepin County Medical Center v. Shalala, 81 F.3d 743  
C.A.8.Minn.,1996

Administrative agency's interpretative rules, which are not subject to Administrative Procedure Act (APA) rule-making procedures, are nonbinding and do not have force of law.

 [Cited NaN times for this legal issue]

Western Radio Services Co., Inc. v. Espy, 79 F.3d 896  
C.A.9.Or.,1996

In order to have force and effect of law, agency pronouncement must prescribe substantive rules that are legislative in nature and affect individual rights and obligations rather than interpretive rules, general statements of policy or rules of agency organization, procedure or practice, and pronouncement must have been promulgated pursuant to specific statutory grant of authority and in conformance with procedural requirements imposed by Congress.

 [Cited NaN times for this legal issue]

Western Radio Services Co., Inc. v. Espy, 79 F.3d 896  
C.A.9.Or.,1996

Forest Service manual and handbook are not substantive in nature, are not promulgated in accordance with procedural requirements for regulations, are not promulgated pursuant to independent congressional authority, and thus do not have independent force and effect of law so as to bind Forest Service; manual and handbook are not published in Federal Register or Code of Federal Regulations, and are not subjected to notice and comment rule-making. 36 C.F.R. § 200.4(d)(1).

 [Cited NaN times for this legal issue]

Libutti v. U.S., 910 F.Supp. 67  
N.D.N.Y.,1995

Administrative agency regulations generally have force of law.

 [Cited NaN times for this legal issue]

Reich v. Manganas, 70 F.3d 434  
C.A.6.Ohio,1995

Internal operating manuals do not carry force of law, bind agency, or confer rights upon regulated entity.

 [Cited NaN times for this legal issue]

McCloskey v. Triborough Bridge, 903 F.Supp. 558  
S.D.N.Y.,1995

Administrative regulations are promulgated in response to congressional grant of authority and, thus, are entitled to greater weight and carry the full force of law.

 [Cited NaN times for this legal issue]

Hamlet v. U.S., 63 F.3d 1097  
C.A.Fed.,1995

Regardless of whether provision of agency's personnel manual or handbook was published or promulgated under standards set out in Administrative Procedure Act (APA), such provision is "regulation" entitled to force and effect of law, for purposes of Tucker Act jurisdiction, if promulgating agency was vested with authority to create such regulation, agency conformed to all procedural requirements, if any, in promulgating regulation, agency intended provision to establish binding role, and provision does not contravene statute. 5 U.S.C.A. §§ 552(b)(2), 553(a)(2); 28 U.S.C.A. § 1491(a)(1). See publication Words and Phrases for other judicial constructions and definitions.

 [Cited NaN times for this legal issue]

In re Bankers Trust Co., 61 F.3d 465  
C.A.6.Ohio,1995

Federal regulations should be adhered to and given full force and effect of law whenever possible and, thus, federal agency's regulation should be enforced as long as it is based upon permissible construction of enabling statute.

 [Cited NaN times for this legal issue]

U.S. v. Fox, 60 F.3d 181  
C.A.4.Va.,1995

Regulations issued pursuant to statute authorizing Secretary of the Interior to make regulations as he may deem

necessary for use of parks, like all duly promulgated regulations, have the force and effect of law. 16 U.S.C.A. § 3.

▶ [Cited NaN times for this legal issue]

Thompson v. West, 883 F.Supp. 1502

M.D.Ala.S.Div.,1995

Regulations, properly promulgated, have force and effect of law.

● [Cited NaN times for this legal issue]

Barney v. Haveman, 879 F.Supp. 775

W.D.Mich.S.Div.,1995

Administrative rules adopted pursuant to statutory authority have the force and effect of law.

● [Cited NaN times for this legal issue]

In re Gold Standard Baking, Inc., 179 B.R. 98

Bankr.N.D.Ill.E.Div.,1995

When administrative agency issues legislative rules in conformity with Administrative Procedure Act (APA), those rules are binding and have force of law, and court may not review them freely, but should accept them unless they are contrary to statute or unreasonable. 5 U.S.C.A. § 553.

▶ [Cited NaN times for this legal issue]

New York City Employees' Retirement System v. S.E.C., 45 F.3d 7

C.A.2.N.Y.,1995

“Legislative rule” is one that creates new law, rights or duties, in what amounts to a legislative act, and has force of law. See publication Words and Phrases for other judicial constructions and definitions.

▶ [Cited NaN times for this legal issue]

New York City Employees' Retirement System v. S.E.C., 45 F.3d 7

C.A.2.N.Y.,1995

“Interpretive rule” does not create rights, but merely clarifies existing statute or regulation; such rule does not have force of law, but is entitled to deference from the courts. See publication Words and Phrases for other judicial constructions and definitions.

■ [Cited NaN times for this legal issue]

Williams v. Hanover Housing Authority, 871 F.Supp. 527

D.Mass.,1994

Government handbook provisions which are not published and promulgated as mandated by Administrative Procedure Act (APA) are construed as interpretive and, therefore, do not have force and effect of law. 5 U.S.C.A. § 551 et seq.

▶ [Cited NaN times for this legal issue]

Rivera v. Union Pacific R. Co., 868 F.Supp. 294

D.Colo.,1994

Rule promulgated by Interstate Commerce Commission (ICC), under its authority to establish standards of compliance with BIA, has force of law and, in effect, becomes part of BIA. Boiler Inspection Act, § 1 et seq., 45 U.S.C.(1988 Ed.) § 22 et seq.; 49 C.F.R. § 229.119.

▶ [Cited NaN times for this legal issue]

U.S. v. Mitchell, 39 F.3d 465

C.A.4.Va.,1994

Regulations must meet three requirements to have force and effect of law: ?they must be substantive or “legislative-type” rules, as opposed to interpretive rules, general statements of policy, or rules of agency organization, procedure or practice; ?they must have been promulgated pursuant to congressional grant of quasi-legislative authority; ?and they must have been promulgated in conformity with congressionally imposed procedural requirements such as notice and comment provisions of Administrative Procedure Act (APA). 5 U.S.C.A. § 553(b, c).

● [Cited NaN times for this legal issue]

In re Murgillo, 176 B.R. 524

BAP.9.Cal.,1994

Regulations, pursuant to California Revenue and Taxation Code, have force and effect of state law. West's Ann.Cal.Rev. & T.Code § 1 et seq.

▶ [Cited NaN times for this legal issue]

Weyerhaeuser Co. and Subsidiaries v. U.S., 32 Fed.Cl. 80

Fed.Cl.,1994

Depletion regulations are “legislative regulations” and, as such, have force and effect of law. 26 U.S.C.A. § 611(a).

▶ [Cited NaN times for this legal issue]

Environment Now! v. Espy, 877 F.Supp. 1397

E.D.Cal.,1994

General administrative statements of policy are not product of either notice and comment rule making or of adjudication and, thus, lack force of law.

▶ [Cited NaN times for this legal issue]

Consarc Corp. v. Iraqi Ministry, 27 F.3d 695

C.A.D.C.,1994

Since the Treasury Department's Office of Foreign Assets Control (OFAC) has been granted authority to administer the IEEPA, reviewing court must give effect to its regulations unless they contradict express statutory language or prove unreasonable. International Emergency Economic Powers Act, § 205, 50 U.S.C.A. § 1704.

▶ [Cited NaN times for this legal issue]

Reynolds Associates v. U.S., 31 Fed.Cl. 335

Fed.Cl.,1994

In order for Administrative Procedure Act (APA) to apply and substantive agency rules to have force of law, rule must be promulgated under authority given by Congress and by procedural requirements set forth by Congress. 5 U.S.C.A. §§ 551-559, 701-706.

■ [Cited NaN times for this legal issue]

Kansas Hosp. Ass'n v. Whiteman, 851 F.Supp. 401

D.Kan.,1994

When Congress explicitly delegates to agency power to define statutory term and agency exercises such respons-

ibility, adopted regulations have legislative effect, and hence have full force and effect of law; ?hence, reviewing court is not free to set aside such regulations just because it might have interpreted statute in different manner.

**H** [Cited NaN times for this legal issue]

Professionals and Patients for Customized Care v. Shalala, 847 F.Supp. 1359  
S.D.Tex.Houston.Div.,1994

For purposes of Administrative Procedure Act (APA), substantive rules are those which establish binding norms that have the force of law; ?interpretive rules are those which do not create law, grant or deny rights or impose obligations which do not already exist by statute. 5 U.S.C.A. § 551 et seq.

**H** [Cited NaN times for this legal issue]

Professionals and Patients for Customized Care v. Shalala, 847 F.Supp. 1359  
S.D.Tex.Houston.Div.,1994

Although substantive rule establishes standard of conduct that has force of law, general statement of policy does not for purposes of Administrative Procedure Act (APA). 5 U.S.C.A. § 551 et seq.

**C** [Cited NaN times for this legal issue]

Rodriguez v. Panasiuk, 844 F.Supp. 1033  
E.D.Pa.,1994

Where court reviews actions taken pursuant to agency regulations, validly promulgated regulations have force of law and agency is bound by its own regulations.

**P** [Cited NaN times for this legal issue]

Guo Chun Di v. Carroll, 842 F.Supp. 858  
E.D.Va.,1994

Regulation must be substantive or legislative to have force and effect of law.

**P** [Cited NaN times for this legal issue]

Guo Chun Di v. Carroll, 842 F.Supp. 858  
E.D.Va.,1994

Statements issued by agency to advise public prospectively of manner in which agency proposes to exercise discretionary power are general statements of policy, not substantive rules having force and effect of law.

**C** [Cited NaN times for this legal issue]

Chang Tieh Industry Co., Ltd. v. U.S., 840 F.Supp. 141  
Ct.Intl.Trade,1993

Regulations are laws; ?if they are valid they must be followed, until properly rescinded.

**P** [Cited NaN times for this legal issue]

Chicago Milwaukee Corp. v. U.S., 29 Fed.Cl. 777  
Fed.Cl.,1993

Treasury regulations governing administrative claims for income and railroad tax refunds are “legislative regulations” because Congress expressly delegated authority to promulgate such regulations to Secretary of Treasury, and, as “legislative regulations,” unlike ordinary regulations, they have force and effect of law. 26 U.S.C.A. §§ 6413, 7422. See publication Words and Phrases for other judicial constructions and definitions.

**H** [Cited NaN times for this legal issue]

Hamilton v. Brown, 4 Vet.App. 528

Vet.App.,1993

Definitions, whether statutory or regulatory, are not themselves operative provisions of law; rather, such a statutory, or regulatory, definition is no more than appositional phrase to be inserted, for interpretive purposes, after defined term in operative statutory provision.

**H** [Cited NaN times for this legal issue]

Boca Airport, Inc. v. U.S., 840 F.Supp. 120

S.D.Fla.,1992

“Legislative regulation” or “substantive regulation” is issued pursuant to specific authority, and such regulations effectively implement statute and thus have same effect as valid statute. See publication Words and Phrases for other judicial constructions and definitions.

**P** [Cited NaN times for this legal issue]

Stone Forest Industries, Inc. v. U.S., 973 F.2d 1548

C.A.Fed.,1992

United States Forest Service Manual is evidence of customs and practice of agency, even though manual does not have force and effect of law.

**P** [Cited NaN times for this legal issue]

U.S. v. Goodner Bros. Aircraft, Inc., 966 F.2d 380

C.A.8.Ark.,1992

Regulation not promulgated pursuant to proper notice and comment procedures has no force or effect of law and therefore is void ab initio.

**P** [Cited NaN times for this legal issue]

Federal Labor Relations Authority v. U.S. Dept. of Navy, 966 F.2d 747

C.A.3,1992

“Interpretive rule” is one in which agency asserts its construction of statute or regulation and is exempt from affirmative requirements of notice and comment rule making; interpretive rule does not have force and effect of law. 5 U.S.C.A. §§ 553(b)(3)(A), 706(2)(A). See publication Words and Phrases for other judicial constructions and definitions.

**P** [Cited NaN times for this legal issue]

Federal Labor Relations Authority v. U.S. Dept. of Navy, 966 F.2d 747

C.A.3,1992

“Substantive rules” carry force of law and are promulgated by agency to implement statute and are subject to notice and comment rule making. 5 U.S.C.A. §§ 553(b)(3)(A), 706(2)(A). See publication Words and Phrases for other judicial constructions and definitions.

**H** [Cited NaN times for this legal issue]

La Casa Del Convaleciente v. Sullivan, 965 F.2d 1175

C.A.1.P.R.,1992

A “substantive rule” subject to notice and comment requirements of the Administrative Procedure Act has the force of law, while an “interpretive rule” is merely a clarification or explanation of an existing statute or rule

and is issued by agency to advise public of agency's construction of the statutes or rules which it administers; ?an interpretive rule creates no law and has no effect beyond the statute. 5 U.S.C.A. § 553(b, c).See publication Words and Phrases for other judicial constructions and definitions.

**H** [Cited NaN times for this legal issue]

Doe v. American Nat. Red Cross, 788 F.Supp. 884  
D.S.C.Columbia.Div.,1992

Duly promulgated regulation has force and effect of statutory law and becomes an integral part of the enabling statute.

**P** [Cited NaN times for this legal issue]

Finkler v. Elsinore Shore Associates, 781 F.Supp. 1060  
D.N.J.,1992

Regulations that are substantive and promulgated by agency pursuant to statutory authority have force of law unless they are irreconcilable with clear meaning of statute, as revealed by its language, purpose, and history.

**P** [Cited NaN times for this legal issue]

U.S. ex rel. Farese v. Luther, 953 F.2d 49  
C.A.3.Pa.,1992

An agency must follow its own regulations, which have the force of law.

**P** [Cited NaN times for this legal issue]

In re Pan American World Airways, Inc. Co-op Retirement Income Plan, 777 F.Supp. 1179  
S.D.N.Y.,1991

Internal guidelines promulgated by Pension Benefit Guaranty Corporation (PBGC) did not have force of law and created no substantive rights in favor of any party; ?guidelines were not mandated by statute or Constitution, and were for PBGC's own internal use.

**H** [Cited NaN times for this legal issue]

Resolution Trust Corp. v. Home Sav. of America, 946 F.2d 93  
C.A.8.Mo.,1991

Federal regulations have force and effect of law.

**H** [Cited NaN times for this legal issue]

Hoskins Lumber Co. Inc. v. U.S., 24 Cl.Ct. 259  
Cl.Ct.,1991

Forest Service Manual did not have force and effect of law and, therefore, did not confer upon lumber company right to notice of default under timber contract. 5 U.S.C.A. § 552.

**P** [Cited NaN times for this legal issue]

Flagstaff Medical Center, Inc. v. Sullivan, 773 F.Supp. 1325  
D.Ariz.,1991

Interpretative rules that merely clarify or explain existing law or regulations do not have the force of law and are not subject to the notice and comment requirements specified in the Administrative Procedure Act. 5 U.S.C.A. § 553(b)(A).

**C** [Cited NaN times for this legal issue]

Oregon Natural Resources Council v. Devlin, 776 F.Supp. 1440  
D.Or.,1991

In order to have force and effect of law, agency pronouncement must prescribe substantive rules, not interpretive rules, general statements of policy, or rules of agency organization, procedure or practice, and must conform to certain procedural requirements: ?first, rule must be legislative in nature, affecting individual rights and obligations; ?and second, agency must have promulgated rules pursuant to specific statutory grant of authority and in conformance with procedural requirements imposed by Congress.

▶ [Cited NaN times for this legal issue]

Southern Timber Purchasers Council v. Alcock, 779 F.Supp. 1353  
N.D.Ga.Atlanta.Div.,1991

Executive agency of government is bound by its own regulations, which have force and effect of law, and failure of agency to follow its own regulations renders its decision invalid; ?it is not material whether regulation was substantive or procedural.

▶ [Cited NaN times for this legal issue]

U.S. v. Krieger, 773 F.Supp. 580  
S.D.N.Y.,1991

If Congress has delegated to administrative agency power to give meaning to statutory provisions or to promulgate standards, regulations adopted by administrative agency in exercise of that delegated authority have force of law, and agency is thus bound by its own regulations.

■ [Cited NaN times for this legal issue]

Multnomah Legal Services Workers Union v. Legal Services Corp., 936 F.2d 1547  
C.A.9.Or.,1991

Agency's internal and confidential documents setting goals for issuing document requests were not entitled to force and effect of law.

▶ [Cited NaN times for this legal issue]

U.S. v. Toyota of Visalia, 772 F.Supp. 481  
E.D.Cal.,1991

Published rule has force and effect of law if it prescribes substantive rules, not interpretive rules, general statements of policy or rules of agency organization, procedure or practice, and agency promulgated rules pursuant to specific statutory grant of authority and in conformance with procedural requirements imposed by Congress.

▶ [Cited NaN times for this legal issue]

Fertilizer Institute v. U.S. E.P.A., 935 F.2d 1303  
C.A.D.C.,1991

Ordinarily, when regulation is not promulgated in compliance with the Administrative Procedure Act, regulation cannot be afforded the force and effect of law but, when equity demands, unlawfully promulgated regulation can be left in place while the agency provides proper procedural remedy. 5 U.S.C.A. § 551 et seq.

▶ [Cited NaN times for this legal issue]

Pritchett v. Lanier, 766 F.Supp. 442  
D.S.C.Greenville.Div.,1991

Duly promulgated regulation has the force and effect of law and becomes an integral part of the enabling statute.

 [Cited NaN times for this legal issue]

Klingler v. Yamaha Motor Corp., U.S.A., 738 F.Supp. 898  
E.D.Pa.,1990

Substantive administrative rules have force of law; ?courts must follow them and may only strike them if promulgating agency abused its discretion, exceeded its statutory authority or otherwise failed to act legally.

 [Cited NaN times for this legal issue]

Klingler v. Yamaha Motor Corp., U.S.A., 738 F.Supp. 898  
E.D.Pa.,1990

Interpretative administrative rules may be enforced by courts, but are not entitled to same degree of deference as substantive rules; ?by themselves, they are not law.

 [Cited NaN times for this legal issue]

Transco Leasing Corp. v. U.S., 896 F.2d 1435  
C.A.5.Tex.,1990

Federal Aviation Regulations have force and effect of law.

 [Cited NaN times for this legal issue]

Horan v. King County, Wash., Div. of Emergency Medical Services, 740 F.Supp. 1471  
W.D.Wash.,1990

Administrative regulations have force of law as long as they are consistent with purposes of legislation.

 [Cited NaN times for this legal issue]

Horan v. King County, Wash., Div. of Emergency Medical Services, 740 F.Supp. 1471  
W.D.Wash.,1990

Department of Labor regulations including publicly employed ambulance and rescue service employees within FLSA exemption from 40-hour workweek were consistent with Congressional purpose and had to be given force of law. Fair Labor Standards Act of 1938, § 7(k), as amended, 29 U.S.C.A. § 207(k).

 [Cited NaN times for this legal issue]

Bronston v. Kemp, 722 F.Supp. 372  
S.D.Ohio.W.Div.,1989

Validly promulgated administrative regulations have force and effect of law.

 [Cited NaN times for this legal issue]

Dyer v. Secretary of Health and Human Services, 889 F.2d 682  
C.A.6.Mich.,1989

Administrative agencies are bound by duly promulgated substantive rules, which have the force of law, but interpretive rules or policy statements do not have binding effect.

 [Cited NaN times for this legal issue]

U.S. v. 594,464 Pounds of Salmon, 871 F.2d 824  
C.A.9.Wash.,1989

Question whether regulation constitutes law depends on structure of particular statute.

 [Cited NaN times for this legal issue]

Jackson v. First Federal Sav. of Arkansas, F.A., 709 F.Supp. 887

E.D.Ark.W.Div.,1989

Only regulations which are substantive rules can have force and effect of law, but not all substantive rules are deemed law. 5 U.S.C.A. § 551 et seq.

▶ [Cited NaN times for this legal issue]

Bailey v. Bowen, 699 F.Supp. 51

M.D.Pa.,1988

Duly promulgated regulations must be upheld unless they are either arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.

▶ [Cited NaN times for this legal issue]

National Medical Enterprises v. Bowen, 851 F.2d 291

C.A.9.Cal.,1988

Regulation has force of law; therefore, agency's interpretation of statute in manner inconsistent with regulation will not be enforced.

▶ [Cited NaN times for this legal issue]

American Medical Ass'n v. U.S., 688 F.Supp. 358

N.D.Ill.E.Div.,1988

Courts give greater weight to administrative regulations that are intended to have force of law than to those that are not, a dichotomy often expressed in shorthand terms labeling such regulations as legislative or interpretative respectively.

▶ [Cited NaN times for this legal issue]

Intermountain Forest Industry Ass'n v. Lyng, 683 F.Supp. 1330

D.Wyo.,1988

In order for regulation to have the force and effect of law, it must be a substantive or legislative rule which affects individual rights and obligations, it must derive from legislative authority delegated to the agency by Congress, and the agency must have complied with the requirements of the Administrative Procedure Act. 5 U.S.C.A. § 553(b, d).

▶ [Cited NaN times for this legal issue]

Cosby v. Ward, 843 F.2d 967

C.A.7.Ill.,1988

General administration letters circulated by Department of Labor, with respect to states' administration of federally funded unemployment compensation programs, could not be treated as regulations having binding effect of law; in addition to fact that letters were not published in Federal Register, state agency employees indicated that letters were not received in such a manner that they were treated as regulations. 5 U.S.C.A. §§ 552(a)(1)(D), 553(b).

▶ [Cited NaN times for this legal issue]

Marshall v. Lansing, 839 F.2d 933

C.A.3.Pa.,1988

Principles of due process require an administrative agency to follow its own regulations, which have the force of law. U.S.C.A. Const.Amends. 5, 14.

▶ [Cited NaN times for this legal issue]

National Latino Media Coalition v. F.C.C., 816 F.2d 785  
C.A.D.C.,1987

Valid legislative rule is binding upon all persons, and upon courts, to same extent as congressional statute in that when Congress delegates rule-making authority to agency, agency stands in place of Congress and makes law.

▶ [Cited NaN times for this legal issue]

National Latino Media Coalition v. F.C.C., 816 F.2d 785  
C.A.D.C.,1987

Interpretative rule does not have force of law and is not binding on anyone, including courts, though status conferred on agency as delegate of Congress and by its expertise often leads courts to defer to agency's interpretation of its governing statute.

■ [Cited NaN times for this legal issue]

S.J. Groves & Sons Co. v. Fulton County, 696 F.Supp. 1480  
N.D.Ga.Atlanta.Div.,1987

Substantive agency regulations have force and effect of law and therefore preempt state statutes only when they are rooted in grant of legislative power by Congress and subject to limitations which that body imposes.

■ [Cited NaN times for this legal issue]

Boulez v. C.I.R., 810 F.2d 209  
C.A.D.C.,1987

Regulation issued by Secretary of Treasury specifying that all offers to compromise disputed tax liabilities be submitted and accepted in writing, defined form that compromise agreements must take under statute empowering Secretary to compromise disputed tax liabilities, and regulation was mandatory and had force of law. 26 U.S.C.A. § 7122.

▶ [Cited NaN times for this legal issue]

U.S. v. Walter Dunlap & Sons, Inc., 800 F.2d 1232  
C.A.3.Pa.,1986

“Interpretive rules” do not have force and effect of law, as they are statements of policy issued by agency asserting its construction of statute or regulation. See publication Words and Phrases for other judicial constructions and definitions.

▶ [Cited NaN times for this legal issue]

U.S. v. Walter Dunlap & Sons, Inc., 800 F.2d 1232  
C.A.3.Pa.,1986

“Substantive” regulations may have force of law if they are authorized by Congress and promulgated by agency to implement statute.

▶ [Cited NaN times for this legal issue]

U.S. v. Walter Dunlap & Sons, Inc., 800 F.2d 1232  
C.A.3.Pa.,1986

Regulation which is to be treated as having force of law should at minimum have definiteness associated with statutory language when conduct of third parties having no relationship with agency is affected.

● [Cited NaN times for this legal issue]

First Federal Sav. and Loan Ass'n of Pittsburgh v. Goldman, 644 F.Supp. 101

W.D.Pa.,1986

Generally, regulation or procedure is binding upon agency when it has force and effect of law.

 [Cited NaN times for this legal issue]

First Federal Sav. and Loan Ass'n of Pittsburgh v. Goldman, 644 F.Supp. 101

W.D.Pa.,1986

Regulation has force and effect of law when it is promulgated by agency pursuant to mandate or delegation of authority by Congress and involves individual rights or obligations, while interpretative rules, general statements of policy, or rules of agency organization, procedure or practice are not binding upon the agency.

 [Cited NaN times for this legal issue]

Drake v. Honeywell, Inc., 797 F.2d 603

C.A.8.Minn.,1986

Power to make law resides with Congress, and administrative agencies may make rules enforceable as law only when power exclusive to legislature is properly delegated by statute.

 [Cited NaN times for this legal issue]

Drake v. Honeywell, Inc., 797 F.2d 603

C.A.8.Minn.,1986

Rules enacted by administrative agency pursuant to statutory delegation, i.e., substantive or legislative rules, must be judicially enforced as if they were laws enacted by Congress itself.

 [Cited NaN times for this legal issue]

Drake v. Honeywell, Inc., 797 F.2d 603

C.A.8.Minn.,1986

Rules not enacted pursuant to an explicit statutory delegation of lawmaking power, i.e., interpretive rules, are issued merely to provide guidance to parties whose conduct may be governed by the underlying statute, and to courts which must construe it; they carry no more weight on judicial review than their inherent persuasiveness commands, and cannot be enforced independently as law.

 [Cited NaN times for this legal issue]

Lyng v. Payne, 106 S.Ct. 2333

U.S.Fla.,1986

Not all agency publications are of binding force.

 [Cited NaN times for this legal issue]

GTE Intern. Inc. v. Hunter, 649 F.Supp. 139

D.C.P.R.,1986

Legislative rule issued in compliance with Administrative Procedure Act rule-making requirements had force of law, as rule issued pursuant to agency's delegated authority. 5 U.S.C.A. § 553.

 [Cited NaN times for this legal issue]

Ohio Mfrs. Ass'n v. City of Akron, 628 F.Supp. 623

N.D. Ohio,1986

Federal regulations are entitled to same preemptive effect enjoyed by federal statutes.

 [Cited NaN times for this legal issue]

Mitchell v. White Motor Credit Corp., 627 F.Supp. 1241  
M.D.Tenn.Nashville.Div.,1986

Any regulation promulgated pursuant to rulemaking authority conferred by statute assumes force of law only to extent it is consistent with statutory scheme it is designed to implement; ?accordingly, District Court is obliged to declare valid any regulation that is inconsistent with will of Congress as expressed in governing statute.

▶ [Cited NaN times for this legal issue]

Cosby v. Ward, 625 F.Supp. 619  
N.D.Ill.E.Div.,1985

A regulation promulgated by a federal agency carries the force of law only if it implements power delegated to the agency and complies with the notice and comment requirements of the Administrative Procedure Act [5 U.S.C.A. § 551 et seq.].

▶ [Cited NaN times for this legal issue]

Smith v. Russellville Production Credit Ass'n, 777 F.2d 1544  
C.A.11.Ala.,1985

For administrative regulation to have force and effect of law, and thus to be source of affirmative legal obligation, it must be substantive rule, as opposed to interpretive rule, general statement of policy, or rule of agency organization, procedure, or practice.

■ [Cited NaN times for this legal issue]

Moody v. U.S., 774 F.2d 150  
C.A.6.Tenn.,1985

Regulations published in Code of Federal Regulations have force and effect of law, and all persons affected thereby are charged with legal notice of their provisions.

■ [Cited NaN times for this legal issue]

National Wildlife Federation v. Burford, 677 F.Supp. 1445  
D.Mont.,1985

Generally, “rules” established standard of conduct which has force and effect of law; ?rule affects rights and obligations of parties being regulated. 5 U.S.C.A. § 553. See publication Words and Phrases for other judicial constructions and definitions.

■ [Cited NaN times for this legal issue]

National Wildlife Federation v. Burford, 677 F.Supp. 1445  
D.Mont.,1985

Agency's “general statement of policy” establishes nonbinding norms or flexible criteria that do not have force and effect of law; ?these statements are directed toward agency personnel, and tentatively guide future agency actions. 5 U.S.C.A. § 553. See publication Words and Phrases for other judicial constructions and definitions.

■ [Cited NaN times for this legal issue]

MGPC, Inc. v. Department of Energy, 763 F.2d 422  
Emer.App.,1985

Administrative agency regulations have the force and effect of law.

▶ [Cited NaN times for this legal issue]

American Federation of Labor and Congress of Indus. Organizations v. Donovan, 757 F.2d 330

C.A.D.C.,1985

Where Congress delegates, explicitly or implicitly, to administrative agency the authority to give meaning to statutory term or to promulgate standards or classifications, regulations adopted in exercise of that authority enjoy legislative effect.

 [Cited NaN times for this legal issue]

Frisby v. U.S. Dept. of Housing and Urban Development (HUD), 755 F.2d 1052

C.A.3.N.J.,1985

Where judicial review includes action taken pursuant to agency regulations, validly promulgated regulations have force of law.

 [Cited NaN times for this legal issue]

U.S. Dept. of Labor v. Kast Metals Corp., 744 F.2d 1145

C.A.5.La.,1984

Whereas substantive or legislative agency rules affect individual rights and obligations and are binding on courts, nonlegislative rules do not have force of law.

 [Cited NaN times for this legal issue]

E.E.O.C. v. State of Del. Dept. of Health and Social Services, 595 F.Supp. 568

D.Del.,1984

Congress may by subsequent enactment give force of law to official action unauthorized when taken.

 [Cited NaN times for this legal issue]

First Nat. Bank of Louisa, Ky. v. U.S., 6 Cl.Ct. 241

Cl.Ct.,1984

Regulations reasonably adapted to the administration of a congressional act, and not inconsistent with any statute, have the force and effect of law.

 [Cited NaN times for this legal issue]

U.S. v. Two Hundred Thousand Dollars (\$200,000) in U.S. Currency, 590 F.Supp. 866

S.D.Fla.,1984

Substantive rules are issued by agency pursuant to statutory authority which have force and effect of law.

 [Cited NaN times for this legal issue]

National Ass'n of Pharmaceutical Manufacturers v. Department of Health and Human Services, 586 F.Supp. 740

S.D.N.Y.,1984

Substantive regulations have force and effect of law and are subject to judicial review only under relatively narrow statutory standards; however, interpretive regulations are merely advisory, and if regulations are interpretive a reviewing court may substitute its own judgment as to what the authorizing statute requires when validity of agency action is questioned. 5 U.S.C.A. § 706(2).

 [Cited NaN times for this legal issue]

MGPC, Inc. v. Duncan, 581 F.Supp. 1047

D.Wyo.,1984

Agency orders have the force and effect of law, and are binding upon the agency unless effectively rescinded in compliance with applicable administrative procedures.

▶ [Cited NaN times for this legal issue]

U.S. v. State of Miss., 578 F.Supp. 348

S.D.Miss.Jackson.Div.,1984

Regulation which is not founded upon statute authorizing it does not have the force and effect of law.

▶ [Cited NaN times for this legal issue]

Bahramizadeh v. U.S. I.N.S., 717 F.2d 1170

C.A.7.Ill.,1983

Regulations promulgated pursuant to statutory authority have the force and effect of law, thereby making an agency bound by its own regulations.

▶ [Cited NaN times for this legal issue]

New England Tel. & Tel. Co. v. Public Utilities Com'n of Maine, 570 F.Supp. 1558

D.Me.,1983

Rulings and orders of administrative agencies carry full force of federal law and are accorded same preemptive effect as federal statutes.

Ⓢ [Cited NaN times for this legal issue]

Fmali Herb, Inc. v. Heckler, 715 F.2d 1385

C.A.9.Cal.,1983

“Legislative regulations” are issued by an agency pursuant to statutory authority and implement the statute; such regulations have force and effect of legislation, and may not be set aside because a court would have read the statutory mandate differently. See publication Words and Phrases for other judicial constructions and definitions.

Ⓜ [Cited NaN times for this legal issue]

Granville House, Inc. v. Department of Health and Human Services, 715 F.2d 1292

C.A.8.Minn.,1983

Agency's decision to use classification scheme to further define term was not regulation but rather was simply interpretation by agency of term contained in regulation, and decision therefore did not have force and effect of law.

▶ [Cited NaN times for this legal issue]

South Cent. Bell Tel. Co. v. Louisiana Public Service Com'n, 570 F.Supp. 227

M.D.La.,1983

The rulings and orders of administrative agencies carry the full force of federal law and are accorded the same preemptive effect as federal statutes. U.S.C.A. Const. Art. 6, cl. 2.

▶ [Cited NaN times for this legal issue]

John A. By and Through Valerie A. v. Gill, 565 F.Supp. 372

N.D.Ill.E.Div.,1983

Only those regulations which affect individual rights and obligations can be said to have force and effect of law.

▶ [Cited NaN times for this legal issue]

John A. By and Through Valerie A. v. Gill, 565 F.Supp. 372

N.D.Ill.E.Div.,1983

When Congress has delegated authority to promulgate rules rather than making rules itself, rules adopted by ad-

ministrative agency, as general matter, have full force and effect of law.

▶ [Cited NaN times for this legal issue]  
American Trucking Ass'n, Inc. v. U.S., 688 F.2d 1337  
C.A.11,1982

“Legislative rules” are those that are promulgated pursuant to congressional delegation of power to issue rules and regulations that have force of law and are binding on courts because they are source of law that court and agency must enforce. See publication Words and Phrases for other judicial constructions and definitions.

■ [Cited NaN times for this legal issue]  
Sims v. Schweiker, 547 F.Supp. 752  
N.D.Ill.E.Div.,1982  
Properly promulgated administrative regulations have force of law.

■ [Cited NaN times for this legal issue]  
People of State of Cal. v. U.S. E. P. A., 689 F.2d 217  
C.A.D.C.,1982  
Generally, agencies engage in “rulemaking” when they establish standard of conduct which has force of law.

● [Cited NaN times for this legal issue]  
U.S. v. Fifty-Three (53) Eclectus Parrots, 685 F.2d 1131  
C.A.9.Cal.,1982  
To have the force and effect of law, enforceable against an agency in federal court, an agency pronouncement must be legislative in nature, affecting individual rights and obligations, and it must have been promulgated pursuant to a specific statutory grant of authority and in conformance with procedural requirements imposed by a Congress.

▶ [Cited NaN times for this legal issue]  
Tyler v. Donovan, 535 F.Supp. 691  
Ct.Intl.Trade,1982  
Executive agency is bound to respect valid regulation which, while in effect, has force of law; ?this is particularly true when rights of individuals are affected.

● [Cited NaN times for this legal issue]  
Algea v. Schweiker, 529 F.Supp. 163  
D.Md.,1981  
As long as properly promulgated administrative regulations are extant they have force of law.

■ [Cited NaN times for this legal issue]  
Wyoming Hospital Ass'n v. Harris, 527 F.Supp. 551  
D.Wyo.,1981  
Agency regulations promulgated on federal level are given force of federal statutory law and similarly have power of supremacy clause. U.S.C.A.Const.Art. 6, cl. 2.

▶ [Cited NaN times for this legal issue]  
U.S. v. Harvey, 659 F.2d 62  
C.A.5.Ga.,1981

In order for regulation to have force and effect of law, it must have certain substantive characteristics and be product of certain procedural requisites; ?more specifically, regulation must be substantive or legislative-type rule, one affecting individual obligations, which has been issued by agency pursuant to statutory authority and promulgated in accordance with procedural requirements of Administrative Procedure Act. U.S.C.A.Const. Amend. 5.

 [Cited NaN times for this legal issue]

Dillon Ranch Supply v. U.S., 652 F.2d 873  
C.A.9.Mont.,1981

Regulations issued pursuant to specific statutory authorization are legislative regulations and, if consistent with statutory authorization, adopted pursuant to proper procedure, and reasonable, have force of law.

 [Cited NaN times for this legal issue]

Washington Federal Sav. and Loan Ass'n v. Federal Home Loan Bank Bd., 526 F.Supp. 343  
N.D.Ohio,1981

An interpretative rule is distinguished from a substantive or legislative rule which has force of law. 5 U.S.C.A. § 553(b).

 [Cited NaN times for this legal issue]

Roy v. Secretary of Health and Human Services, 512 F.Supp. 1245  
C.D.Ill.,1981

When Congress has delegated authority to make a rule, rather than making the rule itself, rule adopted by administrative agency is an extension of statute, carrying the force and effect of law.

 [Cited NaN times for this legal issue]

Pearce v. Director, Office of Workers' Compensation Programs, U.S. Dept. of Labor, 647 F.2d 716  
C.A.7,1981

Reasonable regulations promulgated pursuant to statutory authority have force and effect of law.

 [Cited NaN times for this legal issue]

U.S. v. Mississippi Power & Light Co., 638 F.2d 899  
C.A.5.Miss.,1981

For regulation to have force and effect of law, promulgation of regulation must satisfy procedural requirements imposed by Congress and regulation must be within contemplation of some congressionally delegated authority.

 [Cited NaN times for this legal issue]

Doe v. Syracuse School Dist., 508 F.Supp. 333  
N.D.N.Y.,1981

Properly promulgated, substantive agency regulations have the force and effect of law.

 [Cited NaN times for this legal issue]

Bergen County Utilities Authority v. U.S. Environmental Protection Agency, 507 F.Supp. 780  
D.N.J.,1981

Agency regulation has full force and effect of law.

 [Cited NaN times for this legal issue]

Robert E. Derecktor of Rhode Island, Inc. v. Goldschmidt, 506 F.Supp. 1059

D.R.I.,1980

Agency regulations have force and effect of law, and agency action not in accord with regulations is not in accord with law. 5 U.S.C.A. § 706(2)(A, D).

 [Cited NaN times for this legal issue]

Carter v. Cleland, 643 F.2d 1

C.A.D.C.,1980

A substantive or legislative rule, which must conform to the Administrative Procedure Act's rulemaking procedures is one that has force of law and narrowly limits administrative discretion; ?an interpretative rule, on the other hand, is one that merely clarifies or explains an existing rule or statute. 5 U.S.C.A. § 553.

 [Cited NaN times for this legal issue]

Batterton v. Marshall, 648 F.2d 694

C.A.D.C.,1980

Legislative rules implement congressional intent and effectuate statutory purposes; ?in so doing, they grant rights, impose obligations, or produce other significant effects on private interests, narrowly constrict discretion of agency officials by largely determining issue addressed, and have substantive legal effect.

 [Cited NaN times for this legal issue]

Parkridge Hospital, Inc. v. Califano, 625 F.2d 719

C.A.6.Tenn.,1980

In order for a regulation to have force and effect of law, it is necessary to establish a nexus between regulation and some delegation of requisite legislative authority by Congress. 18 U.S.C.A. § 1905.

 [Cited NaN times for this legal issue]

Naranjo v. Alverno College, 487 F.Supp. 635

E.D.Wis.,1980

Regulations issued pursuant to a specific statutory authorization, if consistent with that authorization, have force of law.

 [Cited NaN times for this legal issue]

U.S. v. Adams, 502 F.Supp. 21

S.D.Fla.,1980

Regulations of General Services Administration have full force of law. 40 U.S.C.A. § 318a.

 [Cited NaN times for this legal issue]

Florida Medical Ass'n, Inc. v. Department of Health, Ed. & Welfare, 479 F.Supp. 1291

M.D.Fla.,1979

In order for administrative rules and regulations to have substantive force and effect of law, they must have some relational basis in legislative, statutory authority.

 [Cited NaN times for this legal issue]

Planned Parenthood Affiliates of Ohio v. Rhodes, 477 F.Supp. 529

S.D.Ohio.E.Div.,1979

Properly promulgated agency regulations have the force and effect of law.

 [Cited NaN times for this legal issue]

Haddon Tp. Bd. of Ed. v. New Jersey Dept. of Ed., 476 F.Supp. 681  
D.N.J.,1979

Substantive rules of an agency will not carry the force of law unless they are promulgated pursuant to the procedural requirements of the Administrative Procedure Act. 5 U.S.C.A. § 553.

▶ [Cited NaN times for this legal issue]

Standard Oil Co. v. Department of Energy, 596 F.2d 1029  
Emer.App.,1978

In general, a substantive or legislative rule has force of law and an interpretative rule is merely a clarification of an existing statute or regulation.

▶ [Cited NaN times for this legal issue]

Guardian Federal Sav. and Loan Ass'n v. Federal Sav. and Loan Ins. Corp., 589 F.2d 658  
C.A.D.C.,1978

A “substantive” or “legislative rule” has force of law, while an “interpretative rule” is merely a clarification or explanation of an existing statute or rule. See publication Words and Phrases for other judicial constructions and definitions.

Ⓢ [Cited NaN times for this legal issue]

Panama Canal Co. v. Compania Nacional De Navegacion, S.A., 463 F.Supp. 330  
D.C.C.Z.Balboa.Div.,1978

When a regulation is enacted pursuant to and in furtherance of specific statute, it has the force of law.

▶ [Cited NaN times for this legal issue]

Gulf States Mfrs., Inc. v. N. L. R. B., 579 F.2d 1298  
C.A.5.Miss.,1978

An executive agency of the government is bound by its own regulations, which have the force and effect of law; failure of an agency to follow its regulations renders its decision invalid. 5 U.S.C.A. § 552(a)(1).

Ⓢ [Cited NaN times for this legal issue]

Karle v. National Fuel Gas Distribution Corp., 448 F.Supp. 753  
W.D.Pa.,1978

Federal regulations have the same force as the federal statute under which they are promulgated.

▶ [Cited NaN times for this legal issue]

Jackson v. U. S., 573 F.2d 1189  
Ct.Cl.,1978

Regulations of an executive department have the force and effect of law.

Ⓢ [Cited NaN times for this legal issue]

Griffin v. Harris, 571 F.2d 767  
C.A.3.Pa.,1978

Validly promulgated regulations have force and effect of law.

▶ [Cited NaN times for this legal issue]

Energy Reserves Group, Inc. v. Federal Energy Administration, 447 F.Supp. 1135  
D.Kan.,1978

If agency properly enacts a substantive rule, it establishes a standard of conduct which has the force of law, and in subsequent administrative proceedings the issues are whether the adjudicated facts conform to the rule and whether the rule should be waived or applied in the particular instance, and the underlying policy embodied in the rule is not generally subject to challenge before the agency; ?but an interpretative rule cannot be treated by the agency as having itself the force of law, and where an agency applies it in a particular situation, agency must be prepared to support the rule just as if it had never been issued.

 [Cited NaN times for this legal issue]

A. N. Deringer, Inc. v. U. S., 447 F.Supp. 451  
Cust.Ct.,1978

Regulations when reasonable and prescribed under authority of law, when duly promulgated, have same force and effect as if written in statute and are binding upon importer and government officials alike.

 [Cited NaN times for this legal issue]

A. N. Deringer, Inc. v. U. S., 447 F.Supp. 453  
Cust.Ct.,1978

Regulations when reasonable and prescribed under authority of law, when duly promulgated, have same force and effect as if written in statute and are binding upon importer and government officials alike.

 [Cited NaN times for this legal issue]

Anderson, Clayton & Co. v. U. S., 562 F.2d 972  
C.A.5.Tex.,1977

Regulations issued pursuant to specific statutory authorization are legislative as opposed to interpretative rules and, if consistent with statutory authorization adopted pursuant to proper procedure, and reasonable, they have force of law.

 [Cited NaN times for this legal issue]

Martinez v. Marshall, 573 F.2d 555  
C.A.9.Cal.,1977

Administrative regulations consistent with purposes of legislation have force of law, but weight to be given to an administrative regulation depends upon its consistency with earlier and later pronouncements. 5 U.S.C.A. § 706(2)(A, C).

 [Cited NaN times for this legal issue]

Crown Zellerbach Corp. v. Marshall, 441 F.Supp. 1110  
E.D.La.,1977

Regulations issued by government agencies, pursuant to appropriate federal law, themselves have the force and effect of law unless they are in conflict with the authorizing provisions.

 [Cited NaN times for this legal issue]

Aiken v. Obledo, 442 F.Supp. 628  
E.D.Cal.,1977

Interpretive rules, which consist of administrative construction of a statutory provision on a question of law reviewable in the courts, do not have the force of law.

 [Cited NaN times for this legal issue]

Pan American World Airways, Inc. v. Marshall, 439 F.Supp. 487

S.D.N.Y.,1977

Secretary of Labor's interpretation and implementation of presidential executive order was entitled to special deference in interpreting and measuring validity of regulation, and his regulations properly issued pursuant to executive order had force and effect of law; ?however, such regulations were valid only to extent that they remained within scope of executive order.

▶ [Cited NaN times for this legal issue]

U.S. v. New Orleans Public Service, Inc., 553 F.2d 459  
C.A.5.La.,1977

An executive department regulation which is issued pursuant to an Act of Congress and by the department responsible for the administration of the statute has the force and effect of law if it is not in conflict with an express statutory provision.

▶ [Cited NaN times for this legal issue]

Joseph v. U.S. Civil Service Commission, 554 F.2d 1140  
C.A.D.C.,1977

“Legislative rules” have full force of law and are binding on a court subject only to review under arbitrary and capricious standards; ?“interpretive rules” do not have the force of law and even though courts often defer to agency's interpretive rule they are not always free to choose otherwise.

● [Cited NaN times for this legal issue]

515 Associates v. City of Newark, 424 F.Supp. 984  
D.N.J.,1977

Regulation by department of government addressed and adapted to enforcement of act of Congress, administration of which is confided to such department, has force and effect of law.

● [Cited NaN times for this legal issue]

Lugo v. Simon, 426 F.Supp. 28  
N.D.Ohio.W.Div.,1976

Regulations duly promulgated have force of law and presumption of validity, and much deference is due the agency charged with the administration of statute.

▶ [Cited NaN times for this legal issue]

Usery v. Whirlpool Corp., 416 F.Supp. 30  
N.D.Ohio.W.Div.,1976

Administrative regulations have the force of law and the presumption of validity once they are promulgated.

▶ [Cited NaN times for this legal issue]

Timken Co. v. Vaughan, 413 F.Supp. 1183  
N.D.Ohio.E.Div.,1976

An executive order and regulations promulgated thereunder have the full force and effect of law.

● [Cited NaN times for this legal issue]

Tempo Trucking & Transfer Corp. v. Dickson, 405 F.Supp. 506  
E.D.N.Y.,1975

Administrative rules and regulations, if not in conflict with express statutory provisions, have force and effect of law and their appearance in the federal register is tantamount to legal notice of their contents.

▶ [Cited NaN times for this legal issue]

Estrada v. Hills, 401 F.Supp. 429

N.D.Ill.E.Div.,1975

Regulation of the Department of Housing and Urban Development, not published in the Federal Register, did not have the same force of law as duly promulgated regulations. National Housing Act, §§ 1, 211, 12 U.S.C.A. §§ 1702, 1715b.

▶ [Cited NaN times for this legal issue]

American Federation of Government Emp., Local 1858 v. Callaway, 398 F.Supp. 176

N.D.Ala.NE.Div.,1975

Where an agency prescribes rules and regulations for the orderly accomplishment of its statutory duties, its officials must vigorously comply with those requirements; regulations are regarded as having the force of law and therefore become a part of the statutes authorizing them.

▶ [Cited NaN times for this legal issue]

Rodway v. U.S. Dept. of Agriculture, 514 F.2d 809

C.A.D.C.,1975

Validly issued administrative regulations have the force and effect of law.

● [Cited NaN times for this legal issue]

U.S. v. Messer Oil Corp., 391 F.Supp. 557

W.D.Pa.,1975

Regulations and Executive Orders when duly published have the force of law. 44 U.S.C.A. § 1507.

■ [Cited NaN times for this legal issue]

Brown v. Lynn, 385 F.Supp. 986

N.D.Ill.E.Div.,1974

Where Department of Housing and Urban Development guidelines with respect to servicing of mortgages under the mortgage assistance program were not issued pursuant to Administrative Procedure Act, the guidelines contained only statements of policy and were not regulations having the force and effect of law and were unenforceable in courts. National Housing Act, §§ 203, 235 as amended 12 U.S.C.A. §§ 1709, 1715z.

● [Cited NaN times for this legal issue]

Dow Jones & Co., Inc. v. U. S. Postal Service, 379 F.Supp. 1167

D.Del.,1974

Administrative regulations of long standing effect have the implied acquiescence of Congress and have the effect of law and should not be overturned absent cogent and persuasive reasons.

● [Cited NaN times for this legal issue]

Hatfield v. Richardson, 380 F.Supp. 1048

D.Kan.,1974

Regulations of a federal agency are entitled to have the force of law when they are reasonable. Social Security Act, § 205(a), 42 U.S.C.A. § 405(a).

▶ [Cited NaN times for this legal issue]

Oil Shale Corp. v. Morton, 370 F.Supp. 108

D.Colo.,1973

Statements of agency constitute legislative rule where they are within granted and delegated powers of agency, are reasonable and are unequivocal, and where they emanate from executives of agency within their areas of responsibility, and such administrative rule has force and effect of law and is binding on the agency. 5 U.S.C.A. § 551(4).

▶ [Cited NaN times for this legal issue]

Brown v. Bates, 363 F.Supp. 897

N.D.Ohio.W.Div.,1973

“Regulation” by a department of the government addressed to and adapted to the enforcement of an act of Congress, the administration of which is confided to such department, has force and effect of law. See publication Words and Phrases for other judicial constructions and definitions.

▶ [Cited NaN times for this legal issue]

Curtiss-Wright Corp. v. McLucas, 364 F.Supp. 750

D.N.J.,1973

Armed services procurement regulations have the full force and effect of law. 10 U.S.C.A. § 2301 et seq.

● [Cited NaN times for this legal issue]

Wuillamey v. Werblin, 364 F.Supp. 237

D.N.J.,1973

A proposed administrative regulation may be modified or abandoned; ?it does not have the force of law.

▶ [Cited NaN times for this legal issue]

Berends v. Butz, 357 F.Supp. 143

D.Minn.4.Div.,1973

Validly issued regulations of an administrative agency have force and effect of statutes.

● [Cited NaN times for this legal issue]

Courtney v. Island Creek Coal Co., 474 F.2d 468

C.A.6.Ky.,1973

Under law of Kentucky, administrative regulations which have been duly adopted and properly filed have full effect of law but, by terms of statute, purpose of such regulations is limited to implementation of administration of functions assigned to agency issuing regulations. KRS 13.081.

● [Cited NaN times for this legal issue]

U.S. v. McDaniels, 355 F.Supp. 1082

E.D.La.,1973

Rules and regulations promulgated by governmental agencies, pursuant to mandate or delegation of authority from Congress, have the force and effect of laws.

■ [Cited NaN times for this legal issue]

Westmoreland v. Laird, 364 F.Supp. 948

E.D.N.C.,1973

Administrative regulation promulgated within authority granted by statute has force of law and will be given full effect by the courts, and violation of a valid administrative regulation, even by authority promulgating same, constitutes in legal effect a violation of the statute.

 [Cited NaN times for this legal issue]

Green v. U.S., 460 F.2d 412

C.A.5.Miss.,1972

Regulations long continued without substantial change are considered to have received congressional approval and have force of law.

 [Cited NaN times for this legal issue]

U.S. v. Green, 344 F.Supp. 474

E.D.Pa.,1972

Regulations reasonably adopted to the administration of a congressional act, and not inconsistent with any statute, have the force and effect of law.

 [Cited NaN times for this legal issue]

Bonilla v. Richardson, 340 F.Supp. 185

W.D.Tex.San.Antonio.Div.,1972

Social Security Administration Regulation providing that disability benefits applicant's statements alone are insufficient to establish physical or mental impairment is consistent with spirit and intent of statute and has full force and effect of law.

 [Cited NaN times for this legal issue]

Philadelphia Newspapers, Inc. v. Department of Housing and Urban Development of U. S., 343 F.Supp. 1176

E.D.Pa.,1972

Regulations reasonably adopted to the administration of a congressional act, and not inconsistent with any statute, have the force and effect of law.

 [Cited NaN times for this legal issue]

Kalur v. Resor, 335 F.Supp. 1

D.D.C.,1971

An administrative agency's regulations may have the force of law both before and after their sanctions are invoked.

 [Cited NaN times for this legal issue]

Baker v. Central & South West Corp., 334 F.Supp. 752

N.D.Okla.,1971

The regulations promulgated by Secretary of Transportation under authority of statute while not laws in sense that they are not acts of Congress or statutes, have the force and effect of law. Natural Gas Pipeline Safety Act of 1968, § 3(a), 49 U.S.C.A. § 1672(a).

 [Cited NaN times for this legal issue]

Blackshear Residents Organization v. Housing Authority of City of Austin, 347 F.Supp. 1138

W.D.Tex.Austin.Div.,1971

United States Department of Housing and Urban Development regulation governing site selection for public housing projects has force and effect of law, and constitutes a presumptively valid interpretation of requirements of Title VI of Civil Rights Act of 1964. Civil Rights Act of 1964, § 601, 42 U.S.C.A. § 2000d.

 [Cited NaN times for this legal issue]

Joyce v. McCrane, 320 F.Supp. 1284

D.N.J.,1970

Validity of state and federal executive orders requiring affirmative action to insure the sweeping away of any discrimination in contracts involving public funds could not be assailed, and orders had force and effect of law. Executive Order No. 11246, 5 U.S.C.A. § 7342 note.

**H** [Cited NaN times for this legal issue]

Contractors Ass'n of Eastern Pa. v. Secretary of Labor, 311 F.Supp. 1002

E.D.Pa.,1970

“Revised Philadelphia Plan” contained in regulation issued by Department of Labor pertaining to employment of minority persons in federally assisted construction projects is valid and has force of law. Executive Order 11246, 42 U.S.C.A. § 2000e note; ?U.S.C.A.Const. Amend. 5.

**C** [Cited NaN times for this legal issue]

Doran v. U.S., 304 F.Supp. 1162

D.C.P.R.,1969

Code of federal regulations has force and effect of law and its appearance in Federal Register is tantamount to legal notice of its contents.

**P** [Cited NaN times for this legal issue]

General Services Administration v. Benson, 415 F.2d 878

C.A.9.Wash.,1969

Regulations reasonably adapted to administration of congressional act, and not inconsistent with statute, have force and effect of law.

**C** [Cited NaN times for this legal issue]

Matczak v. Secretary of Health, Ed. and Welfare, 299 F.Supp. 409

E.D.N.Y.,1969

Administrative regulations are either legally binding regulations or interpretive regulations; ?former have authority of statute, but latter are subject to challenge and will be rejected if deemed to be in conflict with clear and unambiguous statute.

**H** [Cited NaN times for this legal issue]

Carey v. Local Bd. No. 2, Hartford, Conn., 297 F.Supp. 252

D.Conn.,1969

Interpretation of regulations so as to make law is not favored.

**C** [Cited NaN times for this legal issue]

U.S. v. Coleman Capital Corp., 295 F.Supp. 1016

N.D.Ill.E.Div.,1969

Small business administration regulations have force and effect of law.

**H** [Cited NaN times for this legal issue]

Wilson v. Watson, 309 F.Supp. 263

D.Kan.,1968

Published regulations are prima facie evidence of text of original documents and are required to be judicially noticed and have force and effect of law. 44 U.S.C.A. § 307.

 [Cited NaN times for this legal issue]

Byrne v. Federal Crop Ins. Corp., 289 F.Supp. 873  
D.Minn.4.Div.,1968

Regulations promulgated by Federal Crop Insurance Corporation under Federal Crop Insurance Act have force of law and must be complied with. Federal Crop Insurance Act, § 503, 7 U.S.C.A. § 1503.

 [Cited NaN times for this legal issue]

U. S. ex rel. Caputo v. Sharp, 286 F.Supp. 516  
E.D.Pa.,1968

Regulations of selective service system promulgated under Universal Military Training and Service Act of 1948 have the force and effect of law. Universal Military Training and Service Act, § 10(b) (7), (c), 50 U.S.C.A. App. § 460(b) (7), (c).

 [Cited NaN times for this legal issue]

U. S. by Clark v. Local 189, United Papermakers and Paperworkers, AFL-CIO, CLC, 282 F.Supp. 39  
E.D.La.New.Orleans.Div.,1968

Executive order forbidding racial discrimination in employment opportunities by government contractors is to be accorded force and effect of statutory law. Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

 [Cited NaN times for this legal issue]

Lee v. Macon County Bd. of Ed., 270 F.Supp. 859  
M.D.Ala.E.Div.,1967

Regulation of Department of Health, Education and Welfare in carrying out obligation to see that federal funds do not go to state supported programs in which there is discrimination based on race or color and approved by the President has the force and effect of law. Civil Rights Act of 1964, § 601 et seq., 42 U.S.C.A. § 2000d et seq.

 [Cited NaN times for this legal issue]

American Elec. Co. v. U.S., 270 F.Supp. 689  
D.Haw.,1967

The Small Business Administration criteria which are used for determining which concerns and other business enterprises are to be designated as small business concerns and which are published in code of federal regulations have force and effect of law. Small Business Act, § 2(3), 15 U.S.C.A. § 632.

 [Cited NaN times for this legal issue]

Stork v. U. S., 278 F.Supp. 869  
S.D.Cal.,1967

Where Federal Aviation Agency regulations prohibiting a take-off when visibility is below certain minimums were enacted in accordance with Administrative Procedures Act, the regulations had force and effect of law. Federal Aviation Act of 1958, § 307, 49 U.S.C.A. § 1348; ?5 U.S.C.A. § 551 et seq.

 [Cited NaN times for this legal issue]

Farkas v. Texas Instrument, Inc., 375 F.2d 629  
C.A.5.Tex.,1967

Executive order of the President is to be accorded the force and effect given to a statute enacted by Congress.

▶ [Cited NaN times for this legal issue]

Farkas v. Texas Instrument, Inc., 375 F.2d 629

C.A.5.Tex.,1967

Executive order providing that all government contracts must contain provision that contractor will not discriminate in employment because of race, creed, color or national origin was issued pursuant to statutory authority and has force and effect of law. 28 U.S.C.A. § 1331; ?Executive Order 10925 and § 312(b, c), 5 U.S.C.A. § 631 note; ?Federal Property and Administrative Services Act of 1949, §§ 2, 205(a), 40 U.S.C.A. §§ 471, 486(a).

● [Cited NaN times for this legal issue]

Air Transport Ass'n of America v. Hernandez, 264 F.Supp. 227

D.C.D.C.,1967

Administrative rulings of the Equal Employment Opportunity Commission have effect of law, in view of their result of creating an affirmative defense available to persons following them, and hence are subject to court review. Civil Rights Act of 1964, §§ 706(f), 707(b), 709(c) 713(b), 42 U.S.C.A. §§ 2000e-5(f), 2000e-6(b), 2000e-8(c), 2000e-12(b); ?5 U.S.C.A. §§ 553, 702, 706.

▶ [Cited NaN times for this legal issue]

Standard Oil Co. v. City of Gadsden, 263 F.Supp. 502

N.D.Ala.M.Div.,1967

Official regulations of Alabama state fire marshal, adopted pursuant to legislative authority, are to be given effect of law. Code Ala.1940, Tit. 28, § 47(9, 13); ?Tit. 55, § 38.

■ [Cited NaN times for this legal issue]

Tasker v. U. S., 178 Ct.Cl. 56

Ct.Cl.,1967

Unless a regulation of an executive department is clearly inconsistent with the purpose of the statute under which it is issued, it has the force and effect of law.

■ [Cited NaN times for this legal issue]

Tasker v. U. S., 178 Ct.Cl. 56

Ct.Cl.,1967

Regulation of executive department; validity of regulation; statutory authority; generally.-Unless a regulation of an executive department is clearly inconsistent with the purpose of the statute under which it is issued, it has the force and effect of law.

▶ [Cited NaN times for this legal issue]

Home Ins. Co. v. Hamilton, 253 F.Supp. 752

E.D.Ky.,1966

In Kentucky, administrative regulations have force and effect of laws when they have been duly promulgated and are consistent with the enabling legislation.

■ [Cited NaN times for this legal issue]

Mt. Vernon Co-op. Bank v. Gleason, 250 F.Supp. 952

D.Mass.,1966

Administrative regulations are valid and have force of law unless plainly and palpably inconsistent with governing statute.

**H** [Cited NaN times for this legal issue]

Mississippi Val. Barge Line Co. v. U.S., 252 F.Supp. 162

E.D.Mo.E.Div.,1966

Legislative regulations, created by federal agency pursuant to congressional authority, have force of law.

**H** [Cited NaN times for this legal issue]

Whattoff v. U.S., 355 F.2d 473

C.A.8.Iowa,1966

Regulations reasonable to enforcement of an act have force and effect of law if not in conflict with express statutory provisions.

**C** [Cited NaN times for this legal issue]

Northern States Power Co. v. Rural Electrification Administration, 248 F.Supp. 616

D.Minn.4.Div.,1965

Rules by government agency of general applicability and published in accordance with Federal Register Act have force and effect of statute or law, and are binding on those persons publishing them as well as the general public until such time as they be repealed or modified. Federal Register Act, § 1 et seq., 44 U.S.C.A. § 301 et seq.

**C** [Cited NaN times for this legal issue]

Northern States Power Co. v. Rural Electrification Administration, 248 F.Supp. 616

D.Minn.4.Div.,1965

The binding force and effect of statute or law attaches to duly promulgated government agency regulations whether or not person or body publishing them was under any obligation to impose duties or restrictions upon himself or others. Federal Register Act, § 1 et seq., 44 U.S.C.A. § 301 et seq.

**C** [Cited NaN times for this legal issue]

Northern States Power Co. v. Rural Electrification Administration, 248 F.Supp. 616

D.Minn.4.Div.,1965

R.E.A. bulletin, published in Federal Register, regarding policy and procedures for approval of loan for generation or transmission facilities appeared to constitute a duly promulgated regulation enacted within authority of R.E.A. and was a pronouncement having the force and effect of law, contrary to contention that it was a mere statement or notice of policy made at request of congressional committee. Federal Register Act, §§ 1 et seq., 4, 44 U.S.C.A. §§ 301 et seq., 304.

**H** [Cited NaN times for this legal issue]

Furumizo v. U.S., 245 F.Supp. 981

D.Haw.,1965

Air traffic control procedures not adopted in accordance with Federal Aviation Act did not have force and effect of law as did air traffic regulations duly adopted in accordance with Administrative Procedure Act. Administrative Procedure Act, § 1 et seq., 5 U.S.C.A. § 1001 et seq.; ?Federal Aviation Act of 1958, § 307(d), 49 U.S.C.A. § 1348(d).

**H** [Cited NaN times for this legal issue]

Brethauer v. U.S., 333 F.2d 302

C.A.8.Mo.,1964

Regulations promulgated pursuant to Act of Congress may have force of law, and Act of Congress is not in all instances necessary prerequisite for establishment of jurisdiction upon which criminal prosecution may be lawfully predicated.

▶ [Cited NaN times for this legal issue]

Farmer v. Philadelphia Elec. Co., 329 F.2d 3  
C.A.3.Pa.,1964

Executive orders and proclamations, as well as rules and regulations promulgated by government agencies, pursuant to mandate or delegation of authority from Congress, have force and effect of laws.

▶ [Cited NaN times for this legal issue]

Farmer v. Philadelphia Elec. Co., 329 F.2d 3  
C.A.3.Pa.,1964

Executive orders and regulations requiring non-discrimination provisions in government contracts have force of law. Executive Order June 25, 1941, No. 8802 as amended by Executive Order May 27, 1943, No. 9346; ?Executive Order Dec. 3, 1951, No. 10308; ?Executive Orders Aug. 13, 1953, No. 10479 and Sept. 3, 1954, No. 10557; ?Executive Order March 6, 1961, No. 10925,5 U.S.C.A. § 631 note; ?Rules and Regulations, §§ 1-7.101-18, 41, U.S.C.A.App.; ?Federal Property and Administrative Services Act of 1949, §§ 1 et seq., 205(a, c), 40 U.S.C.A. §§ 471 et seq., 486(a, c), 41 U.S.C.A. § 251 et seq.; ?Defense Production Act of 1950, § 2 as amended 50 U.S.C.A.App. § 2062.

■ [Cited NaN times for this legal issue]

Lile v. Securities and Exchange Commission, 324 F.2d 772  
C.A.9.Cal.,1963

Rule adopted by Securities and Exchange Commission directing that a docket of all proceedings be maintained by the Commission had the force and effect of law, and Commission was bound by its own rule to maintain a docket of all proceedings. Securities Exchange Act of 1934, § 23, 15 U.S.C.A. § 78w.

▶ [Cited NaN times for this legal issue]

G. L. Christian and Associates v. U. S., 320 F.2d 345  
Ct.Cl.,1963

Where regulations of government agency are reasonably adapted to administration of congressional act and are not inconsistent with any statute, they have force and effect of law.

■ [Cited NaN times for this legal issue]

Whirlpool Corp. v. Morse, 222 F.Supp. 645  
D.Minn.,1963

Minnesota statute providing that each administrative agency may promulgate reasonable rules for purpose of carrying out their duties did not give a rule promulgated by an agency the force and effect of law. M.S.A. § 15.042, subds. 1, 3.

■ [Cited NaN times for this legal issue]

U. S. for Use and Benefit of Victory Elec. Corp. v. Maryland Cas. Co., 215 F.Supp. 700  
E.D.N.Y.,1963

A regulation by a department of government, addressed to and reasonably adapted to the enforcement of an act of Congress, the administration of which is confided to such department, has the force and effect of law if it is

not in conflict with express statutory provision.

▶ [Cited NaN times for this legal issue]

Paul v. U.S., 83 S.Ct. 426

U.S.Cal.,1963

Federal Procurement Regulation has the force of law.

■ [Cited NaN times for this legal issue]

Atwood's Transport Lines, Inc. v. U. S., 211 F.Supp. 168

D.C.D.C.,1962

Rules and regulations, promulgated by governmental establishments pursuant to statutory authority, have force and effect of law and are subject to the same tests as statutes.

● [Cited NaN times for this legal issue]

U. S. v. Millsap, 208 F.Supp. 511

D.Wyo.,1962

Departmental rules and regulations properly promulgated have force and effect of law and their appearance in Federal Register is tantamount to legal notice of their contents. 44 U.S.C.A. § 307.

● [Cited NaN times for this legal issue]

U.S. v. Chapman, 179 F.Supp. 447

E.D.N.Y.,1959

Regulations of heads of the executive departments have the force of law if not inconsistent with the statute they implement. 5 U.S.C.A. § 22.

■ [Cited NaN times for this legal issue]

Werner v. U.S., 264 F.2d 489

C.A.7.Wis.,1959

The Internal Revenue Commissioner has authority to prescribe regulations necessary to carry out the Internal Revenue statutes, and the regulations, when not in conflict with the statutes, have the force and effect of law.

● [Cited NaN times for this legal issue]

Aris Gloves, Inc v. U S, 46 C.C.P.A. 41

Cust.Pat.App.,1958

Promulgating orders in an attempt to comply with a statute does not make the orders a part of the statute.

▶ [Cited NaN times for this legal issue]

Hertz Corp. v. U.S., 165 F.Supp. 261

D.Del.,1958

Regulations of a department of government have the force of law if adapted to the enforcement of an act of Congress the administration of which is confided to such department, and if the regulations do not conflict with the intent of the act under which the regulations are drawn.

● [Cited NaN times for this legal issue]

Isbell v. Union Light, Heat & Power Co., 162 F.Supp. 471

E.D.Ky.,1958

Rules and regulations of administrative agency, duly adopted pursuant to powers delegated to it, have force and

effect of law; and where safety code has been adopted by state it constitutes guide for electric power distributors, and maintenance of line in accordance with code constitutes prima facie evidence of absence of any negligence on the part of distributor.

▶ [Cited NaN times for this legal issue]

U.S. v. Barnard, 255 F.2d 583

C.A.10.Kan.,1958

Regulation promulgated by administrative agency charged with administration of an act has force and effect of law, if it is reasonably adapted to administration and enforcement of the act and does not contravene some statutory provision.

▶ [Cited NaN times for this legal issue]

Public Utilities Commission of State of Cal. v. U.S., 78 S.Ct. 446

U.S.Cal.,1958

Army, Navy, and Air Force regulations, under statutes providing a comprehensive policy governing procurement and authorizing heads of agencies to negotiate for purchases and contracts, have the force of law. 10 U.S.C.A. §§ 2301-2314, 2304(a) (2, 10, 12), 3012(g), 6011, 8012(f).

● [Cited NaN times for this legal issue]

Dowell v. Folsom, 157 F.Supp. 46

D.Mont.,1957

An administrative regulation promulgated within the authority granted by statute has the force of law and must be given full effect by the courts.

● [Cited NaN times for this legal issue]

U.S. v. Eramdjian, 155 F.Supp. 914

S.D.Cal.,1957

Rules and regulations properly promulgated and within authority of rule-making authority have form and effect of law.

■ [Cited NaN times for this legal issue]

U.S. v. Ansani, 240 F.2d 216

C.A.7.Ill.,1957

A regulation by a department of the government addressed to and adapted to the enforcement of an act of Congress, administration of which is confided to such department, has the force and effect of law, unless in conflict with express statutory provision.

■ [Cited NaN times for this legal issue]

Traders Nat. Bank of Kansas City v. U.S., 148 F.Supp. 278

W.D.Mo.W.Div.,1956

A Treasury regulation when within provisions or purposes of Internal Revenue Act and properly promulgated has all the force and effect of law, and, in determination of any question to which it will apply, court should give great weight, and every inference of validity, to conditions it may establish, but when inconsistent with purposes of act under which rule is promulgated, or in derogation of state law, wherein that law is binding upon court in determination of issues, then such regulation is not binding upon the court and need not be considered as controlling.

 [Cited NaN times for this legal issue]

Evans v. Members of State Bd. of Ed., 145 F.Supp. 873

D.Del.,1956

Regulations of Delaware State Board of Education have force and effect of law. 14 Del.C. § 101 et seq.

 [Cited NaN times for this legal issue]

U.S. v. Short, 240 F.2d 292

C.A.9.Cal.,1956

An administrative regulation promulgated within the authority granted by statute has force of law and will be given full effect by the courts.

 [Cited NaN times for this legal issue]

U.S. v. Shaw, 137 F.Supp. 24

D.N.D.NW.Div.,1956

Regulations promulgated by Federal Crop Insurance Corporation under Federal Crop Insurance Act have effect of law. Federal Crop Insurance Act, 7 U.S.C.A. §§ 1501-1518.

 [Cited NaN times for this legal issue]

School Dist. 2 Fractional, Athens Tp. Calhoun County, Mich. v. U.S., 229 F.2d 681

C.A.6.Mich.,1956

A valid administrative regulation binds administrator himself equally with others, just as if provisions were prescribed in terms by statute.

 [Cited NaN times for this legal issue]

Maryland Cas. Co. v. Pacific Emp. Ins. Co., 227 F.2d 485

C.A.10.Colo.,1955

Rule promulgated by Colorado Public Utilities Commission relating to motor vehicle carriers had force and effect of law, and carrier's lease agreement was subject to its requirements. CRS '53, 115-10-11.

 [Cited NaN times for this legal issue]

McKay v. Wahlenmaier, 226 F.2d 35

C.A.D.C.,1955

The Secretary of the Interior is bound by his own regulation promulgated pursuant to the Mineral Leasing Act, so long as it remains in effect, since it has the force of law. Mineral Lands Leasing Act, § 1 et seq. as amended 30 U.S.C.A. § 181 et seq.

 [Cited NaN times for this legal issue]

U.S. v. St. Paul Mercury Indem. Co., 133 F.Supp. 726

D.Neb.Lincoln.Div.,1955

Regulations promulgated by Administrator of Veterans' Affairs within authority of statute authorizing him to furnish domiciliary care and medical and hospital treatment under such limitations as he may prescribe, have effect of law. 38 U.S.C.A. §§ 610, 621(2), 622.

 [Cited NaN times for this legal issue]

U.S. v. St. Paul Mercury Indem. Co., 133 F.Supp. 726

D.Neb.Lincoln.Div.,1955

Regulations which are promulgated, not in administration but in perversion, or by way of circumvention, of

plain provisions of statutory enactment will not be given the force of law, nor may an administrative interpretation be accorded such effect.

 [Cited NaN times for this legal issue]

Rodrigues v. Dunn, 128 F.Supp. 604  
E.D.Mich.S.Div.,1955

Administrative regulations promulgated pursuant to statutory authority have the force and effect of statutes.

 [Cited NaN times for this legal issue]

U.S. v. Finn, 127 F.Supp. 158  
S.D.Cal.C.Div.,1954

A valid administrative regulation binds the administrator himself equally with others, just as if provisions were prescribed in terms by the statute.

 [Cited NaN times for this legal issue]

Jeffries v. Olesen, 121 F.Supp. 463  
S.D.Cal.C.Div.,1954

Administrative regulations of Postmaster General, made in pursuance of constitutional statutory authority, are valid and have the force and effect of law, the same force as though prescribed in terms by the statute.

 [Cited NaN times for this legal issue]

Hotch v. U S, 212 F.2d 280  
C.A.9.Alaska,1954

The Administrative Procedure Act and the Federal Register Act are more than mere recording statutes whose function is solely to give constructive notice to persons who do not have actual notice of certain agency rules because such acts set up procedure which must be followed in order for agency rulings to be given force of law. Federal Register Act, § 1 et seq., 44 U.S.C.A. § 301 et seq.; ?Administrative Procedure Act, § 1 et seq., 5 U.S.C.A. § 1001 et seq.

 [Cited NaN times for this legal issue]

Petition of Plywacki, 115 F.Supp. 613  
D.Haw.,1953

Regulation of Immigration and Naturalization Service has force and effect of law. Immigration and Nationality Act, § 332, 8 U.S.C.A. § 1443.

 [Cited NaN times for this legal issue]

General Contractors' Ass'n of Milwaukee v. U.S., 202 F.2d 633  
C.A.7.Wis.,1953

Treasury regulation in effect since 1918 defining "business leagues" as used in section of Internal Revenue Code providing income tax exemption for business leagues not organized for profit, etc., has force and effect of law. 26 U.S.C.A. (I.R.C.1939) § 101(7).

 [Cited NaN times for this legal issue]

U.S. v. Springfield Fire & Marine Ins. Co., 107 F.Supp. 753  
W.D.Mo.St.Joseph.Div.,1952

Commodity Credit Corporation's regulations, duly promulgated and published in Federal Register, had all binding force and effect of law, and were binding upon all persons who might come within their provisions.

▶ [Cited NaN times for this legal issue]

U.S. v. Park Motors, 107 F.Supp. 168

E.D.Tenn.N.Div.,1952

Regulations made pursuant to action of Congress in conferring upon executive officers the power to make regulations for administering laws are binding rules of Congress but are valid only as subordinate rules and when found to be within framework of policy which legislature has sufficiently defined.

■ [Cited NaN times for this legal issue]

U.S. v. Moody, 102 F.Supp. 315

W.D.Mo.W.Div.,1952

Administrative rules and regulations, when within scope of agency's authority, have force and effect of law even to extent of imposing criminal liability for their violation.

■ [Cited NaN times for this legal issue]

U.S. v. Moody, 102 F.Supp. 315

W.D.Mo.W.Div.,1952

In applying law to administrative regulations, violation of which imposes criminal liability, court should not by judicial interpretation or construction attempt to extend geographical jurisdiction or venue in absence of clear statutory direction or intent.

▶ [Cited NaN times for this legal issue]

Brown v. U.S., 102 F.Supp. 132

W.D.Mo.S.Div.,1952

Regulations prescribed by Administrator of Veterans' Affairs, which are authorized by statute, have force and effect of law. 38 U.S.C.A. § 11.

■ [Cited NaN times for this legal issue]

Petroleum Exploration v. C.I.R., 193 F.2d 59

C.A.4,1951

A reasonable construction by Treasury Regulations of an unchanged tax statute will be deemed to have received implied Congressional approval and will be given force and effect of law. 26 U.S.C.A. (I.R.C.1939) § 713(a)(1)(C), (g)(5).

▶ [Cited NaN times for this legal issue]

Alexiou v. McGrath, 101 F.Supp. 421

D.C.D.C.,1951

Regulations of the Attorney General establishing a quasi judicial procedure for purpose of enabling him to exercise his discretion properly and reasonably in determining whether deportation of alien shall be suspended under statute have the force and effect of law. Immigration Act of 1917, § 19(c) (2), as amended, 8 U.S.C.A. §§ 1254, 1351.

▶ [Cited NaN times for this legal issue]

People of State of Cal. v. Coast Federal Sav. & Loan Ass'n, 98 F.Supp. 311

S.D.Cal.C.Div.,1951

Comprehensive rules and regulations adopted by Home Loan Bank Board concerning powers and operations of every federal savings and loan association from its cradle to its corporate grave have force and effect of law.

Home Owners' Loan Act of 1933, § 5(h), 12 U.S.C.A. § 1464(h); ?Federal Register Act, §§ 1-14, 44 U.S.C.A. §§ 301-314.

▶ [Cited NaN times for this legal issue]

Jones v. U.S., 189 F.2d 601

C.A.8.Ark.,1951

The regulations promulgated by the Administrator of Veterans' Affairs, if consistent with the National Service Life Insurance Act, have the force and effect of law, and are provisions of the insurance contract between the Veterans' Administration and the veteran. National Service Life Insurance Act of 1940, § 601 et seq., as amended, 38 U.S.C.A. §§ 101, 701 et seq.

▶ [Cited NaN times for this legal issue]

Jones v. U.S., 189 F.2d 601

C.A.8.Ark.,1951

The regulations promulgated by the Administrator of Veterans' Affairs regulating the payment of dividends and declaring that unpaid special dividend should not be available to pay premiums were valid and had the force and effect of law. National Service Life Insurance Act of 1940, §§ 601 et seq., 602(f), 605, 608, as amended, 38 U.S.C.A. §§ 101, 210-212, 701 et seq., 785.

● [Cited NaN times for this legal issue]

Irrgang v. Fahs, 94 F.Supp. 206

S.D.Fla.,1950

District Court is not bound to follow provisions of Treasury Department's rulings and regulations unless they are in conformity with laws enacted by Congress.

● [Cited NaN times for this legal issue]

Anderson v. U.S., 185 F.2d 343

C.A.5.Ga.,1950

The violation or intended violation of any valid internal revenue law or regulation gives rise to operation of statute making it unlawful to possess liquor or property intended for use, or which had been used, in violating internal revenue laws or regulations prescribed thereunder, and providing for seizure and forfeiture of such liquor or property, and any property such as an automobile which is used or intended to be used in such violation is forfeitable thereunder. 26 U.S.C.A. (I.R.C.1939) § 3116.

▶ [Cited NaN times for this legal issue]

Mastrapasqua v. Shaughnessy, 180 F.2d 999

C.A.2.N.Y.,1950

Regulations of the United States Attorney General providing that a person subject to deportation may apply for discretionary relief in the nature of a voluntary departure, suspension of deportation or pre-examination as to right of reentry, have the force and effect of law. Immigration Act of 1917, § 19(c), as amended, § 23, 8 U.S.C.A. §§ 1103(a, b), 1228(b), 1254(a) (1, 2), 1260, 1351; ?Immigration Act of 1924, § 24, 8 U.S.C.A. § 1103(a); ?Nationality Act of 1940, § 37(a), 8 U.S.C.A. § 1306.

■ [Cited NaN times for this legal issue]

Siomkin v. Fairchild Camera & Instrument Corp., 174 F.2d 289

C.A.2.N.Y.,1949

Wages and Hours Administrator does not have power to issue regulations in the ordinary sense, and his "bulletins" do not have the force of law, though they should be deemed to have authority of an administrative interpretation. Fair Labor Standards Act of 1938, § 1 et seq., 29 U.S.C.A. § 201 et seq.

▶ [Cited NaN times for this legal issue]

Skelly Oil Co. v. Phillips Petroleum Co., 174 F.2d 89  
C.A.10.Okla.,1949

The regulations and rules promulgated by a commission pursuant to its statutory authority have force and effect of federal law.

▶ [Cited NaN times for this legal issue]

Sheridan-Wyoming Coal Co. v. Krug, 172 F.2d 282  
C.A.D.C.,1949

A regulation by Secretary of Interior relative to the leasing of federal coal lands, when published in the Federal Register as one of general applicability and legal effect had force and effect of a statute and as such was binding upon secretary until repealed or modified by him. Federal Register Act, §§ 5, 11, as amended 44 U.S.C.A. §§ 305, 311.

■ [Cited NaN times for this legal issue]

Continental Oil Co. v. Jones, 80 F.Supp. 340  
W.D.Okla.,1948

A regulation, promulgated by a department of the government pursuant to statutory authority, has the force and effect of law unless it is in conflict with an express statutory provision, and when the regulation is a contemporary construction of the act authorizing it, the construction is entitled to consideration and will not be set aside except for weighty reasons.

■ [Cited NaN times for this legal issue]

U.S. v. Harp, 80 F.Supp. 236  
W.D.Okla.,1948

The Secretary of Labor had authority under Public Contracts Act to grant exemptions from operation of the act upon such conditions as may be reasonable, include the terms of act in contracts by reference or practice and require employers securing government contracts to keep a separate record of the time for work performed under government contract, or, in the alternative, sustain the burden of proof that employees were working on other than government contracts, and such regulations have the force of law. Public Contracts Act, §§ 1-11, 4, 41 U.S.C.A. §§ 35-45, 38.

▶ [Cited NaN times for this legal issue]

Marchant v. Sands Taylor & Wood Co., 75 F.Supp. 783  
D.Mass.,1948

Under Fair Labor Standards Act exempting executive, administrative, or professional employees as defined and delimited by Wage and Hour Administrator, definition of a bona fide executive contained in administrator's regulations has force of law. Fair Labor Standards Act of 1938, § 13, 29 U.S.C.A. § 213; ?Appendix Tit. 29 U.S.C.A. Rules and Regulations, § 541.1.

● [Cited NaN times for this legal issue]

U.S. ex rel. Goodwin v. Karnuth, 74 F.Supp. 660

W.D.N.Y.,1947

Regulations prescribed by Commissioner of Immigration and Naturalization, with approval of Attorney General pursuant to statutory authorization, having the force of law, but if such regulations conflict with an act of Congress or with a treaty, which is the law of the land, they are to that extent void. 8 U.S.C.A. § 1103(a); ?U.S.C.A. Const. art. 6, cl. 2.

 [Cited NaN times for this legal issue]

Interstate Motor Lines v. Great Western Ry. Co., 161 F.2d 968  
C.A.10.Colo.,1947

Rules and regulations promulgated by the Interstate Commerce Commission within the scope of its permitted authority have the force and effect of law. Interstate Commerce Act, § 204, 49 U.S.C.A. § 304.

 [Cited NaN times for this legal issue]

Raudenbush v. Baltimore & O. R. Co., 160 F.2d 363  
C.A.3.Pa.,1947

Under the Boiler Inspection Act, a safety rule of the Interstate Commerce Commission has the force of law. Boiler Inspection Act, § 5, 45 U.S.C.A. § 28.

 [Cited NaN times for this legal issue]

Regents of N. M. College of Agriculture & Mechanic Arts v. Albuquerque Broadcasting Co., 158 F.2d 900  
C.A.10.N.M.,1947

Regulations and rules promulgated by Federal Communications Commission pursuant to statutory authority have force and effect of federal law. Communications Act of 1934, §§ 1, 301, 303, 47 U.S.C.A. §§ 151, 301, 303.

 [Cited NaN times for this legal issue]

Fort Worth & Denver City Ry. Co. v. Childress Cotton Oil Co., 48 F.Supp. 937  
N.D.Tex.Amarillo.Div.,1942

The Interstate Commerce Commission is an “administrative and executive body” and within its statutory realm it is a “legislative body”, and its rules and regulations duly adopted by it have the force of law. Interstate Commerce Act, § 1 et seq., 49 U.S.C.A. § 1 et seq. See publication Words and Phrases for other judicial constructions and definitions.

 [Cited NaN times for this legal issue]

Bruno v. Railroad Retirement Board, 47 F.Supp. 3  
W.D.Pa.,1942

Regulations of the Railroad Retirement Board are authorized by the statute which created it and have the force of law. Railroad Retirement Act of 1937, 45 U.S.C.A. § 228a et seq.

 [Cited NaN times for this legal issue]

Kritzik v. Federal Trade Commission, 125 F.2d 351  
C.A.7,1942

The rules which the Federal Trade Commission is empowered to make for the purpose of carrying out the provisions of the Federal Trade Commission Act have the force and effect of “law”. Federal Trade Commission Act § 6(g), 15 U.S.C.A. § 46(g). See publication Words and Phrases for other judicial constructions and definitions.

 [Cited NaN times for this legal issue]

Hill v. Federal Trade Commission, 124 F.2d 104  
C.A.5,1941

Rules adopted by the Federal Trade Commission for purpose of carrying out provisions of the Federal Trade Commission Act have the force and effect of law. Federal Trade Commission Act § 6(g), 15 U.S.C.A. § 46(g).

**C** [Cited NaN times for this legal issue]

U.S. v. Johnston, 38 F.Supp. 4  
S.D.W.Va.,1941

A regulation promulgated by a department of government, addressed to and reasonably adapted to enforcement of an act of Congress the administration of which is confided to such department, has force and effect of law if not in conflict with express statutory provision.

**C** [Cited NaN times for this legal issue]

U.S. v. Stanolind Crude Oil Purchasing Co., 113 F.2d 194  
C.A.10.Okla.,1940

A regulation promulgated by administrative agency charged with administration of an act has force and effect of law if it is reasonably adapted to administration of the act and does not contravene some statutory provision.

**H** [Cited NaN times for this legal issue]

Transamerica Corp. v. Lewis, 28 F.Supp. 765  
N.D.Cal.S.Div.,1939

Where Treasury Department Regulation had been operative for 20 years without material change and the revenue law to which it was applicable had been frequently re-enacted, such regulation had the effect of law. Revenue Act 1926, § 800, Schedule A(3), as amended by Revenue Act 1932, § 723, 26 U.S.C.A. §§ 902(b), 921(b) (1).

**C** [Cited NaN times for this legal issue]

Knobloch v. Smith, 25 F.Supp. 156  
D.Conn.,1938

Internal revenue regulations purely administrative and not contrary to statute have the force of law, but regulations which are contrary to law, or which read something into the law which is not there by interpretation, have no force.

**C** [Cited NaN times for this legal issue]

Mallory Coal Co. v. National Bituminous Coal Commission, 99 F.2d 399  
C.A.D.C.,1938

Rules of practice, pleading, procedure and evidence promulgated by an administrative agency under proper legal authorization have the force and effect of law.

**C** [Cited NaN times for this legal issue]

Latgis v. U.S., 97 F.2d 588  
C.A.4.Md.,1938

A regulation prescribed by a department of the government has the force and effect of law when not inconsistent with the statute under which is is promulgated.

**C** [Cited NaN times for this legal issue]

Montana Eastern Limited v. U. S., 95 F.2d 897  
C.A.9.Mont.,1938

A regulation by a department of the government addressed to and reasonably adapted to the enforcement of an act of Congress, the administration of which is confided to such department, has force and effect of law, unless in conflict with express statutory provision.

 [Cited NaN times for this legal issue]

U.S. v. Standard Oil Co. of California, 20 F.Supp. 427  
S.D.Cal.N.Div.,1937

A departmental rule, such as rule of Department of Interior, may be given binding effect similar to that of rule of property.

 [Cited NaN times for this legal issue]

Atchison, T. & S.F. Ry. Co. v. Scarlett, 57 S.Ct. 541  
U.S.Cal.,1937

Regulation relating to ladder clearance on freight cars which was made by Interstate Commerce Commission in pursuance of constitutional statutory authority had same force as if prescribed in terms by statute. Federal Safety Appliance Act of 1910, §§ 2, 3, 45 U.S.C.A. §§ 11, 12.

 [Cited NaN times for this legal issue]

Intercoast Trading Co. v. McLaughlin, 18 F.Supp. 149  
N.D.Cal.S.Div.,1936

Regulations of Bureau of Internal Revenue have effect of law only so far as they do not conflict with statutory enactment.

 [Cited NaN times for this legal issue]

Welch v. Kerckhoff, 84 F.2d 295  
C.A.9.Cal.,1936

Regulations of Treasury Department could not relieve transferee of stock of obligation to pay tax provided by statute. Revenue Act 1926, § 800 et seq., Schedule A, subd. 3, 44 Stat. 101, 26 U.S.C.A. Int.Rev.Acts, page 284.

 [Cited NaN times for this legal issue]

Lum Sha You v. U.S., 82 F.2d 83  
C.A.9.Haw.,1936

Regulation prescribed by Commissioner General of Immigration has force and effect of law.

 [Cited NaN times for this legal issue]

Ex parte Sackett, 74 F.2d 922  
C.A.9.Cal.,1935

Regulation of Division of Investigation of Department of Justice, issued and approved by Attorney General and prohibiting employees from producing records of division in response to subpoena duces tecum in private litigation except by permission of Attorney General or assistant, had force of law, and court had no jurisdiction or power to punish officer for conforming to such regulation. 5 U.S.C.A. § 22.

 [Cited NaN times for this legal issue]

Ex parte Sackett, 74 F.2d 922  
C.A.9.Cal.,1935

Federal court could not compel special agent in charge of Division of Investigation of Department of Justice to produce, in private litigation under anti-trust laws, copies of defendant's private documents made by Bureau of

Investigation and in physical possession of such agent, where agent relied on lawful departmental regulation and special order of Attorney General prohibiting production of such confidential records. 5 U.S.C.A. § 22.

**C** [Cited NaN times for this legal issue]

U.S. v. 135,019 Gallons, more or less of Wine, etc., 56 F.2d 1064  
N.D.Cal.N.Div.,1931

Prohibition Bureau Regulation giving officers right to enter upon bonded winery premises and make complete inspection had force of law.

**H** [Cited NaN times for this legal issue]

Skinner v. Eaton, 45 F.2d 568  
C.A.2.Conn.,1930

Regulation of Commissioner of Internal Revenue, if reasonable and necessary for enforcement of taxing statute, has effect of law, 26 U.S.C.A. §§ 3176, 3644, 3652, 3791.

**P** [Cited NaN times for this legal issue]

Hershey Chocolate Co v. McCaughn, 42 F.2d 408  
C.A.3.Pa.,1930

Executive department regulation construing statute has force of law, if made pursuant to statutory authority.

**H** [Cited NaN times for this legal issue]

U.S. v. Briggs Mfg. Co., 40 F.2d 425  
C.A.2.Conn.,1930

Regulations respecting deduction for amortization held reasonable, having force and effect of law. Revenue Act 1918, §§ 234(a)(8), 1309, 40 Stat. 1077, 1143.

**C** [Cited NaN times for this legal issue]

Bellefield Co v. Heiner, 25 F.2d 560  
C.A.3.Pa.,1928

Regulation interpreting statute by government department charged with enforcement thereof has force of law, if not in conflict with statute.

**H** [Cited NaN times for this legal issue]

Capewell Horse Nail Co. v. Walsh, 1 F.2d 815  
D.Conn.,1924

Regulations of Treasury Department concerning income tax have force of law.

**C** [Cited NaN times for this legal issue]

Petersen v. U.S., 287 F. 17  
C.A.9.Haw.,1923

Under Rev.St. § 161, 5 U.S.C.A. § 22, authorizing regulations by heads of departments, administrative rules and regulations made by heads of departments, which do not trench on legislative power, but are administrative in character, of authority lawfully conferred on heads of departments, have the force and effect of law, and violations thereof are punishable under acts which the regulations are designed to supplement.

**C** [Cited NaN times for this legal issue]

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Under Rev.Stats. § 886, 28 U.S.C.A. § 1733, providing that when suit is brought in case of delinquency of a revenue officer, transcript from books and proceedings in treasury department certified by register and authenticated under seal of department shall be submitted as evidence and court shall be authorized to grant judgment and award execution accordingly, treasury settlements are only prima facie evidence of the correctness of the balance certified and it is competent for the accounting officers to correct mistakes and to restate the balance.

#### References

2 Am. Jur. 2d Administrative Law § § 152-245

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