

February 10, 1977

**77-6 MEMORANDUM OPINION FOR THE  
ATTORNEY GENERAL**

**Federal Register Act—Date of “Promulgation” of  
Law Enforcement Assistance Administration  
Regulations**

Under the provisions of Section 521(d) of the Omnibus Crime Control and Safe Streets Act of 1968, as added by § 127 of Pub. L. 94-503, 42 U.S.C.A. § 3769d (Supp. 1976), the Law Enforcement Assistance Administration is required to “promulgate” regulations on processing of civil rights complaints within 120 days after enactment (October 15, 1976). The question has been raised whether, as a matter of law, “promulgation” takes place at the time of publication in the Federal Register or at the time of filing at the Office of the Federal Register. In our opinion, it is clear that promulgation takes place when documents are officially filed at the Office of the Federal Register regardless of when they are published.

The Federal Register Act provides for formal filing of regulations that are required to be published and the noting of the time and date of filing. Upon filing, regulations are immediately available for public inspection. 44 U.S.C. § 1503. The Act further provides that *filing* with the Federal Register is constructive notice to persons subject to or affected by the regulation. 44 U.S.C. § 1507. Thus, under the terms of the statute, it seems clear that filing with the Federal Register constitutes promulgation of a regulation even though publication may not occur until a later date. *See* 38 Op. A.G. 359 (1935).

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