13-1041 PEREZ V. MORTGAGE BANKERS ASSOCIATION

DECISION BELOW: 720 F.3d 966

LOWER COURT CASE NUMBER: 12-5246

QUESTION PRESENTED:

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq*., generally provides that "notice of proposed rule making shall be published in the Federal Register," 5 U.S.C. 553(b), and, if such notice is required, the rulemaking agency must give interested persons an opportunity to submit written comments, 5 U.S.C. 553(c). The APA further provides that its notice-and--comment requirement "does not apply * * * to interpretative rules," unless notice is otherwise required by statute. 5 U.S.C. 553(b) (A). No other statute requires notice in this case. The question presented is:

Whether a federal agency must engage in notice--and-comment rulemaking before it can significantly alter an interpretive rule that articulates an interpretation of an agency regulation.

CONSOLIDATED WITH 13-1052 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 6/16/2014