



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

RIN 3046-AB41

FEP Agency Designation Procedures: Revising Location of FEP Agency Lists

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Rule.

SUMMARY: The Equal Employment Opportunity Commission (EEOC or Commission) is revising its procedural regulations regarding fair employment practice agencies (FEP agencies or FEPAs). The lists of FEPAs in the regulations will be removed, and the agency will instead publish the lists of current FEPAs on its public website.

DATES: This rule is effective as of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Kimberly Essary, Associate Legal Counsel, Office of Legal Counsel, U.S. Equal Employment Opportunity Commission at (202) 921-3152 or kimberly.essary@eeoc.gov. Requests for this document in an alternative format should be made to the EEOC's Office of Communications and Legislative Affairs at (202) 921-3191 (voice), 1-800-669-6820 (TTY), or 1-844-234-5122 (ASL video phone).

SUPPLEMENTARY INFORMATION: Section 706 of title VII of the Civil Rights Act of 1964 recognizes a State or a political subdivision of a State that has a State or local law prohibiting unlawful employment discrimination, and that authorizes a State or local authority to grant or seek relief from such unlawful practice or to institute criminal proceedings with respect to the practice. The Commission's procedural regulations at 29 CFR part 1601, subpart G set forth the criteria for formal designation of such State or

local authorities as “FEP agencies.” The procedural regulations at subsections 1601.74 and 1601.80 include lists of the FEP agencies recognized by the Commission.

To more efficiently and effectively provide the public with access to a listing of current FEP agencies, the EEOC is removing the lists of FEP agencies currently found in subpart G of its procedural regulations and instead will publish these lists on its public website at <https://www.eeoc.gov/fair-employment-practices-agencies-fepas-and-dual-filing>. The lists will be updated at least annually.

This final rule also includes a small clarifying change to the text of subsection 1601.70(d), which makes reference to a State FEP agency, a local FEP agency, or “both.” A revision is made to account for circumstances where there may be more than one local agency in a State in addition to a State agency.

Under 5 U.S.C. 553(b)(B), a rulemaking can be exempt from prior notice and comment if the agency finds good cause “that notice and public procedure thereon are impractical, unnecessary, or contrary to the public interest.” The absence of this rule, or significant delay in its promulgation, is unnecessary and would delay informing the public in the most accessible way of current information, thus making it contrary to the public interest. Listing the FEP agencies on the EEOC’s public website, which is visited regularly by charging parties, respondents, stakeholders, and the public, is the easiest and quickest way to disseminate this information to the public. This method allows the EEOC to more easily keep the lists up to date, and to ensure that the public has the most accurate information possible regarding what State and local entities are FEP agencies. It additionally saves taxpayer money otherwise spent on publication in the Federal Register simply to update the lists of FEP agencies, when that information can be provided more quickly, in a more accessible format, in a location that is more likely to be consulted by the public.

Because the EEOC is merely changing the location where the lists are published—an administrative rather than substantive change—there is “good cause” under 5 U.S.C. 553(b)(B) for this final rule to become effective without prior notice and comment. The change to subsection 1601.70 is likewise not a substantive change, as it has no impact on FEP agency procedures, but more clearly describes the existing procedures where a State houses multiple local FEP agencies. For the same reasons, there is good cause to provide for an immediate effective date. See 5 U.S.C. 553(d)(3).

Regulatory Procedures

Executive Order 12866

The Commission has complied with the principles in section 1(b) of Executive Order 12866, Regulatory Planning and Review. This rule is not a “significant regulatory action” under section 3(f) of the Executive Order and does not require an assessment of potential costs and benefits under section 6(a)(3)(B)(ii) of the Executive Order.

Paperwork Reduction Act

This final rule contains no new information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601-612) only requires a regulatory flexibility analysis when the APA requires notice and comment procedures, or the agency otherwise issues such a notice. As stated above, notice and comment procedures are neither required nor being used for this rule. Accordingly, the Regulatory Flexibility Act does not apply.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it

will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*

Congressional Review Act

This regulation does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity.

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission amends 29 CFR part 1601 as follows:

PART 1601—PROCEDURAL REGULATIONS

1. The authority citation for part 1601 continues to read as follows:

Authority: 42 U.S.C. 2000e to 2000e-17; 42 U.S.C. 12111 to 12117; 42 U.S.C. 2000ff to 2000ff-11; 42 U.S.C. 2000gg to 2000gg-6; 28 U.S.C. 2461 note, as amended; Pub. L. 104-134, Sec. 31001(s)(1), 110 Stat. 1373.

§ 1601.70 [Amended]

2. In § 1601.70, amend paragraph (d) by adding the words “the State and local agencies” after the word “both” in the second sentence.

3. Amend § 1601.71 by revising paragraph (a) to read as follows:

§ 1601.71 FEP agency notification.

(a) When the Commission determines that an agency or authority meets the criteria outlined in section 706(c) of title VII and § 1601.70, the Commission shall so notify the agency by letter and shall notify the public by publication of an updated list of

FEP agencies on the Commission's public website, <https://www.eeoc.gov/fair-employment-practices-agencies-fepas-and-dual-filing>.

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§ 1601.74 [Removed and Reserved]

4. Remove and reserve § 1601.74.
5. Amend § 1601.75 by revising paragraph (c) to read as follows:

§ 1601.75 Certification of designated FEP agencies.

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(c) Upon Commission approval of a designated FEP agency for certification, it shall notify the agency of its certification and shall effect such certification by publication of an updated list of FEP agencies on the Commission's public website at <https://www.eeoc.gov/fair-employment-practices-agencies-fepas-and-dual-filing>.

6. Amend § 1601.79 by revising the last sentence to read as follows:

§ 1601.79 Revocation of certification.

* * * The revocation shall be effected by publication of an updated list of FEP agencies on the Commission's public website at <https://www.eeoc.gov/fair-employment-practices-agencies-fepas-and-dual-filing>.

§ 1601.80 [Removed and Reserved]

7. Remove and reserve § 1601.80.

For the Commission,

Dated: July 10, 2026.

Andrea R. Lucas,

Chair.