

THOMAS, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 00–1072

LEONARD EDELMAN, PETITIONER *v.*
LYNCHBURG COLLEGE

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT

[March 19, 2002]

JUSTICE THOMAS, concurring.

Congress has authorized the Equal Employment Opportunity Commission (EEOC) “to issue, amend, or rescind suitable procedural regulations to carry out the provisions of [Title VII]. Regulations issued under this section shall be in conformity with the standards and limitations of” the Administrative Procedure Act (APA). 42 U. S. C. §2000e–12(a) (1994 ed.). The EEOC promulgated 29 CFR §1601.12(b) (1997) pursuant to its clear statutory authority to issue procedural regulations. See §1601.1 (“The regulations set forth . . . contain the *procedures* established by the Equal Employment Opportunity Commission for carrying out its responsibilities in the administration and enforcement of Title VII . . .” (emphasis added)). I concur because I read the Court’s opinion to hold that the EEOC possessed the authority to promulgate this procedural regulation, and that the regulation is reasonable, not proscribed by the statute, and issued in conformity with the APA.