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COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
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May 18, 2023

The Honorable Charlotte A. Burrows
Chair
U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Dear Chair Burrows:

We are concerned about a lack of transparency at the U.S. Equal Employment Opportunity Commission (EEOC) and about subpar performance by the agency. We are particularly concerned that EEOC has failed to post data on the types of discrimination charges filed with the agency in a timely manner. We are also concerned that the charge backlog increased dramatically from Fiscal Year 2021 to FY 2022.

EEOC normally posts breakdowns in the types of discrimination charges it received in the previous fiscal year by January of the current fiscal year.¹ These breakdowns are crucial for Congress, practitioners, and the public to understand and compare trends in discrimination charge receipts based on religion, race, sex, and other bases. However, EEOC has not posted its traditional charge data breakdowns for FY 2022 on its "Enforcement and Litigation Statistics" website.² Such data would normally be posted there by January 2023.

We were also alarmed to see that the charge backlog has increased by 20 percent, from 42,811 charges pending in FY 2021 to 51,399 charges pending in FY 2022.³ The Committee has a longstanding interest in the charge backlog because individuals who have filed discrimination complaints with EEOC deserve to have them investigated and resolved expeditiously. After all, justice delayed is justice denied. Former EEOC Chair Victoria Lipnic was successful in bringing down the charge backlog after its alarming rise during the Obama years, and former Chair Janet

¹ See EEOC, ENFORCEMENT AND LITIGATION STATISTICS, <https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0> .

² *Id.*

³ EEOC, 2022 ANNUAL PERFORMANCE REPORT (APR) (Mar. 2023), <https://www.eeoc.gov/2022-annual-performance-report-apr>.

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Dhillon succeeded in reducing it even further during her tenure. It is disappointing to see signs EEOC is returning to its negligent old ways when it comes to the backlog.

In order to assist the Committee in its review of these matters, please provide responses to the following questions, on a question-by-question basis, by no later than June 2, 2023:

1. What is the cause of the delay in posting data on the types of discrimination charges EEOC received in FY 2022?
2. Will EEOC post its charge data breakdowns for FY 2022 on its “Enforcement and Litigation Statistics” website when it responds to this letter? If not, when will EEOC post this information?
3. What is the cause of the 20 percent increase in the charge backlog from FY 2021 to FY 2022?
4. Have any policies, procedures, or practices changed since former Chair Dhillon’s tenure with respect to charge intake, processing, or investigations? If so, did any of these changes contribute to the 20 percent increase in the charge backlog?
5. How will you ensure the charge backlog is reduced in FY 2023 and FY 2024?

Thank you for your prompt attention to these questions.

Sincerely,



Virginia Foxx
Chairwoman



Kevin Kiley
Chairman
Subcommittee on Workforce Protections