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January 15, 2020

The Honorable Janet Dhillon
Chair
Equal Employment Opportunity Commission
131 M Street, NE
Washington, DC 20507

Dear Chair Dhillon:

I write to express my concern regarding the Commission's planned vote to remove the litigation authority delegated to EEOC attorneys, requiring instead that the commissioners vote on every case for which discrimination was found to have occurred and settlement negotiations failed before court charges are filed. This change will significantly delay the administration of justice. Additionally, taking litigation filing authority away from attorneys familiar with the cases is likely to lead to decisions being made based more on a political agenda rather than the merits of any case.

To help us better understand the Commission's planned vote, please provide the following information no later than December 22, 2020:

1. Please provide any data or analysis of the EEOC's current litigation filing process that indicates removing authority from the attorneys and placing it solely with the commissioners would further anti-discrimination goals.
2. What stakeholders, if any, have you consulted regarding this proposed change? What feedback did the organizations provide?
3. What is the reasoning for removing this authority from the attorneys, who are more familiar with the cases?
4. What is the process for referring cases for consideration by the commissioners?
 - a. What is the anticipated time delay in filing litigation under this scheme?
 - b. What is the anticipated increase in work anticipated in order to prepare and refer all litigation matters to the commissioners?

- c. What is the anticipated impact on caseload management should the Commission move to vote on each litigation matter individually?
5. How would this change impact the backlog of cases awaiting adjudication?
6. What guidelines will the commissioners be required to use when deciding whether or not to file litigation?
7. What other actions should we anticipate you taking between now and the end of this Administration?
 - a. Will you be taking any actions regarding the religious guidance, conciliation, or the rule regarding official time in federal sector cases?

If you have any questions about this request, please contact Carolyn Ronis (Carolyn.ronis@mail.house.gov) or Cathy Yu (Cathy.yu@mail.house.gov) with the House Committee on Education and Labor, Majority Staff at 202-225-9721.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Chairman