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July 26, 2021

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

RE: Lack of Transparency in Commission Votes

Dear Chair Burrows:

I write regarding your unilateral decision to discontinue the practice of making public commissioner votes on matters presented to the U.S. Equal Employment Opportunity Commission (Commission or EEOC). As you know, commissioners vote on a wide array of important issues, including whether the agency will file a lawsuit on behalf of workers, whether to file amicus briefs, petitions to modify or revoke subpoenas of employers, proposed regulations, guidance, strategic plans, regulatory agendas, and select obligations of taxpayer funds. From November 2019 through January 2021, EEOC posted all Commission votes on its website.¹ Since President Biden designated you as EEOC chair on January 20, 2021, the agency has not posted information online or otherwise made public either matters receiving a Commission vote or the voting records of individual commissioners.

As a Member of Congress, every vote I take in committees and on the House Floor is recorded and quickly posted online for all to see. Other federal boards and commissions, such as the National Labor Relations Board, the Securities and Exchange Commission, the Federal Trade Commission, and Federal Energy Regulatory Commission, also publish their members' voting records. The Commission's actions must be transparent so that Congress, the public, and stakeholders can understand what matters are receiving votes and how commissioners are voting on litigation, regulations, and other important issues. There is no reason for the Commission to hide its votes from the public, who commissioners were appointed to serve, and it is troubling

¹ EEOC, COMMISSION VOTES, <https://www.eeoc.gov/commission-votes>.

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that you have chosen not to make public any votes the Commission has taken under your chairmanship.

In the interests of transparency and accountability and to shed light on the matters the Commission has voted on and how individual commissioners have voted, I request that you provide the following information on votes that have occurred since January 20, 2021: date of vote, document presented for vote, matter, commissioner name and vote, result, date the action was implemented, and a related internet link if available. Further, to understand why EEOC is withholding voting information from the public, I request an explanation of why you discontinued the practice of posting Commission voting information online or otherwise making this information available to the public.

Finally, I urge you immediately to reinstate the practice of posting Commission votes on the EEOC website so that the public and interested stakeholders have immediate access to this important information. I look forward to receiving your responses to this letter by August 9, 2021.

Sincerely,



Rep. Virginia Foxx
Ranking Member

CC: The Honorable Jocelyn Samuels, Vice Chair
The Honorable Janet Dhillon, Commissioner
The Honorable Keith E. Sonderling, Commissioner
The Honorable Andrea R. Lucas, Commissioner