



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 18, 2021
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S.J. Res. 13 – A joint resolution for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Equal Employment Opportunity Commission relating to “Update of Commission’s Conciliation Procedures”

(Sen. Murray, D-WA, and no cosponsors)

The Administration supports Senate passage of Senate Joint Resolution 13 to nullify the Equal Employment Opportunity Commission’s (EEOC) recently promulgated “Update of Commission’s Conciliation Procedures,” which became effective on February 16, 2021, under the Congressional Review Act. The rule that S.J. Res. 13 would nullify imposed onerous and rigid new procedures on the EEOC’s obligation to conciliate or “settle” meritorious claims of employment discrimination, that risks unduly delaying and diverting limited resources from agency efforts to investigate and resolve meritorious claims of employment discrimination. The rule increases the risk of retaliation by making it easier for employers to demand the identities of those with information about unlawful discrimination, which will likely have a chilling effect on the willingness of victims and witnesses to come forward. S.J. Res. 13 would nullify the rule’s unnecessary and burdensome standards that would likely result in increased charge backlogs, and lengthier charge investigation, resolution and litigation times. The resolution will also ensure that EEOC has the flexibility to tailor settlements to the facts and circumstances of each case, thus increasing the likelihood of voluntary compliance. The resolution will furthermore ensure that justice for workers subject to discrimination is not delayed, or potentially denied, due to costly and time-consuming collateral litigation.

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