

Congress of the United States
Washington, DC 20515

September 19, 2017

The Honorable Neomi Rao
Office of Management and Budget
1725 17th Street NW
Washington, DC 20503

The Honorable Victoria A. Lipnic
Acting Chair
U.S. Equal Employment Opportunity Commission
131 M Street NE
Washington, DC 20507

Dear Administrator Rao and Acting Chair Lipnic:

We write to express strong opposition to the Office of Management and Budget's (OMB) recent decision to impede progress toward closing the gender and racial wage gap by issuing a review and stay of the update to the Employer Information Report (EEO-1) on including and gathering data about compensation from employers.

As you know, since the enactment of the Civil Rights Act in 1964, the U.S. Equal Employment Opportunity Commission (EEOC) has been empowered to collect employment data to identify discriminatory employment patterns, including those based on race, gender, and national origin. The EEOC was to collect new data on wages and hours worked from employers with 100 or more employees, and federal contractors with 50 or more employees. This update to the EEO-1 would provide the transparency needed to identify and end patterns of pay disparity, and the unexplained delay raises serious questions about whether this Administration will stand in the way of efforts to help ensure women and people of color are paid fairly for their work.

Women make up half the workforce, and are two-thirds of primary or co-breadwinners in America. Yet, more than five decades after the passage of the Equal Pay Act of 1963, a woman still makes only 80 cents, on average, for every dollar earned by a man. That gap is even wider for women of color. Compared to white men, African American women are paid 63 cents and Hispanic Women are paid 54 cents. Also, African American and Hispanic women are paid 20 percent and 27 percent less than white, non-Hispanic women, respectively. Similarly, the EEOC has found that African American men and Hispanic men who worked full time in wage and salary earn approximately 76 percent and 69 percent, respectively, of white men's median weekly earnings.

Strong data and transparency can help address the problem today. Data exposes trends in hiring, paying, and promoting employees, which can inform appropriate interventions. It can reveal sex and racially segregated jobs, a lack of women and people of color in upper management, and disparate salaries, benefits, or bonuses. Just as important, it can arm businesses with the

information that they need to remedy unjustified pay gaps, and it provides a lens to examine the intersectionality of issues that can contribute to wage gaps.

For over 50 years, companies have used the EEO-1 form to report important demographic data to the EEOC. The expanded EEO-1 set to go into effect in March 2018 would shine a light on pay practices, reveal trends, and support employers in proactively improving systems and closing gaps. The proposed revision would support employer efforts to self-monitor compensation policies and strengthen EEOC and the Department of Labor's existing technical assistance programs and enforcement efforts to eliminate workplace discrimination.


Moreover, some employers interested in eliminating the gender and racial pay gap may not have taken the important first step of examining the extent of the issue on their own payrolls. With new data from the revised EEO-1, businesses will be able to empower their human resources departments to make data-driven changes, avoiding more costly interventions down the road.

Thus, the announcement that OMB is stopping the collection of this information is all the more puzzling. We are particularly concerned that the actions taken by OMB to halt this effort to increase transparency regarding wage equality was itself conducted with so little transparency. It stands in direct contrast to the thorough and transparent process that generated over one thousand comments over two separate occasions before the EEOC adopted the expanded EEO-1 pay data collection.

As such, we ask that you provide answers to the following information no later than September 26, 2017.

- 1) The specific justification for reviewing the collection under 5 CFR 1320.10(f);
- 2) A detailed explanation of what circumstances have changed or what burden estimates were materially in error as required by the regulation to support such a review;
- 3) Any and all documents or analyses supporting OMB's conclusion that the collection of pay data "lack practical utility, are unnecessarily burdensome, and do not adequately address privacy and confidentiality issues";
- 4) A list of all prior instances when OMB has previously conducted a review pursuant to 5 CFR 1320.10(f) and stayed a regulation pursuant to 5 CFR 1320.10(g);
- 5) The date by which EEOC will provide an updated proposal or regulation that meets the goals of the pay data collection through a fair and effective process; and
- 6) A list of the stakeholders that OMB met with to arrive at the conclusion to halt the collection of the wage and pay data.

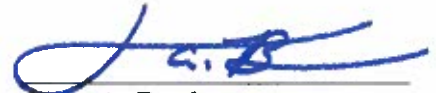
Paying people fairly for the work they do shouldn't be dependent on their gender, race or ethnicity. We look forward to hearing from you on this important matter.


Rosa L. DeLauro
Member of Congress


Patty Murray
United States Senator



Lois Frankel
Member of Congress



Cory A. Booker
United States Senator



David N. Cicilline
Member of Congress



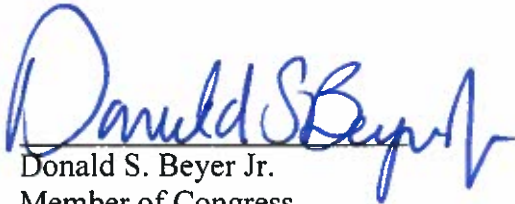
Kirsten E. Gillibrand
United States Senator



Robert C. "Bobby" Scott
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Charles E. Schumer
United States Senator



Donald S. Beyer Jr.
Member of Congress



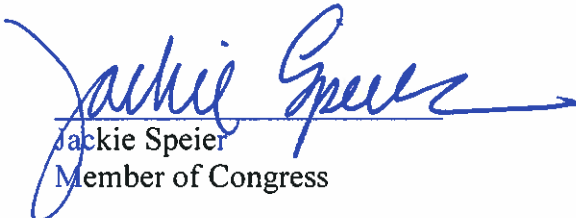
Richard J. Durbin
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Mark Takano
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Al Franken
United States Senator



Jackie Speier
Member of Congress



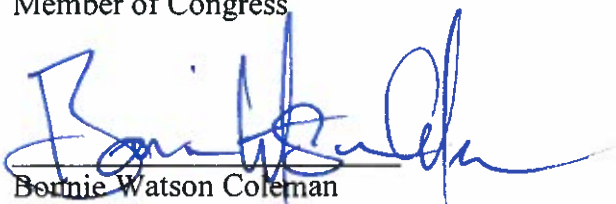
Robert Menendez
United States Senator



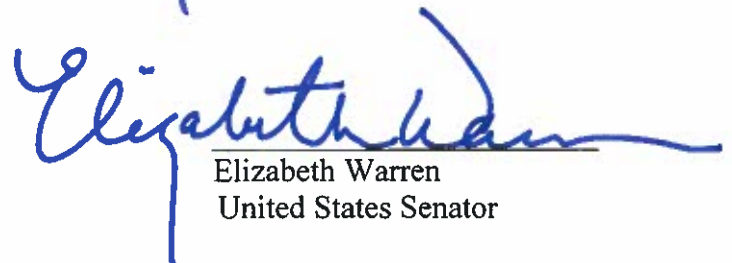
Debbie Dingell
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Bernice Watson Coleman
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Elizabeth Warren
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Barbara Lee
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Richard Blumenthal

Richard Blumenthal
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Maria Cantwell

Maria Cantwell
United States Senator

Mazie Hirono

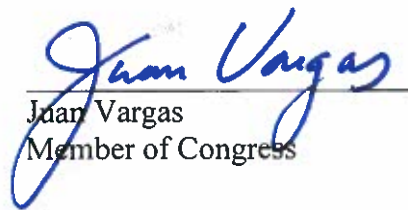
Mazie K. Hirono
United States Senator

Tammy Baldwin


Tammy Baldwin
United States Senator

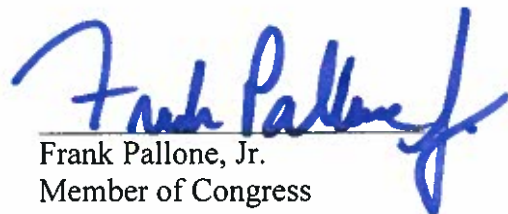
Tim Kaine

Tim Kaine
United States Senator

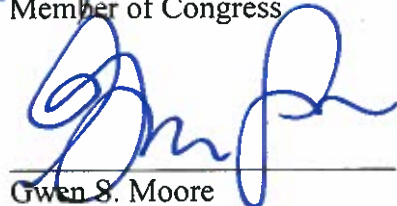

Juan Vargas
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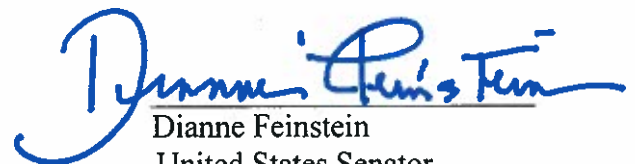

Daniel W. Lipinski
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Ron Wyden
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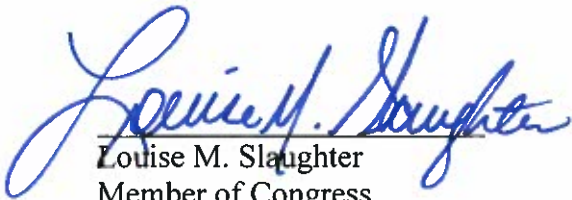
Edward J. Markey
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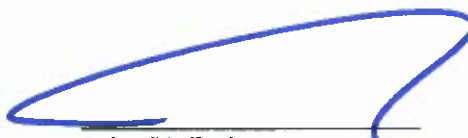
Earl Blumenauer
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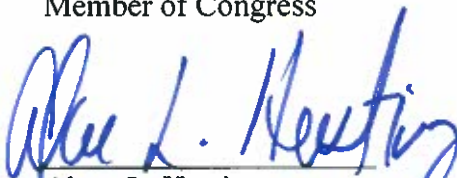
Alan Lowenthal
Member of Congress



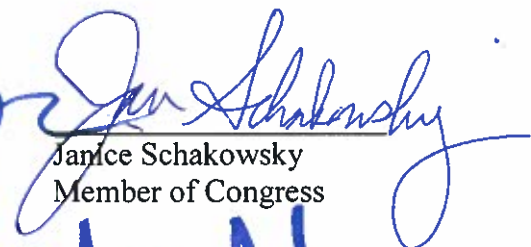
Ben Cardin
United States Senator



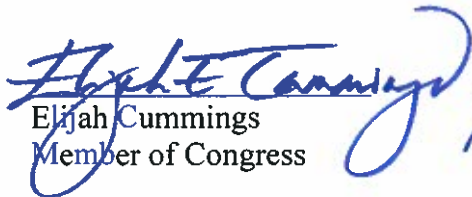
John K. Delaney
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Janice Schakowsky
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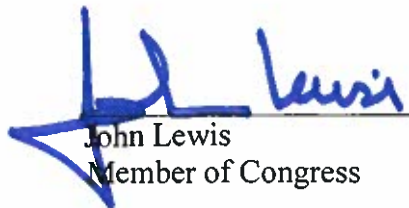
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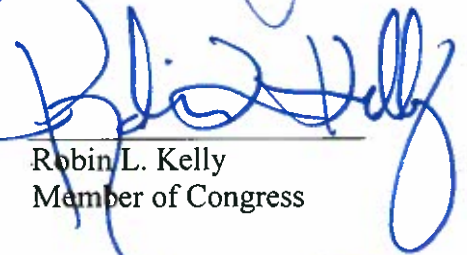
Zoe Lofgren
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Lucille Roybal-Allard
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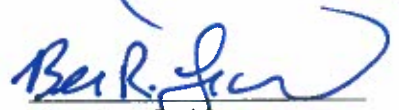
Robin L. Kelly
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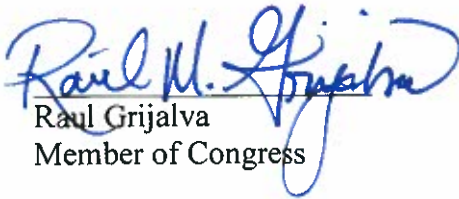
Bobby L. Rush
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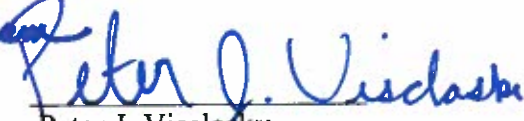
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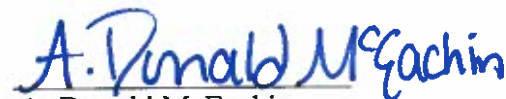
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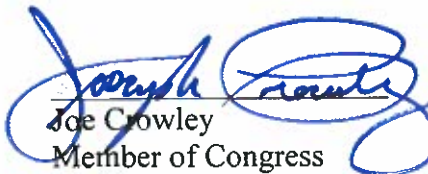
Diana DeGette
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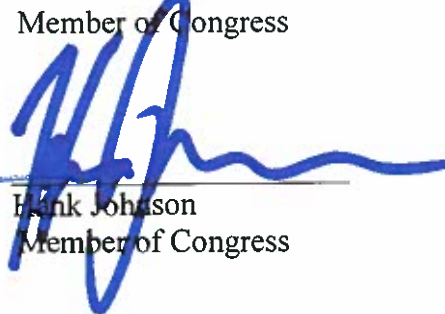
Carol Shea-Porter
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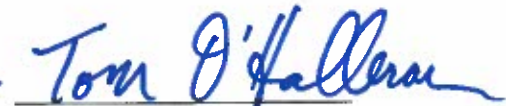
A. Donald McEachin
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Joe Crowley
Member of Congress

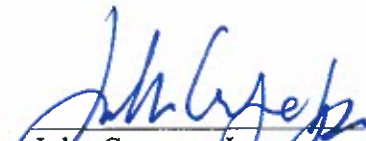



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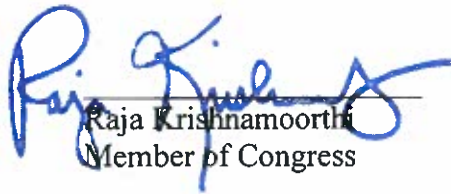

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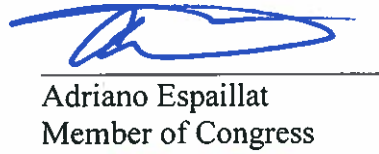

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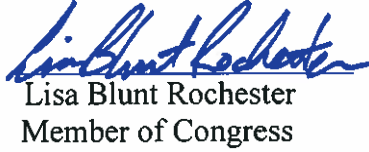

Suzanne Bonamici
Member of Congress

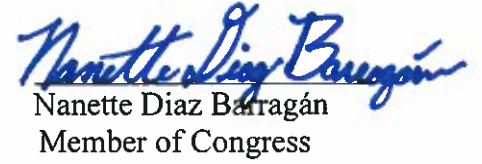

Raja Krishnamoorthi
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Katherine Clark
Member of Congress

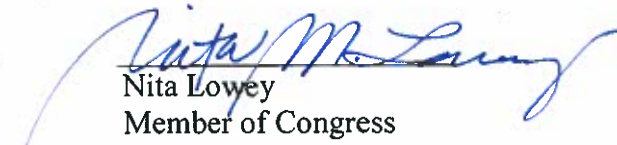

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Nanette Diaz Barragán
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Jimmy Panetta
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