

United States Senate

WASHINGTON, DC 20510

March 16, 2016

Jenny R. Yang, Chair
Constance S. Barker, Commissioner
Chai R. Feldblum, Commissioner
Victoria A. Lipnic, Commissioner
Charlotte A. Burrows, Commissioner

U.S. Equal Employment Opportunity Commission
131 M Street, NE
Washington DC, 20507

Dear Chair Yang and Commissioners Burrows, Feldblum, Lipnic, and Barker:

We write to express our strong support for the EEOC's rulemaking initiative to better understand compensation patterns, and look forward to the expeditious completion of the proposed changes to the Employer Information Report (EEO-1) form. The EEO-1 has long served as a useful tool for the Commission to gather data to help safeguard workers' federally protected right to work free of discrimination based on race, ethnicity, and gender. The addition of compensation data to the EEO-1 is overdue. By collecting more and better data, the federal government can ensure it is doing its part to uphold our collective ideal that all hard-working Americans enjoy a fair and level playing field at work.

Over 50 years have passed since the Equal Pay Act was signed into law, yet the wage gap persists. According to U.S. Census data, on average, full-time working women earn only 79 cents on the dollar compared to men. For women of color, the average pay gap is even larger. African-American women earn 60 cents and Latina women earn 55 cents on every dollar earned by non-Hispanic white men. Data from the Organization for Economic Co-operation (OECD) demonstrates that it is in our national best interest to act. Currently, the United States has a gender wage gap that is larger than the average pay disparity for all OECD nations. While the wage gap has narrowed, its persistence hurts working families and the productivity of our economy overall. If progress toward closing the gender wage gap continues at the same pace as during recent decades, women and men will not reach equal pay until 2058.

How compensation is determined is an opaque process across many firms and this lack of transparency contributes to the persistence of the pay gap. Just over seven years ago, Congress passed the Lilly Ledbetter Fair Pay Act. This landmark piece of legislation acknowledged that many workers who are being paid unfairly may not learn of that fact until years after the wage discrimination begins, as was the case for Lilly Ledbetter herself. The Act thus helps workers challenge unlawful pay discrimination by recognizing that each discriminatory paycheck, not just the first one, violates the law.

Passing the Lilly Ledbetter Fair Pay Act moved our nation towards achieving pay equity. Yet, the federal government can and should do more. We believe that the proposal you have put forth moves us toward that goal in three important ways, by 1) increasing public transparency on compensation, 2) supporting employer efforts to self-monitor compensation practices, and 3) strengthening the EEOC's

enforcement efforts. The compensation data collected by the revised EEO-1 will give the public valuable insight into what the pay gap looks like both geographically and by industry. Employers will also benefit by, for the first time, being able to benchmark their performance versus their competition. They will also be able to empower their human resource departments to make data-driven changes to address any pay gaps that may exist within a firm. Equally important is that the new compensation data will strengthen the EEOC's ability to investigate allegations of pay discrimination and better enforce existing law. Both Congress and the American people have consistently supported more transparency around worker compensation. This proposal highlights our efforts thus far and illuminates the path forward for the private and public sectors to address this vital issue together.

We strongly support changes to improve the EEO-1 form and thank you and your staff for taking this important next step in the fight to close the pay gap and raise national awareness on this vital issue. We also appreciate the EEOC's consultation with industry and relevant stakeholders throughout the proposal process, and we urge the Commission to weigh all factors that might impact employers, including the timing of pay data. Together, we can work to ensure that equal pay for equal work is not just our ideal, but a reality for all Americans.

Sincerely,



Cory A. Booker



Harry Reid



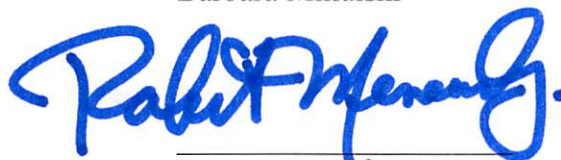
Patty Murray



Barbara Mikulski



Kirsten Gillibrand



Robert Menendez



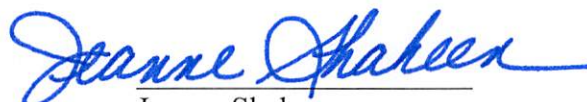
Edward J. Markey



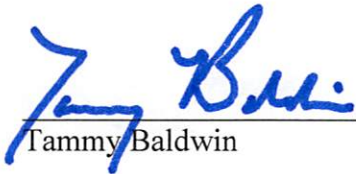
Sherrod Brown

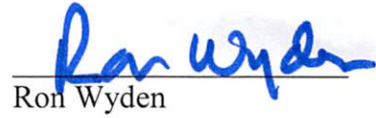


Robert P. Casey, Jr.



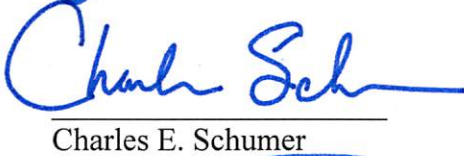
Jeanne Shaheen


Tammy Baldwin


Ron Wyden

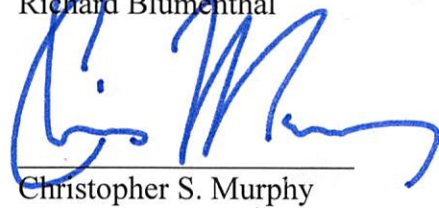

Jack Reed

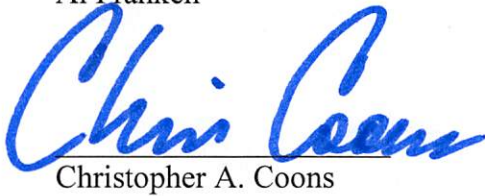

Debbie Stabenow

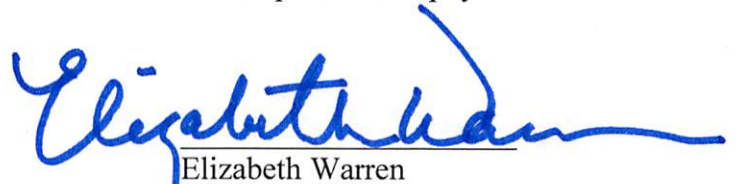

Charles E. Schumer


Richard Blumenthal


Al Franken

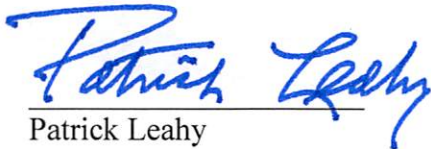

Christopher S. Murphy


Christopher A. Coons

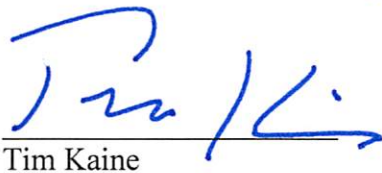

Elizabeth Warren

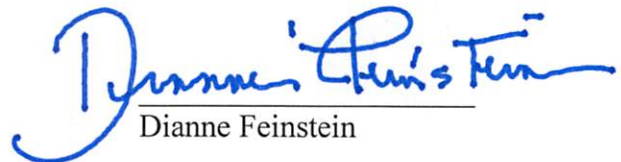

Brian Schatz

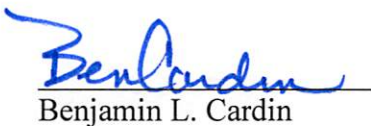

Richard J. Durbin


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Barbara Boxer


Tim Kaine


Dianne Feinstein


Benjamin L. Cardin

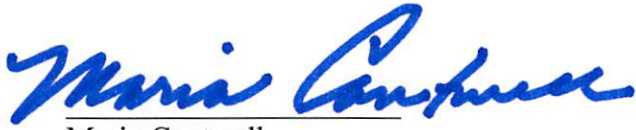

Gary C. Peters



Jeffrey A. Merkley



Mazie K. Hirono



Maria Cantwell



Sheldon Whitehouse



Heidi Heitkamp