

**Congress of the United States**  
**Washington, DC 20515**

April 1, 2019

The Honorable José Serrano  
Chairman  
Appropriations Subcommittee on Commerce,  
Justice, Science, and Related Agencies  
H-307 The Capitol  
Washington, DC 20515

The Honorable Robert Aderholt  
Ranking Member  
Appropriations Subcommittee on Commerce,  
Justice, Science, and Related Agencies  
1016 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Serrano and Ranking Member Aderholt,

Thank you for your leadership and commitment to ensuring safe and dignified workplaces free of harassment and discrimination. With the outpouring of the #MeToo movement, our country has been grappling with how to prevent and address sexual harassment and hold perpetrators accountable. The U.S. Equal Employment Opportunity Commission (EEOC) plays an important role in this fight. In light of this, we are concerned that the EEOC does not have sufficient resources to fulfill its mandate. **As you negotiate FY20 appropriations, we urge you to provide an additional \$20 million in funding for the EEOC so that it can properly pursue justice.**

**1) Addressing the Outpouring of Workplace Harassment Charges**

The EEOC is responsible for enforcing federal laws against discrimination of a job applicant or employee due to the individual's race, color, religion, sex, pregnancy, national origin, age, disability or genetic information. In addition to investigating claims, the EEOC litigates cases, conducts federal sector oversight, and provides education and trainings for workers, employers and stakeholders. While the EEOC protects our workplaces against a range of types of harassment and discrimination, demand for its work around sexual harassment has seen a sizable uptick.

In FY18, a reporting period that started with the Weinstein allegations, the EEOC saw a 13.6 percent increase in charges alleging sexual harassment. Subsequently, in FY18, the EEOC filed 66 lawsuits challenging workplace harassment, a 50 percent increase in suits challenging sexual harassment over FY17, and recovered \$70 million for victims of sexual harassment, up from \$47.5 million in FY17. Overall, the EEOC secured approximately \$505 million and other relief for over 67,860 victims of discrimination in the workplace.

The EEOC also saw heightened demand for its information and trainings. In October 2017, the EEOC launched a new anti-harassment training program titled "Respectful Workplaces," and

through FY18 conducted over 300 Respectful Workplaces sessions, training over 9,800 employees and supervisors across the country. In addition, EEOC staff conducted over 1,000 outreach events on harassment for more than 115,000 individuals and employers. The EEOC also led by example, updating its own anti-harassment policies and procedures for the first time in over a decade, and forming a Harassment Prevention Action Team (HPAT) to facilitate internal coordination. Thanks to the increased budgets, EEOC mediators were also able to meet for internal trainings for the first time in 19 years, and other staff were able to meet for trainings for the first time in nearly a decade.

**We are grateful for the increased FY18 funding, which the EEOC has used to reduce its inventory and meet the increased demand for its services. Despite these improvements, we are only at the beginning of our efforts, and the important work of combatting workplace harassment must be adequately funded in order to continue.** It will take longer than one year to address the systemic and pervasive problem of workplace harassment. In FY18, the EEOC had the lowest number of full-time employees in nearly 30 years, and FY18 was the first time the EEOC received a funding increase since FY10. In FY18, the EEOC received 76,418 charges, over 554,000 calls and emails and handled over 200,000 inquiries concerning potential discrimination claims. The launch of nationwide online inquiry and appointment systems resulted in a 30 percent increase in inquiries and over 40,000 intake interviews. The EEOC is also working diligently with limited resources to reduce an inventory of more than 49,607 charges.

At a hearing of the bipartisan Congressional Caucus for Women's Issues, Acting Chair of the EEOC Victoria A. Lipnic testified that harassment is a "persistent and pernicious problem", and an "effective anti-harassment effort must start at the top, and leadership and accountability are crucial." We wholeheartedly agree and urge Congress to lead by example by allocating sufficient resources to address the national demand for change.

It's important to recognize that workplace harassment is more than inappropriate misconduct – it is an abuse of power with serious economic consequences. It deprives workers of the freedom to provide for their families, advance in their professions, and reach their full potential. **As such, we urge you to provide an additional \$20 million in funding for the EEOC so that men and women can work side by side in safety and dignity, with equal opportunity and fair treatment.**

## **2) Meeting Court-Mandated Obligation to Collect Pay Data**

Increased funding is also necessary to meet the EEOC's court-mandated obligation to collect summary pay data as part of its March 2019 EEO-1 Form. For over 50 years, employers have used the EEO-1 Form to report important demographic data to the EEOC. In September 2016, the EEOC announced that starting in March 2018, large employers with more than 100 employees will submit pay data based on the form's existing occupational categories, sex, race and ethnicity so that the EEOC may better detect patterns of discrimination. In August 2017, the Office of Management and Budget (OMB) stayed the pay data collection. In March 2019, the U.S. District Court for the District of Columbia ruled that the government failed to demonstrate

the requirement would meaningfully increase the burden on employers and must immediately move forward with collecting the pay data.

More than five decades after the passage of the Equal Pay Act of 1963, women working full-time, year-round still are paid just 80 cents on the dollar for men's earnings, and the disparity is significantly worse for women of color. Closing the wage gap would strengthen the economic security of women and families and ensure fairness. Moreover, it will provide families with more income to put food on the table, send a child off to college, save for retirement, and build a stronger and more durable economy. With as much as 38 percent of the wage gap unexplained by observable factors such as variation in educational attainment, industry, and occupation, and possibly reflecting discrimination, strong data and transparency are critical to enforcing the law. The strengthened pay data collection will shine a light on pay practices, reveal trends, and support employers in proactively evaluating their systems and closing pay gaps.

Now that the courts have spoken, the EEOC must receive adequate resources to fulfill its obligation. **We urge the Committee to include bill text clarifying that, "Of the funds appropriated, at least \$5 million will be used to collect and enforce summary employee pay data as announced in September 2016 and mandated by the U.S. District Court for the District of Columbia in March 2019 using the revised EEO-1 Form."**

We thank you for your time and stand ready to assist as you work to ensure fair and equal workplaces.

Sincerely,



Lois Frankel  
Member of Congress



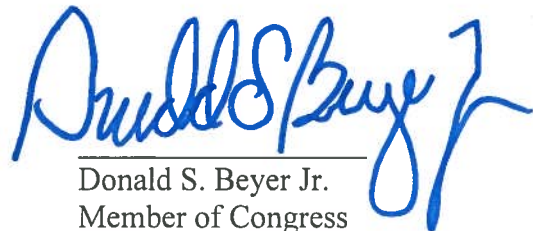
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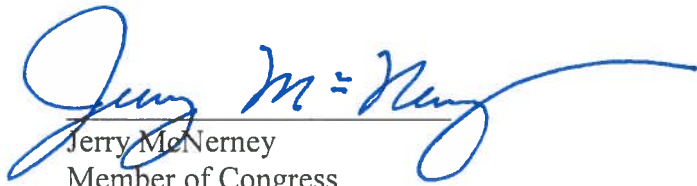
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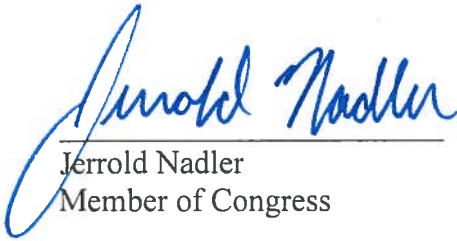
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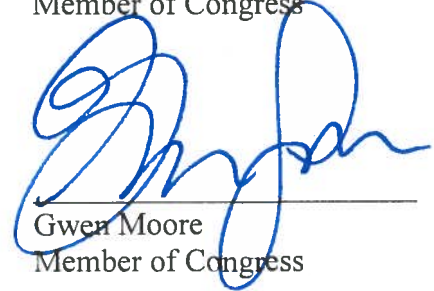


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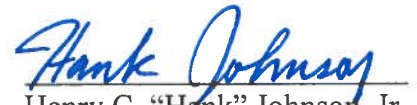
  
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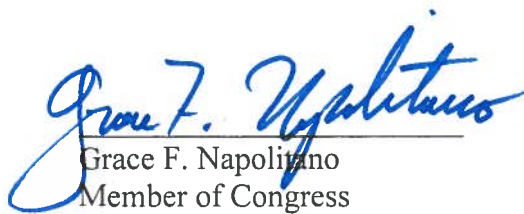
  
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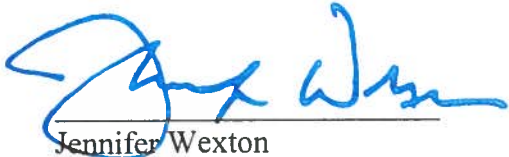
  
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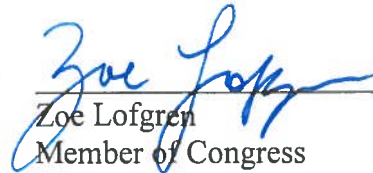
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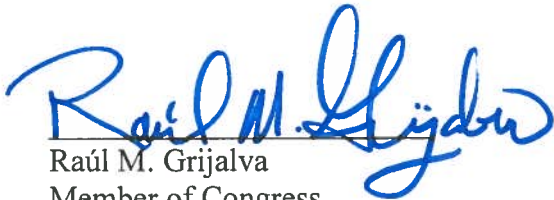
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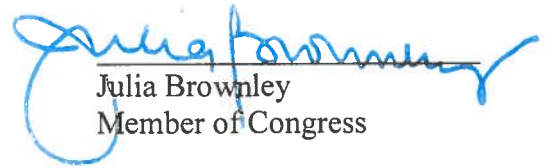


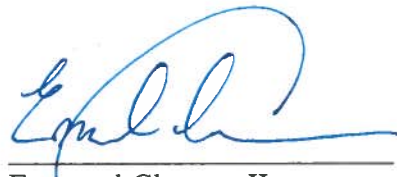
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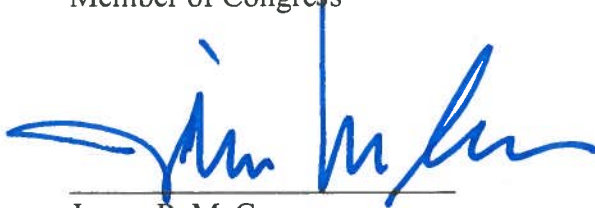
  
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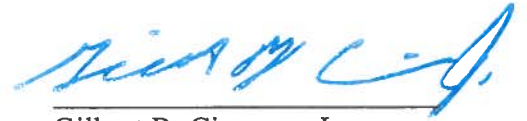
  
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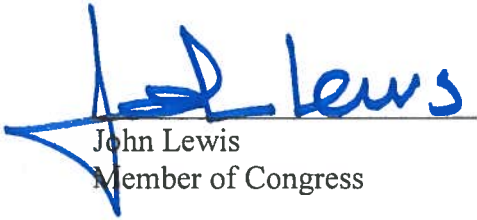
  
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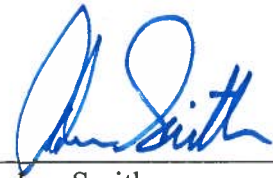
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