



COMMITTEE ON
EDUCATION & LABOR
REPUBLICANS

COMMITTEE
STATEMENT

**Opening Statement of Rep. Lloyd Smucker (R-PA), Republican Leader
Subcommittee on Higher Education and Workforce Investment Hearing:
“Broken Promises: Examining the Failed Implementation of the Public Service
Loan Forgiveness Program”
September 19, 2019**

(As prepared for delivery)

"Committee Republicans have long been committed to policies and laws that empower all Americans to achieve success. No one should ever be denied an opportunity because of unlawful discrimination. That is why there are important protections under federal law to prevent workplace discrimination.

While we agree our nation’s nondiscrimination laws must be properly enforced, workers and entrepreneurs shouldn’t be held back by burdensome regulations, excessive red tape, and overzealous enforcement actions.

Under the Obama administration, the Equal Employment Opportunity Commission (EEOC), significantly expanded the Employer Information Report—the EEO-1—to require businesses to collect and report employee pay data. Since 1966, the EEOC has required employers with 100 or more employees to submit demographic data annually. Before the Obama scheme was proposed, pay data was never part of the EEO-1 report, and for good reason. In 2017, the Trump administration argued this mandate was 'unnecessarily burdensome' and 'lacked practical utility.'

Job creators around the country weighed in and voiced their concerns with this extreme regulatory mandate. Not surprisingly, the EEOC recently estimated that the burden of collecting and reporting EEO-1 information with pay data for 2018 would be \$622 million; a significant increase from EEOC’s 2016 estimate of \$53.5 million annually. This led EEOC to conclude that the supposed benefits of collecting and reporting pay data do not outweigh the costs and burdens placed

on our nation's job creators.

But it's not all bad news coming from the EEOC. Currently the Commission, which is also responsible for investigating charges of discrimination against employers, has the lowest backlog of pending charges in over a dozen years. Committee Members on both sides of the aisle have long raised concerns about the agency's backlog, so this is a promising step in the right direction. When American workers turn to the federal government for help, they should receive their due process in a timely manner.

And we are seeing more good news from the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). OFCCP is tasked with enforcing nondiscrimination and affirmative action requirements for federal contractors. Religious organizations have been discouraged from seeking federal contracts, so the OFCCP has proposed a rule that will clarify the protections retained by religious organizations that contract with the federal government. If adopted, the rule will encourage more employers, of all backgrounds, to participate in the federal contracting system, and reaffirms our commitment to protecting religious freedom for all Americans.

The purpose of America's nondiscrimination laws, and the agencies enforcing them, is to give all Americans equal opportunities to succeed. EEOC and OFCCP play important roles in helping to prevent and combat unlawful discrimination, but they should also be encouraged to prioritize policies that are responsible and effective so our nation's job creators can flourish, and America's workplaces can be free from discrimination."

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