

October 24, 2025

Submitted via Federal eRulemaking Portal: <http://www.regulations.gov/>

Ashley Romanias
Director
U.S. Department of Labor
Office of Federal Contract Compliance Programs
200 Constitution Avenue NW
Washington, DC 20210

Re: Proposed Revision of Information Collection Request; U.S. Department of Labor Office of Federal Contract Compliance Programs Recordkeeping Requirements-29 U.S.C. 793 Section 503 of the Rehabilitation Act of 1973, as Amended (OMB Control No. 1250-0005); Docket #OFCCP-2025-0067

Dear Director Romanias:

The National Partnership for Women & Families (“The National Partnership”) appreciates the opportunity to comment on the U.S. Department of Labor’s Office of Federal Contract Compliance Programs’ (“OFCCP”) proposed revision to the information collection requirements under Section 503 of the Rehabilitation Act of 1953.¹

The National Partnership is a non-profit, non-partisan advocacy organization with more than 50 years of experience promoting fairness in the workplace, advancing reproductive health and rights, expanding access to quality, affordable health care, and securing policies that help women and men meet the demands of work and family. Since our founding as the Women’s Legal Defense Fund in 1971, we have fought for every major federal advance in equal employment opportunity and continue to advocate for meaningful safeguards that prevent discrimination against women and workers with disabilities.

¹ 90 Fed. Reg. 41415 (proposed August 25, 2025).

We submit this comment to express our strong opposition to the proposed changes described in the August 25 notice, which would remove the disability self-identification form and the associated utilization and data-collection requirements from OFCCP's Section 503 information collection.² These data tools are essential to transparency, accountability, and inclusion in the federal contracting workforce. Removing them would undermine decades of progress in disability rights, impede enforcement of Section 503's affirmative-action mandate, and severely limit the government's ability to identify and remedy systemic barriers to equal employment opportunity.

I. The Information Collection Is Necessary and Has Demonstrated Practical Utility

Section 503 of the Rehabilitation Act requires federal contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities.³ When OFCCP finalized its Section 503 regulations in 2013, it identified data collection as essential for accountability.⁴ Contractors and OFCCP must have reliable data to determine whether affirmative action efforts are effective and whether systemic barriers persist.

The 2013 rule introduced interdependent requirements designed to make compliance measurable, transparent, and uniform.⁵ The rule requires federal contractors to invite applicants and employees to voluntarily self-identify as individuals with disabilities using a standardized one-page form (Form CC-305).⁶ The form asks whether the individual has a disability as defined under the Rehabilitation Act, provides examples of qualifying conditions, and explains that disclosure is voluntary, confidential, used solely for affirmative-action purposes.⁷ Contractors must offer the invitation at three points: pre-offer, post-offer, and periodically, at least once every five years, for current employees.⁸

² *Id.*

³ 29 U.S.C. § 793(a).

⁴ Final Rule, 78 Fed. Reg. 58682 (Sept. 24, 2013), <https://www.federalregister.gov/d/2013-21228/p-350>.

⁵ *Id.*

⁶ See 41 C.F.R. § 60-741.42.

⁷ U.S. Dep't of Labor, Office of Federal Contract Compliance, *Voluntary Self-Identification of Disability* (Form CC-305),

[https://www.dol.gov/sites/dolgov/files/OFCCP/regs/compliance/sec503/Self ID Forms/503Self-IDForm-04262023.pdf](https://www.dol.gov/sites/dolgov/files/OFCCP/regs/compliance/sec503/Self_ID_Forms/503Self-IDForm-04262023.pdf).

⁸ § 60-741.42(a)-(c).

The regulations require contractors to use this collected data to annually analyze its utilization of individuals with disabilities.⁹ This analysis allows contractors to measure representation and evaluate the effectiveness of their outreach, recruitment, and hiring practices. The rule also establishes a seven percent utilization goal for the employment of qualified individuals with disabilities within each job group or across the entire workforce for contractors with 100 or fewer employees.¹⁰ The regulation makes clear that “the utilization goal is not a rigid or inflexible quota” and that “quotas are expressly forbidden.”¹¹ Instead, the goal functions as “a benchmark against which the contractor must measure the representation of individuals with disabilities” and “as an equal employment opportunity objective that should be attainable by complying with all aspects of the affirmative-action requirements of this part.”¹² When the percentage of individuals with disabilities in a job group, or in the contractor’s total workforce for smaller employers, is less than the utilization goal, the contractor must “take steps to determine whether and where impediments to equal opportunity exist.”¹³

The seven percent utilization goal was not set arbitrarily. OFCCP based it on American Community Survey data showing that approximately 5.7 percent of the civilian labor force had a disability and adjusted the figure upward to seven percent to account for qualified individuals who are discouraged or excluded from work due to inaccessible hiring practices.¹⁴ When representation falls below the goal, contractors must determine where impediments may exist and assess the effectiveness of their outreach and recruitment efforts.¹⁵ This process of data collection, evaluation, and corrective response forms the core of Section 503’s affirmative-action mandate.

⁹ 41 CFR § 60-741.45(d)(3).

¹⁰ See 41 C.F.R. § 60-741.45.

¹¹ Construction Contractors Technical Assistance, Office of Federal Contract Compliance Programs (2019), available at <https://policygroupontradeswomen.org/wp-content/uploads/2020/10/OFCCP-Construction-Technical-Assistance-Guide-2019.pdf> (reaffirming that “[t]hese goals are not quotas that must be met...Rather, the construction goals under Executive Order 11246 are minimum targets for the participation of women and minorities that should be reasonably attainable by acting in good faith to take the 16 affirmative action steps prescribed by OFCCP. The standard of compliance is good faith.”); 41 C.F.R. § 60-741.45.

¹² § 60-741.45(b).

¹³ *Id.* § 60-741.45(e).

¹⁴ 78 Fed. Reg. at 58705, <https://www.federalregister.gov/d/2013-21228/p-258>.

¹⁵ 41 C.F.R. § 60-741.44(k).

This framework is not punitive. It is designed to help contractors understand their workforce composition, identify structural inequities, and target areas for improvement through data-driven analysis. The self-identification form, data-analysis requirements, utilization goal and problem identification requirements have made affirmative action under Section 503 both practical and measurable.

A. Data Collection is Still Needed to Address Employment Disparities for Individuals with Disabilities

Employment disparities for people with disabilities remain high. Bureau of Labor Statistics (BLS) data shows that, in 2024, 37.4 percent of working age individuals with disabilities were employed, compared to 74.9 percent of working age individuals without a disability.¹⁶ In 2024, the unemployment rate for people with disabilities of working age was 8.1 percent, slightly more than double the rate for working age individuals without a disability.¹⁷ These disparities reflect the persistent barriers that Section 503 was enacted to address. Without accurate data, neither contractors nor the government can identify where discrimination continues to block opportunity.

While the proposed changes would apply only to federal contractors, their impact would extend far beyond those employers. Federal standards have long served as a model for equal opportunity practices across the public and private sectors. State agencies, nonprofit organizations, and private employers often look to federal requirements as benchmarks for their own inclusion and diversity initiatives. Weakening those standards would likely ripple through the broader labor market, prompting some employers to scale back their efforts or deprioritize disability inclusion, even if unintentionally.

Increased inclusion for workers with disabilities produces clear economic and organizational benefits. Inclusive workplaces foster innovation, productivity, and workforce stability, all of which enhance profitability and reduce risk.¹⁸ Research further

¹⁶ See Department of Labor, Bureau of Labor Statistics, *Persons With A Disability: Labor Force Characteristics — 2024* (Feb. 25, 2025), <https://www.bls.gov/news.release/pdf/disabl.pdf>.

¹⁷ *Id.*

¹⁸ Sylvia Ann Hewlett, Melinda Marshall and Laura Sherbin, *How Diversity Can Drive Innovation*, Harvard Business Review (Dec. 2013), <https://hbr.org/2013/12/how-diversity-can-drive-innovation>; See, e.g., Adam Galinsky, et al, *Maximizing the Gains and Minimizing the Pains of Diversity: A Policy Perspective*, 10(6)

indicates that companies that actively advance disability inclusion experience tangible business benefits, including stronger innovation, higher employee engagement and financial performance that exceeds that of less inclusive peers.¹⁹ These advantages extend to the federal government, which benefits when taxpayer funds are not used to subsidize discrimination, and to the broader economy as increased access to quality jobs improves financial security for workers, families, and communities alike.

B. Data Collection Remains Necessary for Contractor Compliance and Agency Enforcement

OFCCP's current regulations provide contractors with clarity and certainty on how to make meaningful efforts to meet the law's affirmative action requirements. Contractors have spent more than a decade developing systems to collect and analyze self-identification data in line with these requirements. Contractors use the data to set benchmarks, track outreach outcomes, and evaluate the success of their programs. OFCCP uses collected data to assess contractors' efforts to meet affirmative action requirements. This use of data has proven essential for closing employment gaps for people with disabilities.

OFCCP's compliance evaluations conducted several years after implementation of the 2013 rule documented measurable progress in contractor practices related to disability inclusion. In its 2020 Section 503 Focused Reviews Annual Report, OFCCP reported that most reviewed contractors had adopted stronger outreach and recruitment efforts, improved self-identification processes, and established internal audit and reporting systems to measure progress toward the seven percent utilization goal.²⁰ The reviews conducted in 2020 captured evidence of widespread progress among contractors that had been developing since the 2013 rule went into effect.²¹

Perspectives on Psychological Science 642, 744 (2015), <https://ideas.wharton.upenn.edu/wp-content/uploads/2018/07/Galinsky-et-al.-2015-Maximizing-the-gains-and-minimizing-the-pains.pdf>.

¹⁹ Accenture, *Getting to Equal: The Disability Inclusion Advantage* (2018), <https://www.accenture.com/content/dam/accenture/final/accenture-com/document-2/Disability-Inclusion-Report-Business-Imperative.pdf>.

²⁰ See U.S. Dep't of Labor, Office of Fed. Contract Compliance Programs, *Section 503 Focused Reviews: Fiscal Year 2020 Annual Report*, at 11-13 (2021) (on file with author).

²¹ *Id.*

Removing Section 503 data-collection framework would eliminate the only mechanism that allows both contractors and OFCCP to measure whether affirmative action is meaningful. This would leave contractors with limited guidance on how to ensure they were complying with the law, creating confusion, inefficiency, and unnecessary costs. Without consistent data, OFCCP would be forced to rely on individual complaints and case-by-case investigations, which are slower, less efficient, and less effective at identifying systemic discrimination. These risks are compounded by the Administration's stated plan to close OFCCP and transfer its enforcement responsibilities to the Equal Employment Commission (EEOC).²² Absent a corresponding increase in staff or funding, which the EEOC's FY2026 budget request does not provide, this consolidation would significantly reduce federal capacity to respond to individual complaints and carry out proactive investigations.²³

Workers with disabilities would bear the burden of decreased compliance and enforcement. The administrative efforts required to maintain Section 503's data systems are minimal compared to the cost of lost productivity and continued exclusion. The Section 503 data-collection requirements are necessary to ensure that the promise of equal opportunity for people with disabilities remains a measurable reality.

C. Section 503 Information Collection Has Practical Utility

The Paperwork Reduction Act (PRA) was enacted to balance the efforts required to provide information to federal agencies with the benefits to the public of collecting this information. The statute directs agencies to maximize the "practical utility" of data collected for public purposes.²⁴ The Section 503 information collection meets that standard. It produces essential compliance data that allows the federal government to ensure taxpayer-funded contracts support fair and inclusive employment.

The Labor Department's request appears to deprioritize maximizing practical utility in favor of deregulation. As the Labor Department admits, its efforts to rollback data

²² See U.S. Dep't of Labor, *FY 2026 Congressional Budget Justification*, at 10 (2025), <https://www.dol.gov/sites/dolgov/files/general/budget/2026/CBJ-2026-V2-10.pdf>.

²³ See U.S. Equal Emp. Opportunity Comm'n, *FY 2026 Congressional Budget Justification* (2025), https://www.eeoc.gov/sites/default/files/2025-05/FY_2026_Congressional_Budget_Justification_FINAL_5.30.2025_508_signed.pdf.

²⁴ See 44 U.S.C. § 3506(c)(3)(A).

collection requirements and its information collection modification request are part of the administration's larger deregulatory initiative.²⁵ In the Department's proposed rule to eliminate Section 503 data collection requirements, the agency states argues its actions are part of "burden reduction" in furtherance of Executive Order 14219, "Ensuring Lawful Governance and Implementing the President's `Department of Government Efficiency' Deregulatory Initiative."²⁶ Treating Section 503's data collection requirements as merely a "burden on business" undermines the government's ability to ensure that affirmative action for workers with disabilities is being achieved in practice.

II. The Existing Framework Already Balances Quality, Utility, and Burden

The Section 503 data-collection framework is a settled and effective system that was a product of years of negotiation, public engagement and agency coordination. Between 2010 and 2013, OFCCP held multiple stakeholder meetings, received hundreds of written comments from contractors, business associations and disability-rights organizations.²⁷ The resulting rule struck a deliberate balance between accountability and practicality and was designed to ensure measurable progress towards inclusion without imposing excessive administrative costs.²⁸

The voluntary self-identification form and the seven percent utilization goal were central to this negotiated framework. Contractors invite applicants and employees to self-identify using a one-page form, maintain the information confidential, and periodically compare workforce representation to the utilization goal. These steps provide simple, standardized methods for measuring compliance across establishments and over time. The process is well understood, streamlined, and integrated into the way contractors already track employment data under other federal equal-opportunity frameworks.

The Department's current proposal to revisit or rescind these requirements ignores the settled nature of that framework. Each of the four questions raised in the August 25

²⁵ 90 Fed. Reg. 41415.

²⁶ 90 Fed. Reg. 10583.

²⁷ See OFCCP, Advance Notice of Proposed Rulemaking, 75 Fed. Reg. 43116 (July 23, 2010), <https://www.federalregister.gov/d/2010-18104/p-18>; Notice of Proposed Rulemaking, 76 Fed. Reg. 77056 (Dec. 9, 2011), <https://www.federalregister.gov/d/2011-31371/p-15>; Final Rule, 78 Fed. Reg. 58682 (Sept. 24, 2013), <https://www.federalregister.gov/d/2013-21228/p-268>.

²⁸ Final Rule, 78 Fed. Reg. 58682 (Sept. 24, 2013), <https://www.federalregister.gov/d/2013-21228/p-268>.

notice—whether the information is necessary, whether burden estimates are accurate, whether quality or clarity could be improved, and whether burden could be minimized—were fully addressed during the 2013 rulemaking.²⁹ After extensive analysis and public participation, OFCCP concluded that these requirements were lawful, necessary, and proportionate.

The Department has not offered any compelling justification for abandoning a framework that has functioned effectively for more than a decade. In the Cornell University School of Industrial and Labor Relations' 2020 Section 503 Contractor Survey, more than 80 percent of contractors described the requirements as clear and manageable, and fewer than one in five reported difficulty implementing the self-identification form or utilization goals.³⁰ Contractors widely reported that the data improved outreach, informed recruitment strategies, and strengthened compliance accountability.³¹

The Department's mandate under the Paperwork Reduction Act is to enhance the quality and usefulness of federal data, not to dismantle functioning civil rights enforcement tools. The Section 503 collection already satisfies those standards. Maintaining the current requirements honors the rulemaking records, sustains regulatory predictability, and ensures that Section 503 continues to operate as Congress intended through consistent, data-driven accountability for the inclusion of workers with disabilities in the federal contracting workforce.

III. DOL Must Preserve the Data Collection Framework That Facilitates Accountability

For more than a decade, the Section 503 regulations have provided an essential foundation for advancing opportunity for workers with disabilities in the federal contracting workforce. The voluntary self-identification form, and the seven percent utilization goal have equipped contractors, workers, and OFCCP with the information

²⁹ OFCCP, *supra* note 27.

³⁰ Hassan Enayati & Sarah von Schrader, *Initial Impact of Section 503 Rules: Understanding Good Employer Practices and the Trends in Disability Violations Among Federal Contractors* (June 15, 2020), <https://ecommons.cornell.edu/items/8049263c-ab97-4437-b008-9f725be73f71>.

³¹ *Id.*

necessary to evaluate progress, identify barriers, and take corrective action. These requirements have created accountability, transparency, and measurable improvement without imposing undue administrative burden.

The Department's proposal to rescind these tools is inconsistent with the purpose of Section 503, the text of the Rehabilitation Act, and decades of settled policy. It would weaken enforcement, obscure data that is critical for oversight, and undermine the government's role in ensuring that taxpayer dollars support fair and inclusive employment. Rescission would also contradict Congress's intent that federal contractors undertake affirmative, measurable steps to advance individuals with disabilities in employment.

The public interest is best served by maintaining data-driven enforcement of civil rights in federal contracting, not by reducing visibility into whether those rights are being upheld. We urge the Office of Federal Contract Compliance Programs to withdraw this proposed revision and retain the current Section 503 information collection framework. If you have questions, please contact Maria Ortiz Pineda (mortizpineda@nationalpartnership.org) and Taryn Williams (twilliams@nationalpartnership.org) at the National Partnership for Women & Families.

Sincerely,

The National Partnership for Women & Families