

Congress of the United States
House of Representatives
Washington, DC 20515

January 30, 2014

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Re: Fulfilling the Promise of the Lilly Ledbetter Fair Pay Act

Dear President Obama:

Five years ago today we took an important step in protecting American working women with the enactment of the Lilly Ledbetter Fair Pay Act, which keeps courthouse doors open for workers to challenge pay discrimination. Your strong leadership was essential in making this happen. As you made clear in your inaugural address, “our journey is not complete until our wives, our mothers and daughters can earn a living equal to their efforts.” With women earning 77 cents for every dollar paid to their male counterparts, and the gap being even larger for women of color, our work is far from finished. Overwhelming majorities of Americans support federal actions that give women more tools to get fair pay in the workplace, including majorities of self-identified Democrats, Republicans and Independents.¹ Today, we write you on this anniversary, to ask your Administration to take additional, concrete steps to help ensure that we complete that journey.

For over 70 years, presidents of both parties have used executive action to lay the groundwork for and support later legislation that expands civil rights and employment protections, such as creating equal opportunity and banning discrimination in federal contracting. By exercising this well-established authority, your Administration would be leading the way for expanded protections for all workers.²

First, we urge you to issue an executive order banning retaliation against the employees of federal contractors for disclosing or inquiring about their wages. Research indicates that nearly half of all U.S. workers are either forbidden or strongly discouraged from discussing their pay with colleagues.³ The pernicious impact of such policies is that they often prevent women from finding out if they are being paid less than their male co-workers, making it impossible for them to challenge discriminatory practices. An executive order could provide immediate relief to the roughly 26 million people in America who work for federal contractors—over 20 percent of the

¹ Paycheck Fairness Act Coalition, National Polling Research on the Paycheck Fairness Act (conducted May 21-24, 2010 by Lake Research Partners with a sample of 932 registered voters), *available at* http://www.aclu.org/files/assets/PFA_Poll_Data_Colored_Graphs.pdf.

² OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP), *History of Executive Order 11246*, U.S. DEP'T OF LABOR, http://www.dol.gov/ofccp/about/History_EO11246.htm.

³ FACT SHEET, INST. FOR WOMEN'S POLICY RESEARCH, PAY SECRECY AND WAGE DISCRIMINATION (June 2011) *available at* <http://www.iwpr.org/publications/pubs/pay-secrecy-and-wage-discrimination>.

entire U.S. workforce—by allowing them to discuss their salaries without fear of losing their jobs. By issuing this order, you would be putting an important tool in the hands of millions of women, giving them the power to find out whether or not they are being treated equally in the workplace.

Second, there currently is no mechanism for federal enforcement agencies to detect widespread wage discrimination, even when it occurs in our nation's largest employers. To help federal enforcement agencies detect and prevent wage discrimination, OFCCP should quickly finalize and implement its compensation data collection tool, which was proposed in late 2011, and expand the tool to cover a wider range of compensation categories, such as average starting pay, raises and bonuses, minimum and maximum salary, number of workers by gender, race, age, and ethnicity, and other employment data that will help to highlight disparities and predict discrimination in the workplace.

The need to collect this data has been particularly dire since the OFCCP's Equal Opportunity Survey, which ensured federal contractor and subcontractor compliance with non-discrimination requirements, was discontinued under the Bush Administration. Such a survey should be reinstated, requiring the collection of federal contractor data and requiring that OFCCP review and utilize the responses to identify contractors for further evaluation and enforcement. It is currently on the Department of Labor's agenda for this month, and we would like your commitment to meeting this timeframe.

Collecting employment data is essential to enforcement of Executive Order 11246, the Equal Pay Act, and Title VII's prohibitions on compensation discrimination against women. We know that your Administration is committed to heightened enforcement, and strong data collection is not only imperative to succeeding in that effort, but also to ensure that taxpayer money is not used to underwrite discrimination.


We will continue to work in Congress to ensure equity and fairness for America's women and families. We ask that you take these actions so that the Administration also fulfills its promise of economic security for women and their families.

Sincerely,

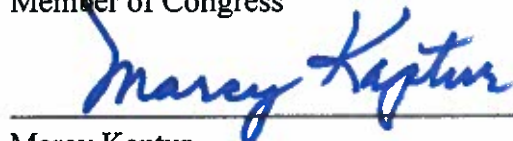
A handwritten signature in blue ink that reads "Rosa L. DeLauro". The signature is written in a cursive style and is positioned above a horizontal line.

Rosa DeLauro
Member of Congress

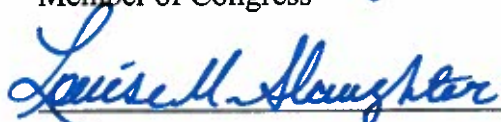

Gwen Moore
Member of Congress



Eddie Bernice Johnson
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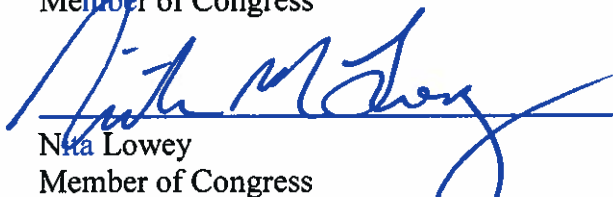

Allyson Schwartz
Member of Congress



Marcy Kaptur
Member of Congress



Joyce Beatty
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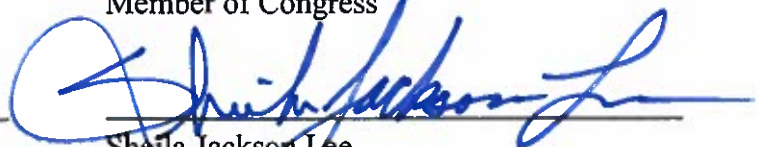

Louise Slaughter
Member of Congress

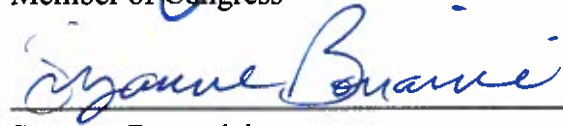

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Member of Congress



Nita Lowey
Member of Congress


Michelle Lujan Grisham
Member of Congress

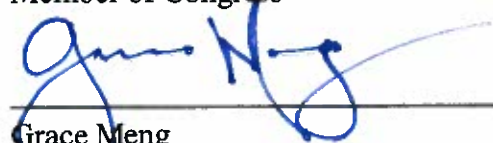

Suzan DelBene
Member of Congress

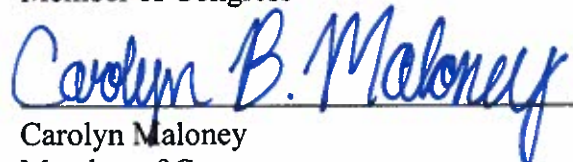

Sheila Jackson Lee
Member of Congress


Suzanne Bonamici
Member of Congress

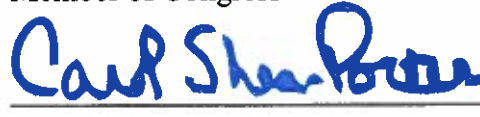

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Lois Frankel

Lois Frankel
Member of Congress

Barbara Lee

Barbara Lee
Member of Congress

Diana DeGette

Diana DeGette
Member of Congress

A handwritten signature in blue ink, appearing to read 'Susan Davis', is written above a solid horizontal line.

Susan Davis
Member of Congress