

Congress of the United States
Washington, DC 20515

January 10, 2020

The Honorable Eugene Scalia
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave N.W.
Washington, D.C. 20210

Dear Secretary Scalia,

As Members of Congress we write to express our strong opposition to the Department of Labor's Office of Federal Contract Compliance Program's (OFCCP) recent announcement stating that it will not "request, accept, or use" pay data broken down by race, gender, and ethnicity in its enforcement of nondiscrimination provisions as applied to federal contractors. **We ask that OFCCP immediately reverse its decision and consider the EEOC's expanded pay data in its enforcement of antidiscrimination laws.**

The OFCCP's announcement is in direct contrast to its mission and previous efforts to eliminate pay discrimination. In fact, the OFCCP was one of the agencies to first identify the government's lack of pay data as a key obstacle to understanding and reducing the wage gap. As a result, in 2016, the Obama Administration directed the Equal Employment Opportunity Commission (EEOC) to collect pay data from large companies. The EEOC's rule specifically stated that pay data would be used by both the OFCCP and the EEOC. This data is vital to helping detect patterns of discrimination and enforce equal pay laws as both the EEOC and OFCCP are required to do. The OFCCP's preemptive announcement that it will not consider this data regardless of its importance or utility raises serious questions about the Administration's commitment to prevent and address discrimination. The OFCCP and the EEOC have consistently taken steps to block this essential pay data collection and has refused to recognize its usefulness for enforcement.

As the OFCCP is well aware, equal pay is an issue of economic fairness and essential to the economic security of families. Women in the U.S. who work full time, year round are paid only 82 cents, on average, for every dollar paid to men – and for women of color the wage gap is even larger. Black women make only 62 cents, on average, for every white man's dollar, and Latinas make 54 cents, on average, for every white man's dollar. This wage gap harms not only women, but the families who depend on their earnings. Forty-one percent of women are the sole or primary breadwinners for their families. Similarly, the EEOC has found that African American men and Hispanic men who worked full time earn approximately 76 percent and 69 percent, respectively, of white men's median weekly earnings.

It is clear that the Administration's priority is to protect federal contractors from scrutiny rather than enforce the law, and we cannot overemphasize our disappointment. The OFCCP must

reverse its decision in order to ensure that federal contractors do not discriminate against workers and continue to hide the wage gaps that exist behind closed doors.

Sincerely,



Lois Frankel
Member of Congress



Rosa DeLauro
Member of Congress



Jackie Speier
Member of Congress



Brenda L. Lawrence
Member of Congress



Deb Haaland
Member of Congress

Veronica Escobar
Member of Congress