



September 7, 2017

Vote YES on Amendments #113, #184, and #186 to H.R. 3354, the Make America Secure and Prosperous Appropriations Act, 2018

Dear Representative:

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On behalf of the American Civil Liberties Union and our more than two million members and supporters, we urge you to support the following amendments that may be offered during floor consideration of H.R. 3354, the Make America Secure and Prosperous Appropriations Act, 2018:

1. Amendment #113 (preserving funding for the EEOC/EEO-1 equal pay data collection)

In July, the House Appropriations Committee adopted the Harris Amendment to defund implementation of the Equal Employment Opportunity Commission's (EEOC) revised Employer Information Report (EEO-1). Amendment #113, offered by Representatives DeLauro, Frankel, and Scott to the FY18 CJS appropriations bill, would preserve funding for that critical equal pay initiative.

The data collection at issue, through the EEO-1 that employers already must use to document the demographics of their workforces, is a critical tool to lift the cloak of secrecy that shrouds pay decisions in this country. Without such transparency, the pernicious gender and race wage gaps, and the discrimination that causes them, will continue to flourish. The new EEO-1 revision was adopted after extensive public comment and would have deterred intentional pay disparities, facilitated employers' good faith efforts to comply with equal pay laws, and identified appropriate targets for federal enforcement of nondiscrimination law.

Instead of supporting this measured approach to eliminate the pay gap, the EEO-1 has been undermined by members of Congress and the Trump Administration's Office of Management and Budget, which recently halted implementation of the EEO-1 equal pay data collection. Because OMB has ordered a review and requested that the EEOC undertake a new effort, the Harris amendment could unnecessarily tie the agency's hands. Members should vote in favor of the DeLauro-Frankel-Scott amendment in order to preserve the ability of the EEOC to continue to make meaningful progress on equal pay. A vote against this amendment is a vote against equal pay.

2. Amendment #184 (no funding to eliminate OFCCP and transfer duties to EEOC)

The Trump administration's FY2018 budget submission to Congress recommended the elimination of the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) and the transfer of its functions to the EEOC. This amendment, offered by Representatives Conyers and Scott to the FY18 Labor-HHS-Education appropriations bill, would withhold federal funding in order to prevent implementation of this ill-advised proposal.

These vital and distinct agencies have different missions and different areas of expertise. The EEOC seeks to remedy complaints of discrimination in employment. The OFCCP more broadly oversees the employment practices of federal contractors who are required to proactively monitor workplace diversity and pay equity, make meaningful efforts to recruit qualified applicants from under-represented groups, and eliminate barriers to equal opportunity for various disadvantaged groups, including veterans and individuals with disabilities. The administration's proposal would jeopardize the uniquely important missions of each agency and weakens our government's ability to effectively enforce our nation's civil rights laws. It would also place an extraordinary burden on the EEOC which already has an excessive workload and a well-known backlog. Finally, [numerous organizations](#) that work with these agencies – from civil rights, women's rights, and workers' rights groups along with business groups such as the U.S. Chamber of Commerce – oppose the administration's proposal.

For these reasons, we urge members of the House to support Amendment #184 that would prevent the elimination of OFCCP.

3. Amendment #186 (no funding to federal contractors who repeatedly and willfully violate FLSA)

This amendment, offered by Representatives Ellison, Grijalva and Pocan to the FY18 Labor-HHS-Education appropriations bill, would ensure that no federal contracts are entered into with entities that willfully and repeatedly violate the Fair Labor Standards Act.

Employers that have the privilege of doing business with the federal government also have a responsibility to comply with our laws. This amendment would provide a strong protection against our government doing business with employers that commit labor violations.

Should you have any questions, please contact Vania Leveille at vleveille@aclu.org.

Sincerely,



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