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Dear Senator/Representative:

For over 45 years, the National Women's Law Center has advocated to expand opportunities for women and girls, driving towards a world where all women and girls can live, learn and work with equality and dignity. In order to achieve this, we must ensure that all women and girls will have safer workplaces and schools, healthier families, stronger communities, more robust supports, and a better economy – all of which will lead to a stronger nation. At the same time, we must ensure that our policies and institutions center those whose experiences are too often marginalized, including low-income women, women of color, women with disabilities, and LGBTQ individuals. We are eager to continue working with you to advance legislative and oversight priorities that will help ensure that all women and girls in the country can succeed.

Over the past year, the U.S. House of Representatives has passed numerous measures that would set the nation on a path where women and girls can truly thrive—from the Paycheck Fairness Act, to the Raise the Wage Act, to another significant increase in funding for the Child Care and Development Block Grant, to the Equality Act, to the FAIR Act, and much more. Nearly all of these measures, however, have languished in the Senate. We need urgent action in the Senate on these measures now to improve the lives of women and girls. In addition, Congress has more work to do to advance policies to combat sexual harassment in the workplace, to eliminate restrictions on abortion and expand access, to fight pregnancy discrimination, and to ensure the safety and equal treatment of girls in school.

As we head into a new decade and critical election year, Congress must strive to meet the needs and priorities of the women whose voices and votes were decisive in 2018 and will be again in 2020. We are eager to continue engaging with you and this Congress to advance measures that would protect the reproductive rights and health of women and girls, enable women and girls to succeed at work and school, and promote economic security for women and families. Our legislative and oversight priorities are organized as follows, in alphabetical order, and are included in full below:

- Advance Workplace Justice
- Ensure a Fair Judiciary
- Increase Investments in Child Care and Early Learning
- Promote Educational Opportunities
- Protect and Expand Access to Health Care, Including Reproductive Health Care
- Strengthen Income and Work Supports for Women and Families

In addition to these core areas, we look forward to working with you to advance the Equal Rights Amendment by removing the deadline for ratification, which would advance gender equality broadly, including many of the legislative and oversight priorities below.

The National Women's Law Center looks forward to continuing to work with you to advance these priorities in the second session of the 116th Congress.

Sincerely,

Fatima Goss Graves
President & CEO

Advance Workplace Justice

As the MeToo movement has made starkly clear, women still face profound gender inequities on the job and are demanding change. Women across the country – especially women of color – continue to be paid less than men and are at a higher risk of poverty. When the wages of all women are compared to those of all men, there is a pay gap of 18 percent. The wage gap varies by race and is larger for women of color, with Black women working full time, year-round typically making only 62 cents, Native women only 57 cents, and Latinas only 55 cents, for every dollar paid to their white, non-Hispanic male counterparts. All working women should have fair, safe, and inclusive workplaces, free from discrimination and harassment; quality jobs that enable them to support themselves and their families; and critical safeguards that recognize and honor working people’s caregiving obligations outside of work.

Legislative Priorities:

- **Pass the Paycheck Fairness Act, S. 270/H.R. 7, in the Senate to help close race and gender wage gaps and strengthen protections against pay discrimination.** The PFA would promote pay transparency by protecting employees from retaliation for discussing pay and requiring employers to provide pay data by race and gender to the EEOC; limit the use of salary history in the hiring process; close loopholes that allow pay discrimination to flourish; and strengthen the ability of employees to challenge and remedy pay discrimination. The House passed the Paycheck Fairness Act in March 2019, and the Senate must follow suit.
- **Pass the Pregnant Workers Fairness Act, H.R. 2694, to protect pregnant workers from discrimination and ensure they are no longer forced to choose between a healthy pregnancy and a paycheck.** The PWFA would ensure that employees who have medical needs stemming from pregnancy, childbirth, or related medical conditions have access to the reasonable workplace accommodations they need, just as those with medical needs arising out of disabilities are entitled to reasonable accommodations at work.
- **Pass the BE HEARD in the Workplace Act, S. 1082/H.R. 2148, a comprehensive reform to strengthen and otherwise expand protections against workplace harassment.** The pervasive and insidious nature of workplace harassment highlighted by the MeToo movement demands comprehensive reform to ensure all work is safe work—including protections for domestic workers and those working in the gig economy. The BE HEARD Act would provide such protection, while also promoting greater transparency and accountability; improving access to justice and redress for harm; and prioritizing prevention of harassment. In addition, the **EMPOWER Act, S. 574, 575/H.R. 1521**, which includes important transparency protections such as limits on the use of nondisclosure agreements and new harassment complaint disclosure requirements for publicly traded companies, the **Forced Arbitration Injustice**

Repeal (“FAIR”) Act, S. 610/H.R. 1423 and the **Restoring Justice for Workers Act, S. 1491/H.R. 2749**, which would ensure that workers challenging harassment and discrimination, labor violations, and unsafe working conditions are not forced to give up their day in court, would provide additional important reforms. The House passed the FAIR Act in September 2019 and the Senate must follow suit.

- **Pass the Raise the Wage Act, S. 150/H.R. 582, in the Senate to raise the minimum wage for all working people to \$15 an hour by 2025, which would improve economic security for millions of women and their families and help close race and gender wage gaps.** To fulfill the promise of a \$15 minimum wage, the Raise the Wage Act indexes the minimum wage so it will continue to rise with wages overall, and ensures that tipped workers, workers with disabilities, and young workers will be entitled to the same fair minimum wage as all working people. The House passed the Raise the Wage Act in July 2019, and the Senate must follow suit.
- **Pass the Schedules That Work Act, H.R. 5004, to give working people more predictability, stability, and voice in their work schedules.** The Schedules that Work Act would help workers meet their obligations on and off the job by granting a right to request work schedules that work for their lives and discouraging the last-minute schedule changes that are rampant in low-wage industries like retail and food service, in which women represent the majority of the workforce. In addition, the **Part-Time Worker Bill of Rights** would expand workplace protections and access to benefits for part-time workers, who often experience the greatest scheduling instability—making the bill an important complement to the Schedules That Work Act.
- Advance workplace justice for women, including passing the **Healthy Families Act, S. 840/H.R. 1784**, and the **FAMILY Act, S. 463/H.R. 1185**, ensuring that working people are able to take the time they need to care for themselves and their families without risking their livelihood.
- Pass the **Equality Act, S. 788/H.R. 5, in the Senate**, which would strengthen critical federal civil rights laws to make clear that in prohibiting sex discrimination, they protect individuals from discrimination based on sexual orientation and gender identity, while adding new protections against sex discrimination. The House passed the Equality Act in May 2019, and the Senate must follow suit.
- Pass the **PRO Act, S. 1306/H.R. 2474**, to restore and strengthen workers’ rights to organize and collectively bargain, and the **Domestic Workers Bill of Rights Act, S. 2112/H.R. 3760**, to protect the rights of domestic workers and others excluded from key labor and employment protection and ensures that no matter the size of your workplace you will be protected from discrimination and harassment.

- Ensure that women, and specifically women of color, are recruited, developed, and supported in hard hat jobs funded by infrastructure initiatives.

Oversight Priorities:

- Probe repeated attempts by EEOC and OMB to block or avoid attempts to collect employer pay data, including OMB's unlawful August 2017 decision to indefinitely stay the EEOC's collection of employer pay data pursuant to a previously-approved Paperwork Reduction Act notice, the EEOC's subsequent failure to develop a revised pay data collection proposal, and the EEOC's September 2019 announcement that it will cease collecting pay data once the current court order requiring it to do so expires.
- Inquire into OMB's failure to approve the EEOC's updated enforcement guidance on unlawful workplace harassment, which was sent to the Administration for approval in November 2017 after public notice and comment.
- Probe CMS's July 2018 proposal to bar certain home care workers from paying union dues directly from their paychecks—a baseless restriction that will create further barriers to union membership for the women, disproportionately women of color, who make up the majority of the home care workforce.
- Examine OFCCP's 2019 proposed rule allowing federal contractors to claim a religious exemption from compliance with federal laws and regulations, suggesting contractors could engage in otherwise prohibited sex discrimination against workers based on their reproductive health decisions, sexual orientation or gender identity.
- Investigate the basis for DOL's rescission of the Obama Administration's carefully considered and publicly supported rule ensuring that workers earning salaries below \$47,476 have access to overtime pay, and its adoption of a lower salary threshold that will leave behind more than 8 million working people—disproportionately women and people of color.
- Examine proposal from the DOL to allow a joint employer finding only where an employer has “direct and immediate” control of the essential terms and conditions of a worker's employment, making it easier for employers to avoid liability for labor violations and other workplace misconduct.
- Probe DOL's proposal to remove limits on employers' ability to pay the \$2.13 tipped minimum cash wage when employees are doing non-tipped work, in which DOL failed to quantify the likely income loss that tipped employees will experience as a result.

Ensure a Fair Judiciary

The federal judiciary is the last line of defense for the legal rights critical to women, such as the right to liberty, equal protection, anti-discrimination, access to health care, and health and safety protections. We need judges who will uphold equality, freedom, individual rights, and opportunity for all. That means equal rights for women under the law and it means protecting individual liberty and the right of all people to make personal decisions about their bodies and personal relationships -- including the right to use contraception, to have an abortion, and to have the freedom to marry who they choose.

Moreover, the impeachment trial conducted by the Senate has damaged our democracy and raises serious questions about the Senate's ability to fulfill its constitutionally mandated obligations. The trial comes on top of the Senate Judiciary Committee leadership's failure to hold a fair and impartial confirmation process for now-Justice Brett Kavanaugh. That process similarly failed to make available and consider all the relevant documents and witnesses, even in the face of credible allegations of sexual harassment. Much work is needed to restore order and faith to the Senate Judiciary Committee.

Oversight Priorities:

- Examine the Senate Judiciary Committee's abuse of the confirmation process, including ignoring nominee's negative ABA ratings, the overriding of Senate traditions respecting the advice and consent role of a nominee's home state Senators, the possible restriction of debate time on the Senate floor, scheduling of hearings during recess, and denying requesting Members of the Senate Judiciary Committee full access to nominees' records.
- Probe President Trump's judicial selection and nomination process and how that process has impacted the diversity of the judges on our federal bench and the ability of the federal judges to represent the diverse communities they serve.
- Examine potential ethics and recusal violations by federal judges and determine ways to improve accountability including extending the code of conduct to include Supreme Court Justices.

Provide Every Family Access to High-Quality, Affordable Child Care

High-quality, affordable care is an essential national priority that is critical to the success of our children, families, and economy and an essential investment to advance gender and racial equity. [Investing in child care](#) means more children can access the tools that will prepare them for school; more families who can work, go to school, or retrain for a new career; and fairer compensation for the early education workforce, primarily women of color and immigrant women, which in turn improves their economic security and contributes to availability of quality care.

Legislative Priorities:

- **Increase discretionary funding in the FY 2021 appropriations bill for the Child Care and Development Block Grant (CCDBG) by an additional \$5 billion for a total of \$10.826 billion.** This increase would expand access to child care assistance for more families, raise the quality of care, support child care teachers, and ensure that states can continue to make progress implementing reforms included in the 2014 bipartisan reauthorization of the program.
- **Pass a comprehensive child care bill that meets the [standards outlined by the broad-based community of child care advocates, like the Child Care for Working Families Act, H.R. 1364/S. 568](#).** The Child Care for Working Families Act would dramatically expand access to child care assistance, guaranteeing it for all working families with children birth to 13 with income up to 150 percent of State Median Income, raising the quality of child care, and raising compensation for educators.
- **Ensure that child care is included in infrastructure packages and preparations for the next [recession](#).** Care work is the infrastructure that makes all other work possible and child care workers play a fundamental role in ensuring that families can thrive. A recession exacerbates the existing gaps in a system that is already hard on working families and makes the needs of children, families, and providers more acute. Expanding child care assistance meets all three criteria of an effective anti-recessionary tool and should be included in legislation addressing the impacts of a future recession on families, states, and the economy.

Oversight Priorities

- **Ensure that information and data about CCDBG implementation are made public and are available in a timely manner.** The Department of Health and Human Services' Office of Child Care (OCC) should publish in a timely manner data and information around state progress meeting the requirements of CCDBG reauthorization, including whether or not states have come into compliance and are no longer on a corrective action plan and corrective action plan

correspondence sent to states since October 1, 2018. OCC should also provide clear, public guidance to states about the timeline and next steps in the corrective action plan process, including how and at what point penalties will be assessed and how OCC will assess compliance through the FY 2022-FY 2024 State Plan pre-print process.

Promote Educational Opportunities

Every student deserves the chance to learn and thrive in a safe, inclusive, and healthy school free from harassment or unfair exclusionary discipline, as well as access to quality, affordable educational opportunities at the elementary, secondary and post-secondary levels.

Legislative Priorities:

- **Block the Education Department’s forthcoming final Title IX rule on sexual harassment, to ensure equal access to educational opportunities for all students in elementary, secondary, and post-secondary schools.** Congress should act to block the Department of Education from finalizing and implementing a proposed Title IX rule that will require schools to ignore many reports of sexual harassment, require schools to use procedures that treat victims unfairly and make it harder for them to come forward, and allow religious schools to discriminate based on sex without notice to students. For example, both the College Affordability Act, H.R. 4674, and H.R. 5388 would block this harmful rule or any rule or guidance that is substantially the same.
- **Ensure any reauthorization of the Higher Education Act removes barriers for historically marginalized students.** Congress should not reauthorize HEA unless any such reauthorization increases opportunities for historically marginalized groups and counters Education Secretary Betsy DeVos’s attempts to deprive students of equal access to quality educational opportunities. Specifically, an HEA reauthorization should increase affordability, access, and accommodations for low-income and nontraditional students, including pregnant and parenting students; promote campus safety by codifying campus climate survey requirements, protections against LGBTQ harassment and discrimination, and protections against sexual harassment and assault; and increase funding and data collection activities related to civil rights compliance. While the College Affordability Act, H.R. 4674, would take important first steps toward these goals, it should not be passed without additional protections that ensure fair process in sexual harassment investigations, improve transparency regarding school compliance with sex discrimination laws, provide greater supports for pregnant and parenting students, and strengthen enforcement of all education civil rights laws. The College Affordability Act should also incorporate other student safety bills, including the HALT Campus Sexual Violence Act, H.R. 3381, and the Safe

Equitable Campus Resources and Education Act of 2018 (SeCURE Act), 115th Cong, H.R. 2026 /S.984.

- **Take a comprehensive approach to addressing school climate by passing the Ending PUSHOUT Act, H.R.5325, and introducing other legislation to promote safe, healthy and inclusive school environments for students in elementary and secondary school.** Nationwide, Black girls are almost six times more likely to be suspended from school than white girls, and Native American girls are almost three times as likely—often for minor and subjective offenses. In addition, girls across all races are subject to increased risk of sexual harassment—with one in five girls age 14 to 18 reporting being touched or kissed without their consent. And LGBTQ students are at an increased risk of harassment and unfair discipline. The Ending PUSHOUT Act would help address these inequities by requiring schools to report annual data on overly punitive discipline, investing \$2.5 billion for schools to provide alternative forms of discipline and trauma-informed supports, and establishing an interagency taskforce to stop school pushout that centers the experiences and voices of Black, brown and Native American girls. Congress should take other steps, such as banning corporal punishment and providing opportunities for educators to increase their cultural competency, to ensure all children feel safe and supported in school—no matter their race, gender or zip code.

Oversight Priorities:

- Investigate the Department of Education’s decision to issue Title IX rules requiring schools to ignore many reports of sexual harassment, requiring schools to use procedures that treat victims unfairly and make it harder them to come forward, and allowing religious schools to discriminate based on sex without notice to students.
- Probe the Department of Education Office for Civil Rights’ (OCR’s) enforcement of Title IX complaints alleging schools’ failure to address sexual harassment following the rescission of 2011 and 2014 guidance on sexual harassment and assault and issuance of interim guidance in 2017.
- Investigate OCR’s enforcement of Title IX complaints alleging discrimination against transgender students following the rescission of the 2016 guidance on transgender and gender-nonconforming students.
- Interrogate OCR’s decision to open Title IX or Title VI investigations into gender- or race-conscious affirmative action programs—particularly following the rescission of several guidance documents on promoting race-conscious admissions in elementary, secondary, and post-secondary institutions.

- Investigate how DOJ is using its authority under EO 12250 to coordinate with federal agencies to support agencies in their efforts to undermine federal civil rights laws.

Protect and Expand Access to Health Care, Including Reproductive Health Care:

Congress must strenuously protect and expand coverage of and access to health care services, including reproductive health care.

Legislative Priorities:

- **Eliminate harmful restrictions on abortion.** The decision to have an abortion should not depend on a person's income, how they are insured, or where they live. Congress should pass bills including but not limited to the EACH Woman Act and the Women's Health Protection Act, as well as appropriations legislation that excludes the Hyde Amendment and any other rider that restricts access to reproductive health care.
- **Protect and expand access to birth control and ensure all individuals have coverage of birth control and related education and counseling no matter the source of health care coverage.** Congress can achieve this by passing bills such as the Access to Contraception for Women Servicemembers and Dependents Act.

Ensure that personal beliefs do not dictate patient care. Congress should pass legislation including but not limited to the Put Patients First Act, H.R. 5036/S. 2836; Eliminate the HHS Discrimination Divison Act of 2020, H.R. 5626; Do No Harm Act, H.R. 1450/S. 593; and the Access to Birth Control Act, H.R. 2182/S. 1086; and eliminate the Weldon Amendment rider from appropriations legislation.

- **Expand comprehensive, accessible health coverage to all, and ensuring any such measures meet women's needs, including by covering reproductive health care such as abortion and birth control.**
- **Protect and strengthen Medicaid.** Congress should block any and all proposals to radically restructure Medicaid, including implementation of the unlawful and harmful "Healthy Adult Opportunity" Initiative.
- **Address health disparities affecting women of color, such as the unacceptably high rate of maternal mortality.** Congress should center the experiences of racial and ethnic communities and other underserved populations in all health legislation and pass legislation to address systemic racism and inequities, including but not limited to the Health Equity and Accountability Act; the HEAL for Immigrant Women and Families Act, H.R. 4701; and the Maternal Care Access and Reducing Emergencies (Maternal CARE) Act, H.R. 2902/S. 1600.

- **Ensure that health care providers do not face barriers or discrimination when they seek abortion training or employment.** Health care providers should not face damage to their careers simply because they want to treat patients seeking abortion.

Oversight Priorities:

- Investigate the Administration's efforts to undermine abortion access, including finalizing a rule that is designed to end private insurance coverage of abortion and establishing a policy that unconstitutionally blocks young, immigrant women in U.S. custody from receiving abortion care.
- Investigate the efforts by HHS and DOJ to undermine the ACA's birth control coverage benefit, including by establishing illegal and discriminatory rules and entering into unlawful settlement agreements with objecting employers and schools.
- Continue investigating HHS's efforts to allow religious beliefs to dictate patient care, including by finalizing a rule that would drastically and unlawfully expand religious exemption laws, creating a new office solely dedicated to protecting those who would refuse to provide patient care, and failing to enforce protections for those who are willing to provide abortion.
- Investigate the process by which the Administration has sought to radically change the Title X family planning program, including finalizing a rule that would impose a domestic gag rule and eliminate the guarantee that all pregnant patients receive unbiased, comprehensive counseling from a Title X grantee.
- Investigate the Administration's efforts to undermine the Affordable Care Act, including by encouraging states to use section 1332 waiver authority to change insurance coverage in ways that could destabilize the ACA marketplace and isolate people with pre-existing conditions; allowing the sale of junk short-term, limited-duration insurance coverage that can deny coverage for pre-existing conditions, opt not to cover entire categories of benefits, and require higher out-of-pocket cost-sharing than under the ACA, among other things; and drastically shortening the length of the open enrollment period and eliminating advertising about the enrollment period.
- Investigate the Administration's proposed rule that would dramatically rollback non-discrimination protections contained in the Health Care Rights Law (Section 1557 of the Affordable Care Act), and investigate DOJ's decision to stop defending the protections in court and removing critical information from HHS's website.

- Investigate the process by which HHS has unlawfully sought to radically change the Medicaid program, including by approving state Medicaid waivers that require work requirements, denying enrollees their providers of choice by excluding abortion providers, and investigate the impact of those changes on individuals who rely on the program.
- Investigate HHS's abandonment of its core mission: "to enhance and protect the health and well-being of all Americans" by systematically and intentionally taking steps to undermine health coverage and health care, bring discrimination back into the health care system, and deprioritize work on closing gaps in health care services and outcomes across groups that already face barriers to care.

Strengthen Income and Work Supports for Women and Families

Nearly one in three people in the United States struggles to make ends meet, and [over 40 percent would struggle to come up with \\$400 in the event of an emergency](#). Women, particularly women of color and single-parent households, are disproportionately affected, with poverty rates significantly higher than the national average. Women and their families need access to supports that help them meet their and their families' basic needs, and lay the groundwork for a brighter future.

Legislative Priorities:

- **Make the tax code more progressive and increase racial and gender equity.** Provide more revenues for programs and services that help women and families make ends meet by rolling back provisions of the 2017 tax law that overwhelmingly benefit the wealthy and large corporations, such as the reduced top corporate and individual income tax rates or the pass-through income deduction, taxing capital like work, restoring meaningful taxation of dynastic wealth, and fully funding IRS enforcement.
- **Improve tax benefits that help low- and moderate-income women and families make ends meet.** This includes improving the Earned Income Tax Credit (both for families with children and for very low-income workers who do not claim children), making the Child and Dependent Care Tax Credit refundable and more consistent with current costs of care, and helping the families with the lowest incomes fully benefit from recent changes to the Child Tax Credit.
- **Increase funding for federal programs and services that support low- and moderate-income women and families.** Everyone should have access to basic supports, including food, health care, and affordable, accessible housing. Congress should prioritize funding for programs so that more women and families can meet their basic needs, including policies to modernize unemployment insurance so that more workers are covered, provide more generous benefits for Supplemental Security Income, dramatically increase funding for housing vouchers, and protect nutrition assistance programs.

Oversight Priorities:

- Examine the impact of the tax code on racial and gender equity.
- Probe the weak points in our nation's social assistance programs in the event of a recession, with particular attention to how new and proposed rules have weakened access to nutrition assistance, rental assistance, unemployment insurance, and other countercyclical tools for women and people of color - with consequences for both struggling families and the economy overall.
- Inquire why the Department of Housing and Urban Development has proposed rules that would threaten housing assistance for 108,000 people in mixed-status families receiving prorated housing assistance and over 9.4 million people who would be subject to new documentation requirements, as well as roll back disparate impact and Affirmatively Furthering Fair Housing rules that help reduce discrimination in housing and help women and their families access fair housing opportunities.
- Investigate the Administration's policy of family separation and "zero tolerance," including the conditions of detention facilities and the well-being of affected families.
- Probe the Department of Labor's November 2018 proposal to allow states to dramatically expand the workers applying for unemployment insurance (UI) benefits who would be subject to mandatory drug testing, including the rationale for delegating the DOL's authority to the states, whether or not DOL can articulate a "special need" for suspicionless drug testing under these circumstances, and the purported benefit for expanding drug testing in light of the cost and limited effectiveness of such testing compared to the likely negative impact on UI claimants.
- Ensure that every person is counted in the 2020 census. In addition to full funding, this means hearings and other oversight to ensure the integrity of the process.
- Investigate the Department of Agriculture's process for developing three proposed rules, and one final rule, that would cut Supplemental and Nutrition Assistance Program benefits for millions of people yet failed to produce analysis of the gender impact of the proposals and mitigation strategies for public comment.

Address issues that cut across a range of gender justice issues.

Many issues cut across gender justice issues as people do not live single issue lives. It is important for Congress to pass legislation and conduct oversight in ways that do not undermine one gender justice fight for another, but instead comprehensively addresses how all of these issues are connected.

Congress can start this process by passing H.J. Res. 79 and S.J. Res. 6, which would remove the congressionally-imposed deadline for ratifying the Equal Rights Amendment. Virginia just became the 38th state to ratify the ERA and it important that our foundational legal document fully affirm our right to be equal in this country. Similarly, Congress should investigate the Department of Education, Health and Human Services, Department of Labor and other federal agencies' use of religious exemption provisions in federal law to promote sex discrimination based on gender identity, sexual orientation, and pregnancy status and related conditions.