

April 26, 2016

The Honorable Mac Thornberry  
Chairman  
Committee on Armed Services  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
Committee on Armed Services  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Thornberry and Ranking Member Smith:

On behalf of the undersigned organizations, we write in strong opposition to the Kline amendment entitled “Nonapplicability of Certain Executive Order to Department of Defense and National Nuclear Security Administration” to the FY 2017 National Defense Authorization Act and to express our deep support for the Fair Pay and Safe Workplaces Executive Order. We are organizations dedicated to protecting workers, eliminating workplace discrimination and protecting access to justice. The Executive Order, as well as the regulations and guidance implementing it, represent a much needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes. The Kline amendment would gut the implementation of the Executive Order’s many important protections and, as a result, we urge you to reject it.

Employers that have the privilege of doing business with the federal government also have a responsibility to abide by the law. The Executive Order is crucial because it helps ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws. The Executive Order will encourage companies applying for federal contracts to comply with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII, and the Occupational Safety and Health Act, and their state law equivalents. It creates strong incentives for federal contractors to comply with labor standards under federal laws and their state law equivalents to ensure that federal contract jobs are high-quality and family sustaining.

The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault. Forced arbitration is a rigged, secret system that erodes employees’ traditional legal safeguards. Government contractor employees should not have to give up their day in

court as a part of a one-sided employment agreement that was signed before a harm even occurred.

We ask you to stand with American workers and oppose the Kline amendment to the FY 2017 National Defense Authorization Act. The Executive Order provides strong protections against the federal government contracting with employers that routinely violate workplace health and safety protections, engage in age, disability, race, and sex discrimination, withhold wages, or commit other labor violations. These protections should not be rolled back.

Sincerely,

AFL-CIO

American Association for Justice

American Association of University Women

American Civil Liberties Union

American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO

American Federation of Teachers, AFL-CIO

Atlanta Women for Equality

Bazelon Center for Mental Health Law

Black Women's Roundtable

Business and Professional Women/St. Petersburg-Pinellas

Catalyst

Coalition of Labor Union Women

Color of Change

Epilepsy Foundation

Equal Rights Advocates

Family Values @ Work

Institute for Science and Human Values

International Brotherhood of Teamsters

International Union of Operating Engineers

Jewish Women International

Labor Project for Working Families in Partnership with FV@W

The Leadership Conference on Civil and Human Rights

Make It Work

MomsRising

NAACP

National Center for Transgender Equality

National Coalition on Black Civic Participation

National Committee on Pay Equity

National Council of Jewish Women

National Education Association

National Employment Lawyers Association

National Employment Law Project

National LGBTQ Task Force Action Fund

National Organization for Women

National Partnership for Women & Families  
National Women's Law Center  
North America's Building Trades Unions  
Service Employees International Union  
U.S. Women's Chamber of Commerce (USWCC)  
Women Employed  
Women's Law Project  
Women of Reform Judaism  
UltraViolet  
9to5, National Association of Working Women