



June 8, 2021

U.S. Senate
Washington, DC 20510

Dear U.S. Senators:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 69 chapters representing more than 21,000 members, I write today to express ABC's opposition to H.R. 7, the Paycheck Fairness Act, and **ABC will consider the vote on cloture on the motion to proceed to H.R. 7 as a "KEY VOTE" for our 117th Congressional Scorecard.**

ABC is adamantly opposed to unlawful discrimination of any kind and is strongly committed to equal employment, but believes current laws, specifically Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963, properly address problems with wage disparities and discrimination in the workplace. We are concerned about many of the provisions contained in this legislation, including its unprecedented government intervention. Specifically, this flawed legislation would:

- prohibit many legitimate, non-discriminatory practices that employers use to attract and retain the best qualified employees;
- threaten employee bonus or incentive pay that, by definition, provides some employees a higher wage than others;
- prohibit employees from negotiating higher pay either before being hired or during employment; allow employees' wages to be publicly disclosed through social media to peers, friends, family and competitors;
- require employers to submit expansive new pay data on their employees to the EEOC unrelated to the Equal Pay Act's focus on gender-based pay discrimination;
- require the Labor Department to reinstate a duplicative pay grade survey that has proven ineffective at addressing gender wage disparities among federal contractors;
- make it easier for trial lawyers to file large class actions against employers by reducing the criteria for plaintiffs to opt-in to a mass action, thereby expanding these actions to include plaintiffs not truly "similarly situated"; and
- establish unlimited punitive and compensatory liability under the Equal Pay Act against employers of every size.

The impact of passage of the Paycheck Fairness Act would be significant from both a compliance and litigation standpoint. Given the broad and overreaching aspects of this legislation, **ABC urges you to vote NO on cloture on the motion to proceed to H.R. 7 and will consider the vote a "KEY VOTE" for our scorecard on the 117th Congress.**

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Swearingen".

Kristen Swearingen
Vice President, Legislative & Political Affairs