



April 8, 2014

United States Senate
Washington, D.C. 20510

Dear Senator:

On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association representing nearly 21,000 chapter members, I am writing to express our strong opposition to the Paycheck Fairness Act (S. 2199). Due to our grave concerns with several of the provisions contained in this legislation, **ABC may consider the vote on cloture on the motion to proceed to S. 2199 as a “KEY VOTE” for our 113th Congressional Scorecard.**

ABC is adamantly opposed to unlawful discrimination of any kind and is strongly committed to equal employment, but believes current laws 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:

- make unlimited damages available for violations of the Equal Pay Act (EPA), even when a disparity in pay is unintentional. It is one thing to require employers to correct improper wage differentials, but quite another to impose unlimited damages for unintentional conduct. Appropriate remedies for intentional discrimination, including punitive and compensatory damages, are available under Title VII of the Civil Rights Act of 1964;
- include changes to the EPA that would make it easier to file large class actions against employers and more difficult for employers to justify legitimate pay disparities, promoting costly litigation against well intentioned employers; and
- compare employees’ pay among jobs in different labor markets with different market wages and costs of living for purposes of litigation.

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 strongly urges you to vote NO on cloture on the motion to proceed to the Paycheck Fairness Act, and may consider this a “Key Vote” for our 113th Congressional Scorecard.**

Sincerely,

Geoffrey G. Burr
Vice President, Federal Affairs