



January 15, 2019

**RE: AAUW PRIORITIES FOR THE 116TH CONGRESS**

Dear Member of Congress:

On behalf of the over 170,000 members and supporters of the American Association of University Women (AAUW), I am pleased to present to you AAUW's priorities for women and girls in the first session of the 116th Congress. We look forward to working with you and the other members of Congress to advance AAUW's mission of achieving equity for women and girls.

Since AAUW's founding in 1881, our advocates have taken positions on the fundamental issues of the day – educational, social, economic, and political. Our positions are rooted in our member-approved Public Policy Priorities and are a valuable foundation for action at the local, state, and federal levels.

Backed by our members and supporters, AAUW continues to speak out on a wide ranges of issues affecting women and girls. This letter provides a list of AAUW's federal legislative priorities for the 116th Congress that we urge legislators to take up and move quickly to support the economic security, education, and civil rights of women and girls.

As the 116th Congress begins, AAUW urges you to consider support for these specific legislative priorities:

**WOMEN'S ECONOMIC SECURITY**

Job creation and economic opportunity are critical issues for women, many of whom continue to struggle with economic insecurity and wage discrimination. Economic security is a foundational aspect of everyday life, and is particularly important to women's ability to support themselves and their families. Women are overrepresented in low-wage jobs – nearly two-thirds of minimum wage workers in the United States are women and 24 percent of minimum wage workers are women of color.<sup>1</sup> Women also continue to face particular challenges in the workforce, including discrimination and occupational segregation.<sup>2</sup> The gender pay gap persists, with multiple factors driving its endurance.<sup>3</sup> There is much Congress can do to ensure women's fair treatment in our workplaces and we urge you to take immediate action on the following priorities:

- **Pass the Paycheck Fairness Act**

As this historic Congress begins its work and as we approach the 10th anniversary of the Lilly Ledbetter Fair Pay Act on January 29, 2019, we urge swift passage of the Paycheck Fairness Act, a bill giving women more tools to address the gender pay gap. Given that women working full time still typically make 80 cents on the dollar as compared to men, and women of color experience even wider gaps, Congress must make available new solutions to address this persistent problem.

The Paycheck Fairness Act would update and strengthen the Equal Pay Act of 1963 to ensure that it provides effective protection against sex-based pay discrimination in today's workplace. This bill takes several important steps, including prohibiting retaliation against workers who wish to discuss or disclose their wages. It bans the use of salary history in determining future pay, so that prior pay discrimination does not follow workers from job to job. The Paycheck Fairness Act also closes loopholes that have weakened the law over time and equalizes remedies to ensure that women can receive the same robust compensations for sex-based pay discrimination currently available to those subjected to discrimination based on race and ethnicity. This bill also provides technical assistance to business, requires wage data collection, and supports salary negotiation training programs.

- **Support The Pay Equity for All Act and the Fair Pay Act**

The Pay Equity for All Act would ban employers from using salary history to determine future pay, preventing prior discrimination from following an employee through their career and thus ensuring salaries are determined by job qualifications and market pay scales. The Fair Pay Act would curb occupational segregation by requiring employers to provide equal pay for work of equivalent value, whether or not the jobs are the same. This bill would address unequal pay in female-dominated jobs that are objectively rated equivalent to jobs traditionally dominated by men, a major factor behind the pay gap.

Together with the Paycheck Fairness Act, this package of equal pay bills would provide women and workers of color additional tools to battle the pervasive pay gap and challenge discrimination, as well as provide employers with effective incentives and technical assistance to comply with the laws.

- **Raise the Minimum Wage**

Today, millions of women live in poverty because our federal minimum wage is inadequate for ensuring the economic well-being of workers and their families. The federal minimum wage is currently only \$7.25 per hour and just \$2.13 per hour for tipped workers. Some workers with disabilities are paid a subminimum wage through certificates issued by the Department of Labor. This is not even close to a living wage, which is necessary to lift workers out of poverty. A woman with two children working full-time at minimum wage earns a yearly salary of \$14,500, \$5,000 below the poverty line.<sup>4</sup> Women comprise a majority of the low-wage workforce, and African American women and Latinas are significantly overrepresented in the low-wage workforce.<sup>5</sup>

This is why AAUW is urging Members in the 116th Congress to take action to increase the minimum wage by supporting the Raise Wage Act of 2019. If enacted, this legislation would raise the federal minimum wage to \$8.55 this year and increase it over the next five years until it reaches \$15 an hour in 2024, phase out the outdated subminimum wage for tipped workers, and sunset the ability of employers to pay workers with disabilities a subminimum wage. Women make up nearly 56 percent of the workers who would benefit from a \$15 minimum wage, making this bill instrumental for helping to close the gender wage gap. Raising the minimum wage to \$15 would also significantly benefit workers of color, with 40 percent of African American workers and 34 percent of Latinos seeing a pay increase once this law goes into effect. This is an important first step in breaking the cycle of poverty for low-paid hourly workers.

- **Take Action on Additional Economic Security Priorities**

- **Harassment in Employment:** Congress should institute robust protections against sexual, racial, and other forms of harassment in employment. This includes banning mandatory arbitration and nondisclosure agreements as a condition of employment, expanding the

workers covered by anti-harassment laws, codifying strong anti-retaliation policies, and fixing the overly-narrow standards created through case law.

- **Paid Family and Medical Leave:** Congress must ensure that all workers have the ability to care for themselves and their loved ones in times of need without risking their economic security. We urge you to pass the Family and Medical Insurance Leave (FAMILY) Act, which would create a national paid family and medical leave insurance program for all workers.
- **Paid Sick Days:** For their own health and the health of the public, workers must be able to stay home when they are ill. Congress must pass the Healthy Families Act to ensure no one has to decide between their health and keeping their job.
- **Protections for Pregnant Workers:** Congress should require employers to make reasonable accommodations to protect the health of pregnant workers by passing the Pregnant Workers Fairness Act.

### **EQUAL ACCESS TO EDUCATION**

Since the passage of Title VI of the Civil Rights Act of 1964 and IX of the Education Amendments of 1972, which respectively prohibit race and sex discrimination in federally funded education programs, schools have made significant strides in providing equal access to education. By simply creating the same opportunities to learn for all students, schools have paved the way for new levels of achievement.

Despite these gains, barriers to equity in education still exist, particularly for women and underrepresented populations. For example, AAUW's own research revealed that two-thirds of college students experience sexual harassment and nearly half of students in grades 7–12 face sexual harassment.<sup>6</sup> Despite Title IX protections, the gender divide in career and technical education programs remains wide, with women still concentrated in areas leading to lower-wage occupations.<sup>7</sup> Title IX coordinators continually fail to have the necessary training or authority to oversee compliance with Title IX in schools.<sup>8</sup> Students of color and students with disabilities face disparities in school discipline which deny them equal educational opportunities. And women hold nearly two-thirds of the outstanding student debt in the United States – almost \$900 billion as of mid-2018 – crippling their educational advancement and economic security.<sup>9</sup> There is much Congress can do to continue breaking down barriers and ensure equal access to education. We urge you to take immediate action on the following priorities:

- **Defend and Strengthen Title IX**

Recent, unprecedented attacks on Title IX jeopardize the right of all students to learn in an environment free from discrimination. AAUW opposes any actions that would roll back the protections afforded through Title IX, including the recent proposed rule from the Department of Education. We urge Congress to exercise its oversight authority to defend Title IX and ensure its vigorous enforcement. We also urge Members to speak out against the proposed rule and in support of the need to restore students' civil rights.

AAUW also urges you to support the Patsy T. Mink and Louise M. Slaughter Gender Equity in Education Act (GEEA). This bill provides additional resources, training, and technical assistance to education entities to ensure compliance with Title IX. GEEA also supports the work of thousands of Title IX coordinators by providing annual training and technical assistance. We urge you to support this important bill when it is introduced in the 116th Congress.

- **Eliminate Disparities in School Discipline**

Children of color and children with disabilities are suspended and expelled from school at disproportionate rates.<sup>10</sup> Studies show that black students are punished more harshly and more frequently than white students for similar offenses.<sup>11</sup> Disproportionate suspension rates mean children of color lose more instructional time than their white peers and are more likely to be pushed out into the juvenile and adult justice systems.<sup>12</sup> Evidence shows that African American girls are 5.5 times more likely to be suspended than white girls. They are also more likely than any other demographic group to receive multiple suspensions.<sup>13</sup> These disproportionate disciplinary rates runs afoul of federal civil rights laws barring discrimination in access to education.

The 2014 joint U.S. Department of Justice and U.S. Department of Education school discipline guidance package, including the *Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline*, was issued in response to findings that schools' disciplinary practices were disproportionately harming students of color. This guidance and the related documents provided practical tools and guidelines for educators to create safe, supportive, and welcoming environments for all students and assistance in complying with federal civil rights laws. AAUW denounces the Departments' rescission of the school discipline guidance package. Students deserve, and the law requires, a government that is working to protect all students from discrimination in education. We urge Congress to exercise its oversight authority to monitor enforcement of Title VI of the Civil Rights Act of 1964 and others laws ensuring civil rights in education, and to speak out in opposition to changes to the critical school discipline guidance.

- **Support the Dream Act and Take Action to Protect Immigrant Youth**

In the 115th Congress, the Dream Act was a bipartisan bill that would have offered a path to legal status to young individuals who entered the United States before the age of 18, passed important security checks, and met other criteria, including enrolling in college. This bill also included critical protections for more than 800,000 Deferred Action for Childhood Arrivals (DACA) recipients whose status remains in jeopardy. Over the past two years, the Trump Administration has taken steps to terminate the DACA program and dismantle the immigration system, igniting legal challenges that have left the lives of thousands hanging in the balance. Our higher education system and our economy are stronger because of the contributions of immigrant youth. As we begin the 116th Congress, AAUW urges you to bring legislation to the floor that would grant DACA recipients and immigrant youth a pathway to citizenship, an ability to access higher education, and the opportunity to work toward economic stability.

### **ADDITIONAL PRIORITIES**

In addition to the list above, there are many other important issues on which AAUW continues to advocate for and urge action on this Congress.<sup>14</sup> These issues include:

- **Ensure equal access to the ballot box:** Voting discrimination is a threat to the very foundation of our democracy, and therefore ensuring the right to vote is prerequisite to establishing all the other policies we discuss in this letter. In recent years, voter suppression tactics have been on the rise and directly affect women, voters of color, low-income voters, and voters with disabilities. AAUW urges Congress to support democratic principles that ensure equal access to the ballot. This includes the Voting Rights Advancement Act, a legislative response to the 2013 Supreme Court decision in *Shelby v. Holder* that struck down a key provision of the Voting Rights Act of 1965. Additional reforms should include establishing national automatic voter registration, promoting

early and online voting, instituting voting modernization measures, supporting criminal re-enfranchisement, and ending partisan gerrymandering, among others.

- **Protect all people’s access to affordable, quality healthcare and reproductive rights:** Congress must ensure all women have equal access to sexual and reproductive health, rights, and justice. Congress must protect the Affordable Care Act and ensure all people have quality, affordable health insurance coverage and access to quality health care providers they trust. In addition, Congress must fight restrictions on reproductive health care by passing legislation like the Women’s Health Protection Act.
- **Guarantee equal rights regardless of gender identity and sexual orientation:** Congress must protect all people from discrimination by passing the Equality Act.
- **Reauthorize the Higher Education Act (HEA) and Violence Against Women Act (VAWA):** These two critical bills have yet to be renewed. Both HEA and VAWA are essential to women’s economic security, equal educational opportunities, and safety. We urge you to prioritize these legislative activities in the new Congress.

## **CONCLUSION**

AAUW stands steadfast in its commitment to improving the lives of women and their families, and is ready to serve as a resource to you and your staff as we work on this progress together. Co-sponsorship and votes associated with these bills may be scored in the AAUW Action Fund *Congressional Voting Record for the 116th Congress*.

Please do not hesitate to contact me at 202/785-7720, Anne Hedgepeth, director of federal policy, at 202/785-7724, or Pam Yuen, senior government relations coordinator, at 202/785-7712 if you have any questions.

Sincerely,



Deborah J. Vagins  
Senior Vice President, Public Policy and Research

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<sup>1</sup> Julie Vogtman, “The Raise the Wage Act: Boosting Women’s Paychecks and Advancing Equal Pay,” May 2017, <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/05/Raise-the-Wage-Act-Boosting-Womens-Pay-Checks.pdf>.

<sup>2</sup> Kevin Miller and Deborah J. Vagins, “The Simple Truth about the Gender Pay Gap” (American Association of University Women, Fall 2018), <https://www.aauw.org/research/the-simple-truth-about-the-gender-pay-gap/>.

<sup>3</sup> *Id.*

<sup>4</sup> U.S. Census Bureau, “Poverty Thresholds: Poverty Thresholds by Size of Family and Number of Children,” September 2018, <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>. See also, *supra*, n. 1.

<sup>5</sup> Jasmine Tucker and Kayla Patrick, “Women in Low-Wage Jobs May Not Be Who You Expect,” August 2017, <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/08/Women-in-Low-Wage-Jobs-May-Not-Be-Who-You-Expect.pdf>.

<sup>6</sup> Catherine Hill and Elena Silva, “Drawing the Line: Sexual Harassment on Campus” (American Association of University Women, December 2005), <https://www.aauw.org/files/2013/02/drawing-the-line-sexual-harassment-on-campus.pdf>. Catherine Hill and Holly Kearn, “Crossing the Line: Sexual Harassment at School” (American Association of University Women, November 2011), <https://www.aauw.org/files/2013/02/Crossing-the-Line-Sexual-Harassment-at-School.pdf>.

<sup>7</sup> National Coalition for Women and Girls in Education, “Title IX at 45: Advancing Opportunity Through Equity in Education,” 2017, <https://newge.org/TitleIX45/Title%20IX%20at%2045-Advancing%20Opportunity%20through%20Equity%20in%20Education.pdf>.

<sup>8</sup> *Id.*

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<sup>9</sup> Kevin Miller, “Deeper in Debt: Women and Student Loans” (American Association of University Women, May 2017), <https://www.aauw.org/research/deeper-in-debt/>.

<sup>10</sup> United States Government Accountability Office, “K-12 EDUCATION: Discipline Disparities for Black Students, Boys, and Students with Disabilities,” March 2018, <https://www.gao.gov/assets/700/690828.pdf>.

<sup>11</sup> *See, e.g.*, Daniel J. Losen and Jonathan Gillespie, “Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School” (The Center for Civil Rights Remedies at The Civil Rights Project at UCLA, August 2012), <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federalreports/upcoming-crrr-research/losen-gillespie-opportunity-suspended-2012.pdf>.

<sup>12</sup> Daniel J. Losen and Amir Whitaker, “Lost Instruction: The Disparate Impact of the School Discipline Gap in California” (The Center for Civil Rights Remedies at The Civil Rights Project at UCLA, October 2017), [https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/lost-instruction-the-disparate-impact-of-the-school-discipline-gap-in-california/UCLA\\_Lost-Instruction\\_R7-102317.pdf](https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/lost-instruction-the-disparate-impact-of-the-school-discipline-gap-in-california/UCLA_Lost-Instruction_R7-102317.pdf); Tony Fabelo, Michael D. Thompson, and Martha Plotkin, “Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement” (The Council of State Governments Justice Center and the Public Policy Research Institute at Texas A&M University, July 2011), [https://knowledgecenter.csg.org/kc/system/files/Breaking\\_School\\_Rules.pdf](https://knowledgecenter.csg.org/kc/system/files/Breaking_School_Rules.pdf).

<sup>13</sup> National Women’s Law Center, “Let Her Learn: A Toolkit to Stop School Push Out for Girls of Color,” [https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/11/final\\_nwlc\\_NOVO2016Toolkit.pdf](https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/11/final_nwlc_NOVO2016Toolkit.pdf).

<sup>14</sup> “AAUW Public Policy Priorities,” June 2017, <https://www.aauw.org/resource/principles-and-priorities/>.