



Submitted to regulations.gov

September 17, 2025

Catherine L. Eschbach
Director
Office of Federal Contract Compliance Programs
200 Constitution Avenue NW
Washington, DC 20210

Re: Rescission of Executive Order 11246 Implementing Regulations, [Docket No. OFCCP-2025-0001] RIN 1250-AA17

Dear Director Eschbach,

The American Association of University Women (AAUW), founded in 1881, is one of the nation's oldest and largest organizations dedicated to gender equity. Our mission is to advance equity for women and girls through research, education, and advocacy. We also administer millions of dollars annually in fellowships and grants, and we see firsthand how employment policies shape women's economic security.

AAUW has supported affirmative action and nondiscrimination protections for decades, rooted in our belief that all individuals have the right to be employed according to their abilities without regard to sex, race, ethnicity, or other protected characteristics. For this reason, **we strongly oppose the proposed rescission of the regulations implementing Executive Order 11246.**

The Importance of Executive Order 11246

Issued in 1965, EO 11246 prohibits federal contractors from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin. It also requires contractors to take affirmative action to ensure equal opportunity. These implementing regulations, enforced by the Office of Federal Contract Compliance Programs (OFCCP), establish standards, record-keeping requirements, and accountability measures that ensure contractors live up to their commitments.

As the federal government is the nation's largest purchaser of goods and services, EO 11246 has been one of the most effective tools for advancing equal opportunity in the workplace. Federal contractors employ more than one-fifth of the U.S. workforce. Without these implementing regulations, EO 11246 would lose its practical effect, leaving workers vulnerable and enforcement weakened.

Advancing Racial and Gender Equity

The implementing regulations under EO 11246 have been instrumental in expanding opportunities for women and people of color in industries and occupations from which they have historically been excluded. Affirmative action requirements for contractors created pathways into higher-paying, nontraditional fields and helped address systemic inequities in hiring, promotion, and pay.



Since the adoption of affirmative action programs, the number of women and minorities in certain professions has increased significantly. The proportion of women physicians, for example, tripled between 1970 and 2002, and women's participation in science, technology, engineering, and mathematics grew substantially during the same period. These gains demonstrate how affirmative action can dismantle entrenched barriers and open doors for underrepresented groups.

Despite progress, barriers remain. Women are still severely underrepresented in male-dominated occupations, and women of color face compounded challenges due to intersecting discrimination. EO 11246 and its regulations are essential to dismantling these barriers and ensuring fair treatment across the workforce.

The Consequences of Rescission

Rescinding the implementing regulations would:

- **Weaken protections** against discrimination for more than one-fifth of the U.S. workforce employed by federal contractors.
- **Reduce accountability** by eliminating the reporting and recordkeeping mechanisms that allow OFCCP to monitor contractor compliance.
- **Reverse progress** in opening doors for women and people of color in higher-paying industries.
- **Exacerbate inequities**, particularly in nontraditional occupations where women and communities of color remain underrepresented.

This rescission would make it harder to identify and address systemic bias, harder for workers to challenge discrimination, and easier for inequities to persist unchecked.

A Gender Equity Lens

For women — and especially for women of color — rescinding these protections threatens decades of hard-won progress. While women overall earn less than men across nearly every sector, the inequities are most pronounced for women of color.

- **Black women** continue to earn significantly less than white men and white women, even when equally qualified. They are overrepresented in lower-wage public-facing jobs with federal contractors, where strong nondiscrimination protections are critical.
- **Latinas** face one of the most significant gender pay gaps of any group, losing nearly half a million dollars over a 40-year career compared to white men. Federal contracting jobs can provide essential pathways to higher-paying fields, but only if equal opportunity rules are maintained.
- **Native women** experience among the widest pay gaps of all groups and remain severely underrepresented in many industries that benefit from federal contracting. Eliminating accountability measures will make it harder to address these disparities.



- **Asian American and Pacific Islander women**, while often grouped in data, face wide variation in outcomes. Specific AAPI subgroups experience substantial wage inequities and exclusion from leadership opportunities that affirmative action tools help uncover.

EO 11246 implementing regulations provide one of the few mechanisms that require federal contractors to examine and address these disparities across race and gender together. By ensuring equal access to jobs, promotions, and fair pay, these rules have played a central role in building pathways to economic security for women of color. Weakening or eliminating them would send the message that equal opportunity is no longer a federal priority, jeopardizing progress toward equity in the workforce.

Conclusion

EO 11246 and its implementing regulations have long been central to combating workplace discrimination and advancing racial and gender equity. Far from being outdated, they remain vital to ensuring that federal contractors provide equal opportunity and that women and people of color can fully participate in all sectors of the economy.

For these reasons, AAUW strongly urges the Office of Federal Contract Compliance Programs to withdraw the rule that would rescind regulations implementing EO 11426. Equal opportunity in federal contracting is not only a legal obligation — it is a moral and economic imperative.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in purple ink that reads "Meghan Kissell". The signature is written in a cursive, flowing style.

Meghan Kissell
Senior Director, Policy & Member Advocacy