

Congress of the United States
Washington, DC 20515

December 22, 2020

The Honorable Joseph R. Biden, Jr.
President-Elect
Office of the President Elect
1401 Constitution Ave., NW
Washington, DC 20230

The Honorable Kamala Harris
Vice President-Elect
Office of the President Elect
1401 Constitution, Ave., NW
Washington, DC 20230

Dear President-elect Biden and Vice President-elect Harris:

Congratulations on your historic victory! As members of the Democratic Women's Caucus (DWC), we look forward to working with you to deliver on the bold promise of gender equity and racial justice embodied by your campaign.

We are enthusiastic about your transformative agenda for women and families and have appreciated our discussions with you about the importance of your policy proposals. Because of the substantial damage done by Donald Trump to the women of our country, we encourage you to use executive power to immediately begin reversing the harm wrought by the outgoing administration and chart the new course articulated by your platform that affirms gender equity and allows all women and girls to reach their full potential. We are eager to work with you in pursuing the executive actions below:

Administration Structure & Engagement of Women

- **Establish a White House Council on Gender Equity.** The Trump Administration disbanded the White House Council on Women and Girls which included the leadership of every federal agency and made important progress in the Obama-Biden Administration to elevate women's rights, including protecting students from sexual violence and ensuring that the Affordable Care Act guaranteed no-copay contraceptive access. The Biden-Harris Administration should establish a robust and well-resourced White House Council on Gender Equity that includes all Cabinet members and works across domestic and foreign policy. The Council should be staffed with senior-level experts on child care and early learning, pay equity, paid family and medical leave, violence prevention, reproductive rights, and the needs of women and girls of color.
- **Appoint a Special Assistant to the President on Gender Equity** who can provide a gender lens to policy challenges and be present for all Cabinet meetings. Similar advisers exist in countries such as Canada and France which have a minister of state for gender equality and minister for women and gender equality.

- **Appoint a highly visible Ambassador-at-Large for Global Women's Issues** with demonstrated experience and commitment to advancing human rights, bodily autonomy, and gender equality to cement the rights of women and girls as a foreign policy priority.
- **Nominate women for at least 50 percent of open judicial slots.** The Trump Administration has filled over 20 percent of all judgeships with judges antagonistic to women's rights. As of October 2019, 73 percent of sitting judges were male, 80 percent were white, and fewer than 1 percent self-identified as LGBTQ.
- **Commit to gender parity in national security leadership.** We applaud your commitment to nominating women to at least 50 percent of Senate-confirmed national security positions. This is a critical step toward improving representation of qualified women across the fields of energy, homeland security, diplomacy, intelligence, and defense.
- **Ensure robust staffing and resources of key agencies and structures** including the offices of Child Care (OCC) and Head Start (OHS) at the Department of Health and Human Services (HHS) and the Equal Employment Opportunity Commission (EEOC), and restore the mission and intent of the Office of Civil Rights at various agencies.
- **Release a proposed budget that furthers women's economic security, health, and wellbeing, and conduct gender and racial equity analyses of proposed budgets and tax policies** to ensure that tax dollars are best utilized to support marginalized communities. A 2016 OECD Survey found that almost half of OECD countries have introduced, plan to, or are actively considering introducing gender budgeting.
- **Elevate women's history** by committing to a National Women's History Museum, expediting the inclusion of women on our currency, and establishing a federal commission to recognize women's unique contributions to the U.S. Such a commission could examine how monuments and coursework can better tell women's stories.
- **Conduct an Executive Branch Pay Equity and Leadership Audit** to evaluate pay equity practices within federal agencies and make appropriate adjustments.
- **Actively recruit women for positions within the administration**, including members of groups that are underrepresented in federal government, including women of color, immigrant women, women with disabilities, transgender women and gender non-conforming people.

Child Care and Early Learning

Child care and early education are investments in our future that pay for themselves. Quality care facilitates all other work while allowing children to learn and thrive in their most formative years of brain development. Unfortunately, the child care industry is hanging on by a thread, and the consequences have been dire for women and families. Since the beginning of the COVID-19 pandemic, 2.2 million women have left the workforce, with 1 in 11 Black women and 1 in 12 Latinas unemployed. According to the U.S. Census Bureau, prime working-age women are three times as likely as men to not be working due to child care demands.

- **Direct the Domestic Policy Council to Devise Universal Child Care Proposal.** Even before the pandemic, there was an estimated 12 percent drop in maternal workforce participation when families had trouble finding child care, with no corresponding effect on fathers. The Biden-Harris Administration should prioritize universal child care to ensure all children and families have access to high-quality care and child care workers are paid a living wage.

- **Issue an Executive Order on Child Care and Early Learning.** The White House should issue an EO to direct agencies to identify changes and actions that would signal a commitment to stabilizing child care programs, improving job quality, compensation, and professional development for workers and educators, and supporting families' diverse child care and early learning needs.
- **Appoint a Caregiving Czar** to coordinate a whole-of-government response to the caregiving crisis.
- **Ensure rapid nation-wide implementation of VA's child care program** to ensure that veterans seeking care at VA facilities who need safe and secure child care during their medical appointments have access to child care.
- **Direct Federal Agencies to Take Executive Actions to Implement Aspects of the *Child Care for Working Families Act*,** including requiring subsidy levels based on enrollment and/or operating costs rather than attendance; increasing the job search period to reflect the recession, and identifying whether workers paid through the Child Care and Development Block Grant are being paid a living wage for their region.
- **Create a New National Child Care and Early Learning Grassroots Advisory Body** within OECD co-chaired by the OECD Deputy Assistant Secretary and a grassroots leader.
- **Direct DOL to Conduct Research on Caregiving Workforce Development.** Require DOL, in coordination with the Department of Education and HHS, to prepare a report for Congress on the development of career pathways, national training standards, registered apprenticeship programs, and credentials for domestic workers focused on home health care and in-home child care that help meet the growing demand for domestic workers; identify improvements in career pathways, training standards and apprenticeship opportunities; and how these can improve wages and working conditions across the industry.

Pay Equity & Economic Security

The pandemic has proven what we've known all along: women's labor is essential. Yet, women lose over \$10,000 on average each year due to the gender wage gap, and the losses for women of color are even more severe. As a result, a woman working full-time, year-round stands to lose over \$400,000 over the course of a 40-year career, hurting her retirement security.

- **Resume Pay Data Collection.** The Trump Administration stayed and undermined the EEOC's pay data collection by gender, race and ethnicity. Such pay data is essential to identifying trends of discrimination and better enforcing civil rights laws. The White House should direct the EEOC and Office of Federal Contract Compliance Programs (OFCCP) to collect compensation data by gender, race, and ethnicity, and the agencies should publish wage gap information by industry and locality.
- **Issue an Executive Order to Combat the Wage Gap Among Federal Contractors.** Federal contractors should be required to disclose their gender and racial wage gaps on publicly-accessible websites, prohibited from relying on job applicants' salary histories to set pay, and required to put salary ranges in job announcements. An Executive Order should also raise the minimum wage for federal contractors to \$15 an hour, and ensure tipped workers receive the same minimum wage as other workers, before tips.
- **Raise the Overtime Salary Threshold.** The Trump Administration finalized a rule reducing overtime eligibility to a much lower salary threshold than the Obama-Biden Administration. The DOL should promulgate new regulations to raise the overtime salary threshold.

- **Combat Wage Theft and Secure Fair Wages for Tipped Workers.** The Biden-Harris Administration should increase enforcement dedicated to ending wage theft, and suspend action on DOL rulemaking on tip regulations under the Fair Labor Standards Act by restoring the “80/20 rule” that ensures employers cannot take a tip credit when tipped workers perform significant non-tipped work.
- **Reinstitute the White House Equal Pay Task Force** to coordinate efforts to achieve paycheck fairness.
- **Designate Domestic Work as a Priority Industry for Wage and Hour Enforcement.** The Department of Labor should designate the domestic workforce as a priority industry for wage and hour enforcement that combines complaint-driven and proactive strategic enforcement.
- **Rescind DOL and EEOC rules that expand opportunities for discrimination** by allowing employers to claim the religious organization exception to discriminate against women and LGBTQ+ individuals.

Reproductive Health, Rights, and Justice

Reproductive freedom has been under attack by the Trump Administration. In order for women to have control over their bodies and destinies, they must have access to the full range of reproductive health care, including abortion.

- **Issue an Executive Order to Reaffirm Commitment to Protect and Expand Access to Reproductive Health Care.** On January 22, the anniversary of *Roe v. Wade*, the White House should issue an Executive Order making a strong commitment to protecting and expanding reproductive rights and access to reproductive health care, and directing agencies to rescind harmful policies that undermine access to care and examine new regulations or guidance to advance access to reproductive health care. The EO should also revoke the Mexico City Policy, or the Global Gag Rule, expand U.S. foreign assistance support for abortion to the maximum extent allowed under the Helms amendment, revoke Executive Order 13535 (Patient Protection and Affordable Care Act’s Consistency with Longstanding Restrictions on the Use of Federal Funds for Abortion), and direct the HHS Secretary to issue guidance to lift the FDA’s in-person dispensing requirement for mifepristone for the duration of the public health emergency and request that the FDA review the full REMS for mifepristone to determine whether it remains necessary given scientific evidence. A separate presidential memorandum should direct HHS to take all steps to cease applying the Title X domestic gag rule.
- **Make a public statement making it clear that the administration will reengage on a global scale to advance the health and rights of individuals worldwide**, and take action to re-engage fully with the United Nations, including by re-joining and re-funding the World Health Organization, and re-funding the UN Population Fund (UNFPA), the UN’s sexual and reproductive health agency
- **Create an Interagency Task Force on Reproductive Health Care** to coordinate a federal response across federal agencies to protect and expand access to reproductive health care.
- **Reverse regulations that limit access to reproductive health care, including rescinding regulations** such as the Title X domestic gag rule, which has undermined access to family planning services; the Refusal of Care Rule, which allows many individuals or entities involved in patient care to refuse to provide medical services; the rule creating sweeping exemptions to allow any employer or university to deny coverage for contraception; the public charge rule; the June 2020 rule

undermining the anti-discrimination protections of section 1557 of the Affordable Care Act (ACA); and the 2019 rule on Section 1303 of the ACA that imposes burdensome and arbitrary accounting requirements on plans that cover abortion on the ACA marketplace, and halt non-final regulations that target reproductive health care, including those that may be released during the lame duck period.

- **Eliminate the new Conscience and Religious Freedom Division within the Office for Civil Rights at HHS**, which has been weaponized to justify discrimination.
- **Direct the State Department to include sexual and reproductive health and rights in its annual Country Reports on Human Rights Practices.** The Trump Administration eliminated this critical information, disregarding that reproductive rights are human rights.
- **Eliminate the State Department’s Commission on Unalienable Rights and its resulting report**, which has been used to undermine reproductive rights and LGBTQ rights.
- **Direct HHS to protect patients’ choice of reproductive health care provider**, in part by reinstating 2016 guidance reaffirming Medicaid’s free choice of provider provisions, and ensuring that states cannot exclude qualified providers of reproductive health care from Medicaid for reasons unrelated to their qualifications, including their provision of abortion care.
- **Direct the State Department and the U.S. Ambassador to the United Nations to champion sexual and reproductive health and rights** in UN meetings and international forums. The Trump Administration has rolled back U.S. foreign policy positions promoting access to sexual and reproductive health and rights and comprehensive sex education, stripped language affirming the right for rape survivors to access sexual and reproductive health care in a United Nations Security Council resolution, and appointed extreme anti-abortion and anti-LGBTQ delegates to the annual Commission on the status of women.
- **Rescind an Office of Refugee Resettlement policy that requires heightened involvement in abortions** and issue new guidance to ensure that all migrants have timely and comprehensive access to family planning services.
- **Rescind rules that restrict private insurance companies from covering reproductive health services.**
- **Expand the VA medical benefits package to include access to abortion services and abortion counseling.**
- **Withdraw from the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family.** The non-binding declaration undermines women’s health and access to safe reproductive care globally.
- **Explicitly encourage the Department of Health and Human Services to fund grantees and programs that promote LGBTQ-inclusive, medically accurate, and age appropriate comprehensive sexuality education.** These programs should provide information about contraception, pregnancy, healthy dating, sexual violence, and sex/sexuality/gender, and discourage an emphasis on abstinence-only, cessation, or “sexual risk avoidance.”

Access to Health Care

- **Rescind efforts to weaken the Affordable Care Act**, such as by defending the ACA in court and extending the ACA enrollment period, restoring funding for navigators and other enrollment assistance, and banning junk short-term insurance plans.
- **Restore Medicaid integrity** by rescinding guidance permitting work requirements on Medicaid recipients.

- **Address urgent maternal health needs:** The United States has one of the highest rates of maternal mortality compared with other developed nations despite advancements in medical care and treatment. Pregnant women of color, particularly Black women, face higher pregnancy-related deaths compared with White women. We must address urgent maternal health needs including rising maternal mortality rates that risk exacerbation by the COVID-19 pandemic by using available mechanisms to extend Medicaid and CHIP coverage to at least 12 months after childbirth while ensuring continued maintenance of effort; encouraging safe inclusion of pregnant and lactating individuals in research and clinical trials related to COVID-19; launching a website with resources for pregnant people and members of their care team; directing federal agencies to address federal employees' pregnancy accommodation needs; and directing the EEOC to provide emergency guidance on pregnancy accommodations and COVID-19 for all employers.
- **Ensure gender-specific services are available and accessible at VA for women veterans,** such as mammography, pre- and post-natal care, and gynecological care.
- **Direct HHS to issue guidance designed to encourage states to expand coverage for new populations, such as DACA recipients and undocumented immigrants.**
- **Issue an Executive Order (EO) to address the nation's current long-term care crisis,** creating an interagency council to examine long-term services and supports financing, workforce issues, and the delivery system, developing recommendations to achieve the goals of: ensuring independence for seniors and people with disabilities; and making home care jobs—which are disproportionately held by women of color—good jobs.
- **Strengthen and support mental health parity** to guarantee all patients equal access to mental health and medical treatment.
- **Direct GSA to examine executive actions to expand access to menstrual products for federal workers in federal buildings.**

Equality

- **Rescind DOJ's Legal Opinion on Equal Rights Amendment (ERA).** On the centennial of the 19th amendment, Virginia became the 38th state needed to ratify the ERA. In response to a request from the Archivist for guidance on whether to certify the Amendment, DOJ released a partisan opinion not based in legal precedent that the ERA push is dead. The Biden Administration should rescind the DOJ's opinion on the ERA and issue a new opinion based in legal precedent.
- **Instruct DOJ to Coordinate Implementation of LGBTQ Rights Under Federal Civil Rights Law in Line with *Bostock v. Clayton County*.** The Supreme Court has established that sex discrimination includes discrimination based on sexual orientation and gender identity. DOJ should be instructed to coordinate implementation across agencies.

Safety and Freedom from Violence

- **Direct the Department of Education to immediately notice the intent to rescind the Trump Administration's Title IX rule,** which undermines the civil rights of student survivors and makes K-12 schools and colleges less safe. Because the rule has been challenged in court, the DOJ should advise on the best course to permit agency reconsideration.
- **Create a new position, Special Advisor on Sexual Violence, in the Office of the Secretary of the Department of Health and Human Services (HHS),** to provide leadership and collaboration across

the Department, other agencies, and the White House on the issue of sexual violence, ensure the needs of sexual violence survivors are met, and prioritize prevention of sexual violence.

- **Issue an Executive Order to strengthen protections against workplace discrimination by federal contractors** by prohibiting the use of mandatory arbitration and forced nondisclosure agreements for employment and labor law violations. Federal contractors should also make regular, public reports of numbers and types of complaints of violations received.
- **Direct the EEOC to issue guidance on workplace harassment** that clarifies that harassment based on sexual orientation and gender identity is a form of sex harassment, and that the “severe or pervasive” standard is meant to prohibit a broad spectrum of harassment and take into account the impact of harassment on its target.
- **Issue an Executive Order to improve sexual assault and sexual harassment prevention and response training for servicemembers**, hold commanders accountable for the professional climate within their units, provide more detailed public data on the extent of sexual violence in the military, and pilot bold approaches to addressing sexual violence.
- **Revitalize the Trilateral Working Group (US, Canada and Mexico) on Violence Against Indigenous Women and Girls.** Across North America, Indigenous women and girls experience violence at alarming rates compared to other segments of the population. In 2016 alone, 5,712 Native women went missing or were murdered. These gender-based crimes are on the rise and are often perpetuated by the inability to access justice, economic opportunities and social support. Re-engaging this working group is critically important to sharing information, collaborating on initiatives to improving government response, and ending violence against Indigenous women and girls.
- **Implement and enforce a nation-wide anti-sexual harassment and sexual assault policy at the U.S. Department of Veterans Affairs** to ensure that women veterans do not continue to face discrimination when they seek care and benefits at VA facilities.
- **Restore humane conditions to our immigration system** by revoking the Migrant Protection Protocols, ending family separation, and other shameful policies. Mothers and children seeking asylum at our borders must be treated with respect and dignity and afforded the rights they hold under international and U.S. law.
- **Reverse the Public Charge Rule** that discourages immigrants from accessing Medicaid and other public health benefits by restricting beneficiaries of these programs from access to documentation, and drop further appeals to court rulings.
- **Prioritize the reunification of separated families.** Experts at the National Academy of Sciences in addition to various medical associations have noted the serious health impacts, including trauma and depression, suffered by both children and mothers who were separated from one another under zero tolerance. The Biden Administration should establish a task force to find missing parents and provide administrative relief and legal protections for families that were harmed. Moreover, the Administration should provide legal, health, and other services to the parents and children.
- **Prevent forced hysterectomies of detained women.** The DHS Office of the Inspector General, DOJ Civil Rights Division, and multiple congressional committees are conducting investigations into reports that women in ICE custody were subjected to hysterectomies without their consent. The Administration must support these investigations and swiftly implement their recommendations. Further, ICE, in consultation with medical and civil rights experts, must review and update its medical standards, particularly related to consent, to ensure the protection of immigrants, and regularly evaluate whether ICE detention centers – including private facilities under contract – are in compliance with these standards.

- **Protect noncitizen victims of crime from deportation.** The Violence Against Women Act of 2000 established the U visa to assist immigrants who suffered physical or mental abuse as a result of certain crimes, including domestic violence and sexual assault – crimes that disproportionately harm women. The Biden Administration should direct USCIS to increase its capacity to process U visa petitions to reduce the amount of time it takes for petitioners to receive conditional approval and be placed on the waitlist. Additionally, DHS should reverse Trump Administration directives or guidance that make it easier for ICE to deport U visa applicants.
- **Protect Children on the Internet.** In recent years there has been an explosion in the spread of child sexual abuse material on the internet. The Biden administration should enforce the mandates of the PROTECT Our Children Act of 2008 and produce a National Strategy for Child Exploitation Prevention and Interdiction every two years. They should also designate a senior official at DOJ to coordinate and execute this national strategy.
- **Direct HHS to provide technical assistance to states on reducing rape kit backlogs,** including by addressing shortages of Sexual Assault Nurse Examiners (SANEs) and Sexual Assault Forensic Examiners (SAFEs).
- **Create Workplace Safety Guidance Tailored to Private Homes.** The Labor Secretary should convene a group of domestic workers, domestic employers, and other relevant stakeholders to develop recommendations of health and safety standards for domestic workers in private homes. These recommendations should include effective strategies to conduct health and safety enforcement that address concerns of both employer and worker communities.

Paid Sick Days & Paid Family and Medical Leave

The coronavirus pandemic has once again revealed the importance of paid sick days and paid family and medical leave. Seven in 10 of the lowest wage workers lack access to paid sick days, and just 19 percent of workers have paid family leave. This is both an economic security and a public health issue: people without paid sick days are 1.5 times more likely than those with paid sick days to report going to work with a contagious illness such as the flu or a viral infection.

- **Conduct Outreach on Paid Sick Days and Paid Leave Provisions.** Once the emergency paid sick days and paid leave provisions are extended in a COVID-19 relief package, direct agencies to begin an outreach and education program to inform workers and employers of their rights and obligations.

Climate Justice

Climate change does not impact everyone equally; it exacerbates existing inequities, including gender inequity. Among those at the frontlines of climate impacts globally are the bodies, lives and livelihoods of women – particularly indigenous women and women of color. Women, compared with men, often have limited access to resources, more restricted rights, limited mobility, and a muted voice in shaping decisions and influencing policy. However, women are uniquely positioned to be powerful agents of change in responding to climate change and driving innovative solutions at all levels of society.

- **Include women of diverse racial backgrounds in positions of leadership on climate issues.**
- **Direct the State Department and the U.S. Ambassador to the United Nations to champion climate justice for women in UN meetings and international forums.**

- **Direct federal agencies to coordinate policies and activities relating to the disproportionate impact of climate change on women.**

We stand ready to assist you in these and other efforts to improve the lives of women and girls and achieve gender justice. With your bold vision and expertise at the helm, we can achieve transformative change that empowers women to thrive and grows our economy.

Sincerely,



Jackie Speier
Co-Chair
Democratic Women's Caucus



Brenda L. Lawrence
Co-Chair
Democratic Women's Caucus



Lois Frankel
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Member of Congress

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Alma S. Adams, Ph.D.
Member of Congress

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Ann McLane Kuster
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Ayanna Pressley
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Debbie Wasserman Schultz
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Deborah Ross
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Diana DeGette
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Dina Titus
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Eleanor Holmes Norton
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Jennifer Wexton
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Julia Brownley
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