March 20, 2013

President Barack Obama

The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We write to thank you for your continued leadership on behalf of all lesbian, gay, bisexual and transgender (LGBT) Americans. We believe that a fully inclusive America benefits us all and that sexual orientation and gender identity should never be used to discriminate in employment practices. For that reason, we request that you make signing an executive order that would prohibit federal contractors from discriminating in the workplace based on an individual's sexual orientation or gender identity an initial priority of your second term.

Our request begins with a simple premise. It is unacceptable that it remains legal to fire or refuse to hire someone based on his or her sexual orientation or gender identity. Federal law continues to allow this and discrimination based on sexual orientation is legal in 29 states and discrimination because of gender identity is legal in 34 states. Action at the federal level can put a stop to these unfair and discriminatory workplace practices in every state.

Last year, many of us wrote to you, 72 members of the House of Representatives in total, requesting that you sign an executive order that would require any company seeking a federal contract to have adopted workplace policies against discrimination based on sexual orientation or gender identity. We remain committed to passage of the Employee Non-Discrimination Act (ENDA), which would ban employment discrimination based on an individual's sexual orientation or gender identity. However, you can take action today to help prevent these types of unfair labor practices and to lay the groundwork for passage of ENDA.

Executive Order 11246, signed by President Lyndon Johnson in 1965 and subsequently amended, prohibits federal contractors from discriminating against employees based on race, color, religion, sex or national origin. The executive order gave millions important workplace protections and to this day continues to stand as an important protection that is enforced by the Office of Federal Contract Compliance Programs at the Department of Labor. According to the Williams Institute at the UCLA School of Law, an executive order prohibiting federal contractors from discriminating based on sexual orientation and gender identity would protect more than 16 million additional workers.

Even without federal action, many companies are acting responsibly and instituting workplace policies that include sexual orientation and gender identity. In fact, nearly 88 percent of Fortune 500 companies include sexual orientation in their workplace policies and 57 percent include gender identity. Companies are taking this action because they know that adopting these policies will help them attract

the best talent, reduce employee turnover and add to their bottom lines.

Still, research has shown that 43 percent of LGBT people and 90 percent of transgender people have experienced workplace discrimination. This data reinforces our general premise that no American should be subject to workplace discrimination because of his or her sexual orientation or gender identity. With a majority of American workers living in states that have not passed laws granting LGBT employees legal protections from workplace discrimination, an executive order will provide broad protections that will level the playing field.

We thank you for considering our request. We also reaffirm our commitment to working with you to ensure that members of the LGBT community receive the same protections and opportunities as all other Americans. Thank you again for your leadership on advancing LGBT equality, and we look forward to working with you on passage of ENDA to establish permanent LGBT workplace protections for our federal employees.

Sincerely,

FRANK PALLONE, JR.
Member of Congress

JARED POLIS
Member of Congress

LOIS CAPPS
Member of Congress

ADAM SCHIFF
Member of Congress

JAMES P. MORAN
Member of Congress

JOHN LEWIS
Member of Congress

JANICE D. SCHAKOWSKY
Member of Congress

JUDY CHU
Member of Congress

RICK LARSEN
Member of Congress

GWEN MOORE
Member of Congress

CHRIS VAN HOLLEN
Member of Congress

CAROLYN B. MALONEY
Member of Congress

SAM FARR
Member of Congress

BOBBY L. RUSH
Member of Congress

NYDIA M. VELÁZQUEZ
Member of Congress

BARBARA LEE
Member of Congress

JOHN CONYERS, JR.
Member of Congress

THEODORE E. DEUTCH
Member of Congress

EDWARD J. MARKEY
Member of Congress

DINA TITUS
Member of Congress

HENRY A. WAXMAN
Member of Congress

ALAN LOWENTHAL
Member of Congress

ZOE LOFGREN
Member of Congress

KEITH ELLISON
Member of Congress

STEPHEN F. LYNCH
Member of Congress

JARED HUFFMAN
Member of Congress

DIANA DEGETTE
Member of Congress

SANDER M. LEVIN
Member of Congress

HENRY C. “HANK” JOHNSON, JR.
Member of Congress

EARL BLUMENAUER
Member of Congress

ADAM SMITH
Member of Congress

JULIA BROWNLEY
Member of Congress

GARY C. PETERS
Member of Congress

MAXINE WATERS
Member of Congress

MICHAEL M. HONDA
Member of Congress

LUIS V. GUTIERREZ
Member of Congress

JAMES P. MCGOVERN
Member of Congress

BILL PASCRELL, JR.
Member of Congress

DENNY HECK
Member of Congress

DAVID N. CICILLINE
Member of Congress

ALBIO SIRES
Member of Congress

DONALD M. PAYNE, JR.
Member of Congress

STEVE COHEN
Member of Congress

CAROL SHEA-PORTER
Member of Congress

TIMOTHY J. WALZ
Member of Congress

JIM McDERMOTT
Member of Congress

PAUL TONKO
Member of Congress

LUIS V. GUTIERREZ
Member of Congress

MARK POCAN
Member of Congress

JANICE HAHN
Member of Congress

CHARLES B. RANGEL
Member of Congress

GEORGE MILLER
Member of Congress

JAMES A. HIMES
Member of Congress

JACKIE SPEIER
Member of Congress

SUSAN A. DAVIS
Member of Congress

MARK TAKANO
Member of Congress

PETER WELCH
Member of Congress

NOR HOLMES NORTON
Member of Congress

CHELLIE PINGREE
Member of Congress

FREDERICA S. WILSON
Member of Congress

ALCEE L. HASTINGS
Member of Congress

RAÚL M. GRIJALVA
Member of Congress

BOBBY SCOTT
Member of Congress

MICHAEL E. CAPUANO
Member of Congress

KYRSTEN SINEMA
Member of Congress

ROSA L. DELAURO
Member of Congress

BRUCE L. BRALEY
Member of Congress

BETTY MCCOLLUM
Member of Congress

SEAN PATRICK MALONEY
Member of Congress

GRACE MENG
Member of Congress

ANN McLANE KUSTER
Member of Congress

ANNA G. ESHOO
Member of Congress

ALAN GRAYSON
Member of Congress

RON KIND
Member of Congress

JERROLD NADLER
Member of Congress

JOE GARCIA
Member of Congress

LOIS FRANKEL
Member of Congress

BRADLEY S. SCHNEIDER
Member of Congress

JOHN K. DELANEY
Member of Congress

ELIZABETH H. ESTY
Member of Congress

TIMOTHY H. BISHOP
Member of Congress

ERIC SWALWELL
Member of Congress

ELIOT ENGEL
Member of Congress

SCOTT PETERS
Member of Congress

GERALD E. CONNOLLY
Member of Congress

ALLYSON SCHWARTZ
Member of Congress

AL GREEN
Member of Congress

JOYCE BEATTY
Member of Congress

BRAD SHERMAN
Member of Congress

RUSH HOLT
Member of Congress

DAN KILDEE
Member of Congress

DAVID PRICE
Member of Congress

LINDA T. SÁNCHEZ
Member of Congress

JUAN VARGAS
Member of Congress

EMANUEL CLEAVER, II
Member of Congress

GREGORY W. MEEKS
Member of Congress

MIKE DOYLE
Member of Congress

JAMES R. LANGEVIN
Member of Congress

ANDRÉ CARSON
Member of Congress

KATHY CASTOR
Member of Congress

DORIS MATSUI
Member of Congress

DONNA F. EDWARDS
Member of Congress

LOUISE M. SLAUGHTER
Member of Congress

MIKE QUIGLEY
Member of Congress

BRIAN HIGGINS
Member of Congress

JERRY MCNERNEY
Member of Congress

JOSÉ E. SERRANO
Member of Congress

EDDIE BERNICE JOHNSON
Member of Congress

SUZANNE BONAMICI
Member of Congress

NIKI TSONGAS
Member of Congress