

# United States Senate

WASHINGTON, DC 20510

March 28, 2006

Director  
Division of Policy, Planning and Program Development  
Office of Federal Contract Compliance Programs  
200 Constitution Avenue, NW, Room N3422  
Washington, DC 20210

We are writing to express our concern over the proposal by the Office of Federal Contract Compliance Programs to eliminate the Equal Opportunity Survey. The elimination of this Survey would undermine the enforcement of the nation's civil rights laws and jeopardize the Department's efforts to make equal pay a reality for all workers. We strongly urge the Department to retain the Survey, and take all steps necessary to see that it is implemented in a manner consistent with its original design.

Our nation's commitment to civil rights requires strong laws, and also strong leadership by the federal government. The Administration has an obligation to promote civil rights and equal opportunity in all of its endeavors, including its contracting practices. Executive Order 11246 demonstrates this commitment by prohibiting discrimination by federal contractors and requiring all contractors to take affirmative steps to guarantee equal opportunity in their employment practices.

The Equal Opportunity Survey is essential to the Department's pursuit of these important goals. It helps contractors improve their compliance with equal opportunity requirements, and helps OFCCP target its enforcement resources most effectively. Particularly critical is Part C of the Survey, which addresses pay inequities. This portion of the Survey collects compensation data that is ordinarily not available to OFCCP unless specifically requested from an individual contractor. It provides contractors with the necessary means to assess and improve their pay policies, and reveals disparities in pay that require closer scrutiny by OFCCP.


At a time when working women are paid an average of 77 cents for each dollar a working man is paid, African-American women earn only 67 cents for every dollar a white man makes, and Hispanic women earn only 54, it is vital that we shine the light of government scrutiny on discriminatory pay practices and stand behind our commitment to equal pay. Comprehensive and accurate information about pay disparities is essential to these efforts. Properly implemented, the data provided by the survey is an invaluable asset in our effort to eliminate discriminatory pay practices among federal contractors.

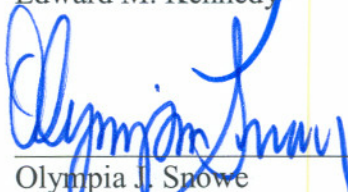
Unfortunately, the OFCCP's record in implementing the survey is grossly inadequate. The Office is required to send the survey to half of all non-construction contractors each year, with biennial evaluation of each federal contractor. However, the survey has never been implemented in a manner consistent with its design. The Office

now sends the survey to only 10,000 contractors, and has, on at least one occasion, skipped sending out the survey altogether. The Office has also refused to use the information collected for its intended purpose. To our knowledge, the data collected through the survey has *never* been used by OFCCP to target compliance reviews in the manner contemplated at the time of its enactment.

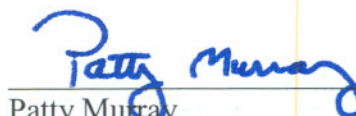
There is no justification for eliminating this program before it has been fully implemented and properly utilized. We strongly urge the Department to reconsider its decision to eliminate the EO Survey, and to devote adequate resources to ensuring the successful implementation of this important program.


Sincerely,

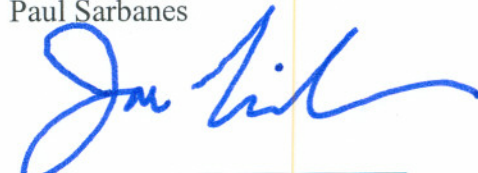
  
Edward M. Kennedy

  
Olympia J. Snowe

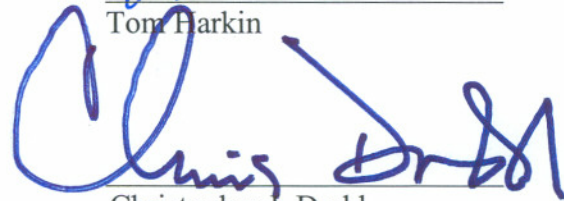
  
Barbara A. Mikulski

  
Patty Murray

  
Paul Sarbanes

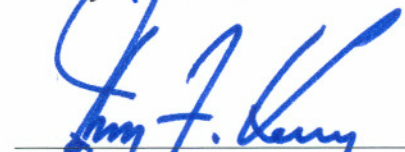
  
Joseph L. Lieberman

  
Tom Harkin

  
Christopher J. Dodd

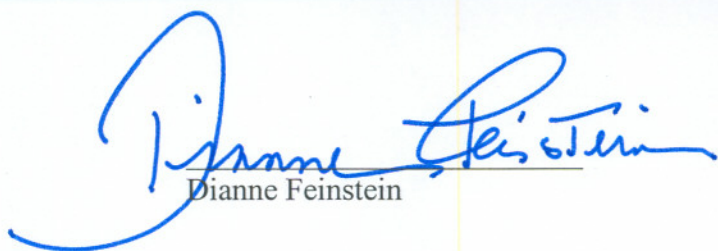
  
Jeff Bingaman

  
Hillary Rodham Clinton

  
John F. Kerry


  
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Dianne Feinstein

  
Barbara Boxer

  
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Ron Wyden

  
Richard Durbin

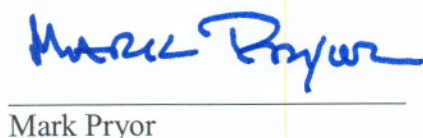
  
Mary Landrieu

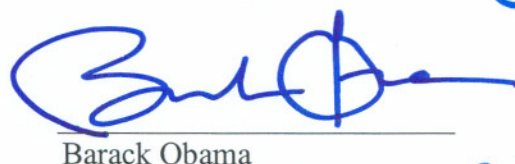
  
Thomas R. Carper

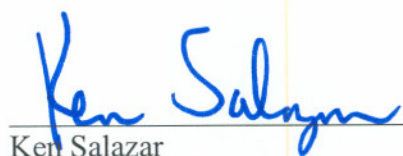
  
Maria Cantwell

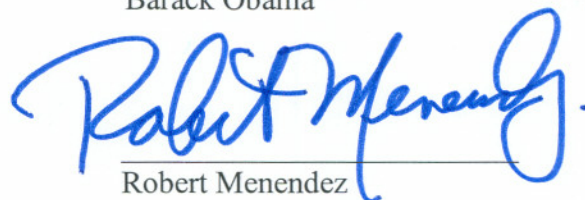
  
Mark Dayton

  
Frank Lautenberg

  
Mark Pryor

  
Barack Obama

  
Ken Salazar

  
Robert Menendez

  
Lincoln Chafee