

Bob Dole



NEWS

U.S. SENATOR FOR KANSAS

FROM:

SENATE MAJORITY LEADER

FOR IMMEDIATE RELEASE
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AFFIRMATIVE ACTION HEARINGS

DOLE REQUESTS HEARINGS ON FEDERAL AFFIRMATIVE ACTION POLICIES

WASHINGTON -- As part of his review of federal affirmative action policies, Senate Majority Leader Bob Dole has written to the Chairmen of two Senate committees requesting hearings on affirmative action programs under their jurisdictions.

The texts of the separate letters, delivered Friday to Senate Small Business Committee Chairman Kit Bond and to Senate Labor & Human Resources Chairman Nancy Kassebaum, follow:

The Honorable Christopher Bond
Chairman
Committee on Small Business

Dear Kit:

As part of our review of federal affirmative action policies, I am writing to request that you, as Chairman of the Small Business Committee, convene hearings on the programs authorized by Sections 8(a) and 8(d) of the Small Business Act. In a recent report prepared at my request, the Congressional Research Service has identified these programs as programs that grant preferences to individuals on the basis of race, sex, national origin, or ethnic background.

As you may know, applicants for certification under Section 8(a) must demonstrate that they are either "socially disadvantaged" or that they "have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups without regard to their individual qualities." The Small Business Administration "presumes," absent contrary evidence, that small businesses owned and operated by members of certain racial and ethnic groups are "socially disadvantaged."

Section 8(d) requires prime contractors on major federal contracts to negotiate a "subcontracting plan" that includes "percentage goals" for the utilization of small socially- and economically-disadvantaged firms. To implement this policy, each prime contract must contain a clause stating that "[t]he contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the [Small Business] Administration pursuant to section 8(a)...(emphasis added)."

In my view, hearings should seek to answer the following questions: What were the original purposes of the Section 8(a) and Section 8(d) programs? Have these purposes been fulfilled? Should the federal government be in the business of "presuming" that members of certain racial and ethnic groups are "socially disadvantaged?" Have these programs operated to discriminate on the basis of race or ethnic background? Are there other, more equitable, ways to expand opportunity for all Americans, without resorting to strategies that rely on providing preferences for individuals simply because they belong to certain groups?

The bottom line is that no federal program should be immune from Congressional scrutiny.

Kit, thank you for your prompt attention to this important matter. I look forward to hearing from you at your earliest convenience.

Sincerely,

BOB DOLE

The Honorable Nancy Landon Kassebaum
Chairman
Committee on Labor and Human Resources

Dear Nancy:

As part of our review of federal affirmative action policies, I am writing to request that you, as Chairman of the Labor and Human Resources Committee, convene hearings on Executive Order 11246. In a recent report prepared at my request, the Congressional Research Service has identified Executive Order 11246 among those federal programs that grant preferences to individuals on the basis of race, sex, national origin, or ethnic background.

Executive Order 11246 was initiated by President Johnson in 1965. The Executive Order states, in part, that "[i]t is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency."

As administered by the Department of Labor's Office of Federal Contract Compliance Programs, Executive Order 11246 requires most federal contractors to file written "affirmative action" plans with the federal government. These plans must include minority- and female-hiring "goals" and "timetables."

In my view, hearings should seek to answer the following questions: What was the original purpose of Executive Order 11246? Has this purpose been fulfilled over the years through the Executive Order's implementation? Has Executive Order 11246 operated to discriminate on the basis of race, ethnicity, or gender? Are there other, more equitable, ways to expand opportunity for all Americans, without resorting to strategies that rely on providing preferences for individuals simply because they belong to certain groups?

The bottom line is that no federal program should be immune from Congressional scrutiny.

Nancy, thank you for your prompt attention to this important matter. I look forward to hearing from you at your earliest convenience.

Sincerely,

BOB DOLE

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