

**Congress of the United States**  
**Washington, DC 20515**

September 4, 2008

The Honorable Elaine L. Chao  
Secretary of Labor  
United States Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Dear Secretary Chao:

We are writing to urge the Department of Labor (DOL) to make sure that all Davis-Bacon wage surveys in the State of Vermont are updated as soon as possible.

Davis-Bacon prevailing wage rates for construction in Vermont are woefully out of date and severely misrepresent what workers in the building trades can and should earn. According to the attached memorandum from the Congressional Research Service (CRS), over 76 percent of Davis-Bacon wage determinations have not been updated in at least three years, nearly half haven't been updated in at least ten years, all of the Davis-Bacon wage determinations in residential construction haven't been updated since 1990, and all of the heavy construction wage rates haven't been updated since 1996. This reality is utterly inconsistent with DOL's stated policy of updating all Davis Bacon wage surveys in each state every three years.<sup>1</sup>

Furthermore, a substantial number of Davis-Bacon prevailing wage rates in Vermont are so out of date that they fall below the State of Vermont's minimum wage of \$7.68 an hour. According to CRS, nearly 30 percent of all Davis-Bacon prevailing wage rates fall below Vermont's minimum wage, including almost 90 percent of the Davis-Bacon prevailing wage rates in residential construction. If an employer was caught paying construction workers less than the state minimum wage in Vermont, it would be a direct violation of the law. In addition, over 80 percent of Davis-Bacon prevailing wage rates in Vermont fall below what is needed to afford a modest two-bedroom apartment in our state.

Although we understand that the Department of Labor has an extraordinary task of determining a variety of wage rates for every county in the nation, the Department still has a responsibility to update these important wage rates in a timely manner. Outdated and below-market Davis-Bacon rates have the effect of suppressing wages for workers

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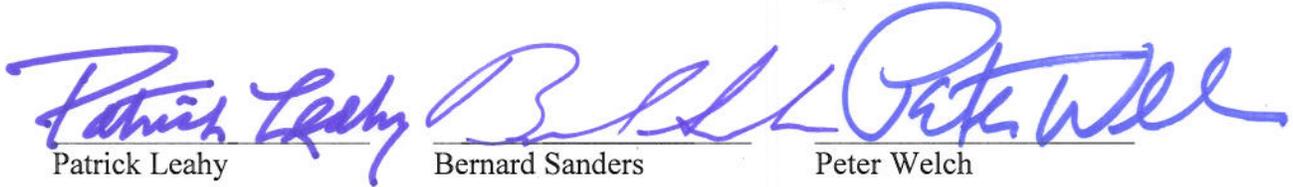
<sup>1</sup> DOL, Employment Standards Administration, Davis-Bacon and Related Acts, available at [<http://www.dol.gov/esa/whd/programs/dbra/faqs/page25.htm>]

already struggling to make ends meet as their cost-of-living continues to skyrocket. The workers in our state need updated Davis-Bacon wage rates as soon as possible.

In order to give Davis-Bacon wage rates for all types of construction relevance and meaning in today's economy, we urge the Department of Labor to initiate an overall survey update of Davis-Bacon prevailing wage rates in Vermont. At the very least, the Department of Labor should update all Davis-Bacon wage rates that fall below the State of Vermont's minimum wage immediately.

Thanks very much for your prompt attention to this very important situation.

Sincerely,



Patrick Leahy  
United States Senator

Bernard Sanders  
United States Senator

Peter Welch  
Member of Congress

Enclosure