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Editorial

How Not to Get the Job Done

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On Sept. 9, the Labor Department issued a short memo, signed by a lowly deputy assistant secretary, that undid the law of the land, ostensibly to deal with the aftermath of Hurricane Katrina. The memo relieved new federal contractors of the obligation to have a plan for hiring minorities, women, Vietnam veterans and disabled people on Katrina-related projects. The suspension is for three months, "subject to an extension should special interests in the national interest so require."

The department's explanation - that reducing paperwork will encourage more companies to help with rebuilding - is disingenuous in the extreme. Companies do not need to have an affirmative action plan in place to bid for or win federal contracts. Under normal rules, they have 120 days from the start of a contract to draw up a plan, which is primarily intended to help companies self-monitor their adherence to laws against discrimination. Obviously, if four months is not enough time under the present extraordinary circumstances, the department could extend the deadline. There is no good reason to suspend the rule outright.

The department also insists that waiving the requirement for a written plan does not relieve companies from obeying the laws against discrimination. At best, that is wishful thinking. When the department audits a company on its compliance with antidiscrimination laws, the company's own affirmative action plan is the auditor's starting point. By not requiring a plan, the department undermines its role as enforcer and telegraphs its laxity.

Cheating is a function of opportunity. Unintentional disregard for the law is often rooted in official inattention. The waiver of the affirmative action plan rule is bound to foster both. That is why such waivers have been extraordinarily rare; there have been only four in the 40 years that the law has been on the books, and each was for a single, highly-specialized short-term contract, including two in the 1980's for federally financed work on commemorative coins. To waive the rule on a project as vast as rebuilding the Gulf Coast is as unwise as it is unprecedented.

If Mr. Bush does not reverse course, Congress should intervene. If regard for the law is not motivation enough to do so, legislators must realize that spending huge amounts of federal money while lowering standards is a recipe for disaster.

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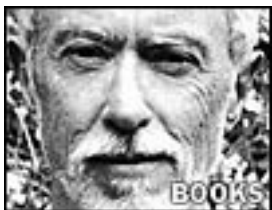
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