

he was chosen superintendent of parks and recreation. By 1964, he had been appointed deputy city administrator. From 1968 to 1980, he served as Southfield's city administrator, moving on to the city council in 1981 and serving as council president from 1986 to 1988.

Peter won numerous awards during his tenure in Southfield, including the Governor's Distinguished Public Employee Award, the Jaycees' "Man of the Year," and the International City Managers Association's Management Innovation Award. He won these awards the hard way: By making substantial improvements in his city's structure and way of life. Capital improvements, park land acquisition, and development, addition of a sports arena, municipal golf arena, and an animal control facility, all were part of his program to improve Southfield, as were new police-court facilities, a senior adult housing complex, and a new headquarters fire station and training center. As important, Peter initiated and implemented a nationally renowned life support unit emergency medical service—one of the first of its kind in the Nation. And Peter restored the city's lovely historical site, "The Burgh," for all of us to enjoy.

Peter will be missed as a fixture of Southfield city government. His long, dedicated service helped his community in many concrete ways. And his example should serve as an inspiration to all of us concerning what we can accomplish for our neighbors. Thankfully, Peter will not be leaving us altogether; instead he is merely giving up his government position to concentrate on his duties as president and CEO of his own telecommunications company. I would like to wish Peter all the best in his new endeavors and thank him for all the hard work and good service he has done for his community. ●

#### FEDERAL CONTRACTORS AND AFFIRMATIVE ACTION

● Mr. SIMON. Mr. President, the Federal Government has played an important role in promoting equal opportunity in employment by Federal contractors for the past 55 years. Current Federal policy requires contractors to review their own hiring practices for any intentional or unintentional discrimination. Academic studies show that enforcement of these policies has led to increases in hiring of ethnic minority and female workers and that these programs continue to have a positive and significant impact on remedying discrimination in the workplace.

The Federal affirmative action guidelines not only benefit workers. Employers have found that affirmative action programs help them to ensure that they locate and select the best qualified candidates from an expanded talent pool. Companies also report that a diverse work force leads to enhanced performance and productivity.

There is always room for improvement, however. A Labor and Human Resources Committee hearing last June 15 suggested that some contractors are not aware that their progress in achieving recruitment goals is lagging behind industry or regional norms unless or until they are selected for a compliance review. Witnesses also raised several concerns about the burdens some regulations may impose on the businesses—particularly paperwork.

Shortly after the hearing, my colleague from Michigan, Mr. ABRAHAM, and I wrote to Shirley J. Wilcher, the Deputy Assistant Secretary of Labor who oversees the Office of Federal Contract Compliance Programs (OFCCP). We suggested that OFCCP develop a way of providing employers with earlier indications that their progress toward compliance with affirmative action guidelines should be reviewed for possible problems. We also requested that they meet with representatives from contracting, consulting, and other constituent groups to review OFCCP regulations and to suggest how they may be improved upon or eliminated.

I am pleased to report that OFCCP has made significant progress toward resolution of many of the complaints raised at the hearings. They have developed strategies to ensure that compliance officers are consistent and uniform when administering and enforcing laws and regulations. They are creating a technical assistance manual that will allow contractors to develop affirmative action plans without retaining expensive law firms or consultants. They have clarified the relationship between OFCCP and the Equal Employment Opportunity Commission to ensure that employers are not subject to duplicative, inconsistent, or unnecessary regulatory burdens.

OFCCP officials have had substantive discussions with a variety of constituent groups. These meetings will likely lead to regulatory reforms that will reduce paperwork, reduce the time involved in developing written affirmative action programs, and establish practical reporting requirements without undermining OFCCP's mission. They are also considering the development of an early alert system that would provide contractors with feedback on progress before the need arises for a full compliance review.

I commend Deputy Assistant Secretary Wilcher for the progress she has made. I encourage her and her colleagues to continue to work toward these important changes.

I ask that Ms. Wilcher's written response be printed in the RECORD.

The material follows:

U.S. DEPARTMENT OF LABOR, EMPLOYMENT STANDARDS ADMINISTRATION, OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS,

Washington, DC, December 15, 1995.

Hon. PAUL SIMON,  
U.S. Senate, Washington, DC.

DEAR SENATOR SIMON: On June 27, 1995, following the Labor and Human Resources

Committee's hearing on the Office of Federal Contract Programs (OFCCP), you wrote to suggest some actions that I might take to respond to the concerns of the agency that were highlighted in the hearing testimony. This letter responds to your request that we report by December 15th on the progress we have made toward reducing the contractors' compliance burdens and improving OFCCP's performance. I appreciate the opportunity to report on our efforts.

Since coming to OFCCP in February 1994, I have been committed to pursuing a fair enforcement strategy. Over the past several months, I have heard the concerns about the internal program management and administration of the contract compliance program. As noted in your letter, several of the witnesses at the June hearing voiced concerns about the time involved in preparing affirmative action programs; the use of goals as rigid quotas; inconsistency in interpretation and application of the regulations; and duplication of efforts with the Equal Employment Opportunity Commission (EEOC). Because these issues seriously affect our ability to administer and enforce the equal employment opportunity requirements in a manner consistent with our fair enforcement approach, we have taken actions to address each of these concerns.

Several measures have been taken to ensure that compliance officers are consistent and uniform when administering and enforcing our laws and regulations. First, in order to clear up any confusion about how affirmative action works under Executive Order 11246, on August 2, 1995, the agency issued a policy directive on "Numerical Goals under Executive Order 11246." The directive reaffirms OFCCP's longstanding policy that affirmative action program goals are not to be used as quotas which must be achieved through race-based and gender-based preferences.

Rather, as the policy directive explains, goals under Executive Order 11246 are to be used as a tool to aid in breaking down barriers to equal employment opportunity for women and minorities without impinging upon the rights and expectations of other members of the workforce.

Additionally, we provided enhanced training to the staff; conducted several accountability reviews of regional and district office operations; and implemented a customer service improvement plan. Further, we are establishing the position of ombudsperson to handle contractor and constituent complaints about the program and actions of compliance officers. The person assigned to the position will be responsible for outreach, public education and alternative dispute resolution.

In response to complaints about the time and expense associated with developing an affirmative action program, in FY 1995 OFCCP began work on developing a comprehensive compliance assistance program, which will include a technical assistance or "how to" manual. The agency has not had an effective public educational component or a "user friendly" technical assistance manual. As a result, small and newly covered contractors feel obligated to retain law firms and consultants to assist them in developing a written affirmative action program. Our goal is to increase technical support to Federal contractors by establishing programs that expand training about our regulatory requirements and enhance voluntary compliance.

In light of the concerns that OFCCP and EEOC are duplicating work, OFCCP and EEOC have examined the interagency coordinating mechanisms that were established to

ensure that employers are not subject to duplicative, inconsistent, or unnecessary regulatory burdens. OFCCP and EEOC staff routinely communicate on issues of mutual interest and concern. This coordination is prescribed in Executive Order 12067, the 1981 Memorandum of Understanding between DOL and EEOC, and Title I of the Americans with Disabilities Act of 1990 (ADA). EEOC and OFCCP have issued joint regulations which delineate the respective responsibilities for processing complaints that are within the jurisdiction of both the ADA and Section 503 of the Rehabilitation Act of 1973. Further, employers generally are not subject to simultaneous or dual enforcement proceedings by OFCCP and EEOC. In the rare instance where both agencies may investigate or seek enforcement against the same employer, one of the agencies defers to the other, or the matter is handled on a joint basis by OFCCP and EEOC.

As you suggested, between August and October, we held meetings with representatives of the employer and constituency groups to discuss proposals to revise the regulations under the Executive Order program. We met separately with representatives of the following employer groups: the Society for Human Resource Management (SHRM), the Equal Employment Advisory Council (EEAC) and the Organization Resources Counselors, Inc. (ORC). We also met with representatives of civil rights and women's rights organizations. These recent meetings with OFCCP stakeholders were the latest in a series of consultations on regulatory reforms that began in April 1994 in connection with an earlier proposal to revise certain of the provisions in the Executive Order regulations. OFCCP also convened four partnership meetings outside of Washington with several hundred representatives from the contractor and constituent communities in the Spring of 1995. The purpose of the meetings, which were held in Dallas, Pittsburgh, San Diego, and Chicago, was to elicit recommendations for changing the regulatory requirements for written affirmative action programs and the procedures for evaluating a contractor's compliance with the regulatory requirements. The participants at the partnership meetings were also asked to suggest data requirements for a proposed affirmative action program summary format.

We have identified a number of issues we would like to change through regulatory reforms. OFCCP staff is in the process of drafting rulemaking proposals to effect the contemplated revisions to the regulations. These consultative meetings not only are required by Executive Order 12866, which requires agencies to involve the public in proposed rulemaking, but also have been an integral part of OFCCP's established rulemaking practices. The discussions with our stockholders have been worthwhile and productive. In addition, we are examining whether some of the issues raised during the consultations can be addressed through policy guidance or other kinds of programmatic changes.

Our overall objectives are to reduce paperwork, reduce the time involved in preparing a written affirmative action program, and establish practical reporting requirements without undermining the ability of OFCCP to be an effective enforcement agency. Further, revising the compliance review procedures would enable OFCCP to better focus its limited resources while reaching a greater percentage of the contractor universe than it currently reaches.

Finally, the agency also intends to prepare annual monitoring reports by geographic area and industry to track how different industries are performing. You also recommended that we develop a way of provid-

ing contractors early indications of compliance problems. We are considering the concept of an "early alert system" to give a contractor advance notice of potential deficiencies so that the contractor would have the opportunity to "self-correct" and thereby lessen (if not obviate) the need for a full compliance review. Such an alert system could assist the agency in targeting its limited resources. Accordingly, we are trying to determine the feasibility and administrative costs involved.

Again, thank you for the opportunity to provide an update on our efforts to develop and implement changes to the Executive Order program.

Sincerely,

SHIRLEY J. WILCHER,  
Deputy Assistant Secretary for  
Federal Contract Compliance.●

#### ————— DANGEROUS PATHOGENS

● Mr. HATCH. Mr. President, I intend to hold hearings in the Judiciary Committee in the very near future on the subject of possession of dangerous human pathogens, such as bubonic plague, anthrax, and similar pathogens. My purpose will be to determine what legislation may be necessary to protect the American people from the misuse of such pathogens.

These are very dangerous and deadly organisms which, apparently, are readily available to just about anyone, including those with legitimate needs, such as researchers, and those who, instead, may have an evil intent or who simply do not know how to store and handle properly these organisms.

The December 30, 1995, Washington Post has a story with a headline that leaps off the page: "Man Gets Hands on Bubonic Plague Germ, but That's No Crime." The story is more chilling than the headline. An Ohio white supremacist purchased, through the mail, three vials of this extremely dangerous pathogen, which wiped out about one-third of Europe in the Middle Ages. When the purchaser called the seller to complain about slow delivery, the sales representative got concerned about whether the caller was someone who really ought to have the bubonic plague in his possession. Ohio authorities were contacted, according to the story. When police, public health officials, the FBI, and emergency workers in space suits scoured the purchaser's house, they found nearly a dozen M-1 rifles, smoke grenades, blasting caps, and white separatist literature, but no bubonic plague. The deadly microorganisms were found in the glove compartment of his automobile, still packed as shipped.

Apparently, while the U.S. Department of Agriculture requires permits for shipping animal pathogens, at least between States, there is no Federal domestic regulation of who may receive these deadly human pathogens. According to the Washington Post story, " \* \* \* the only domestic restrictions on human pathogens \* \* \* are the rules the handlers impose themselves." As Kenneth Gage, acting chief of the plague section at the Centers for Dis-

ease Control and Prevention's vector-borne diseases division, stated: "I don't think it's going too much out on a limb by saying this kind of thing shouldn't happen."

So, for the purchase of three strains of bubonic plague, what was the purchaser charged with? Three counts of wire fraud and one count of mail fraud. And these charges have been plea bargained down to a guilty plea for one count of wire fraud. Even these charges would not have been possible if the purchaser had not faxed a false statement on the letterhead of a nonexistent laboratory stating the laboratory assumed responsibility for the shipment, as the seller had required.

Earlier this year, a group released a nerve gas in Tokyo's subway station, killing 12 and injuring over 5,000. The ready availability of deadly human pathogens raises the obvious concern that such organisms not fall into the wrong hands. The task will be to meet the legitimate needs of scientists while assuring protection of our citizens from the inadvertent or deliberate misuse of these pathogens.●

#### ————— ENFIELD FIRE DEPARTMENT

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Enfield Fire Department on the occasion of their 100th anniversary.

For the past 100 years this dedicated group of men and women have strived to ensure the safety of the community of Enfield, CT. Their dedication is evident in their unshakable commitment to self sacrifice for the security of their friends, families, and neighbors. Indeed some have given the ultimate sacrifice, giving their lives while trying to protect their fellow citizens.

This organization's dedication and commitment to the town of Enfield can be seen not only through the fire department's actions but also in the great confidence and respect the residents of Enfield place upon these men and women. Ordinary men and women asked to perform extraordinary tasks, never asking what was in it for them. The community's faith in their fire department has not wavered in its first 100 years and will undoubtedly continue through the next century.

The Enfield Fire Department has been an important stone in the foundation of the town of Enfield. The people of Connecticut thank them for their service, dedication, and contribution to their community.●

#### ————— U.S. TROOPS AS PEACEKEEPERS

● Mr. ABRAHAM. Mr. President, I rise today to address America's role in implementing peace accords around the world, and in providing peacekeeping troops to enforce them. As we all know, President Clinton decided unilaterally to send American ground troops to Bosnia. During our debate on that decision, I argued that our troops have too high a political profile and