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February 17, 2010

Sen. Russell D. Feingold  
506 Hart Senate Office Building  
Washington, DC 20510

I am writing to offer OMB Watch's support for your legislation to reform the federal government's performance database system on contractors. The current system, though designed to increase government contractor accountability, is riddled with flaws and loopholes, and your bill, if enacted, would take several important steps in addressing some of those defects.

Founded in 1983, OMB Watch is non-profit, non-partisan organization that works to ensure that the federal government is an accountable and transparent steward of the nation's resources. We believe that the reforms included in your proposed legislation will promote a more fiscally responsible federal government.

Your bill would build upon current reforms by improving the self-reporting requirement for contractors; introducing new audits to ensure that contracting officers are taking into account the information they obtain through performance databases; and directing studies to investigate the establishment of a linked network of government performance databases, and the creation of a unique identifying number to help track government contracts. Most importantly, provisions in your bill would address some of the shortcomings of the recently created Federal Awardee Performance and Integrity Information System (FAPIIS).

The original idea behind FAPIIS was to create a "one-stop shop" that provided a broad range of contractor information, including past performance as well as criminal, civil and administrative violations. During debate of the National Defense Authorization Act of 2009, Congress adopted language tempering that goal.

Specifically, the final language prevented FAPIIS from including information on civil, criminal and administrative actions unless a contractor settled them with an admission of fault. Simply allowing a contractor to resolve a case without acknowledgement of fault creates an enormous loophole that allows a host of valuable information on contractor performance and behavior to slip past contracting officers who need to access to it. Your legislation would change that language to ensure that all civil, criminal and administrative proceedings entered into at any level of government appear in FAPIIS.

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Along with the other contractor database reforms, your legislation would help to improve immediately some serious defects while opening a path for long-term reforms down the road. OMB Watch looks forward to working with your office and other like-minded members of Congress to improve the management and oversight of federal contracting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Jennings'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig Jennings  
Director of Federal Fiscal Policy