

May 19, 2008

**Good Government and Openness Coalition Supports Public Access
to Contractor Responsibility Database**

Dear Member of Congress:

In a few short years, government contract spending has eclipsed \$440 billion and the federal government is doing little, if anything, to ensure that risky contractors do not receive taxpayer dollars. The undersigned organizations urge both Chambers of Congress to pass the provision currently incorporated in the Senate's National Defense Authorization Act for Fiscal Year 2009 ([S. 3001, Sec. 831](#)) for a comprehensive contractor responsibility database, which was originally proposed by Representative Carolyn Maloney (H.R. 3033) and Senator Claire McCaskill (S. 2904). The database provision will require the government to establish and maintain a database of information regarding integrity and performance of persons awarded federal contracts and grants, including details about contractors that have defrauded the government, violated laws and regulations, had poor work performance, or had their contracts terminated for default. The database will address the government's failure to vet contractors, as required by law, in order to determine whether they are truly responsible.

The legislation requires contractors, many of which receive a large percentage of their revenue from the federal government, to report non-responsible behavior. Specifically, the contractor responsibility database will go a long way toward improving pre-award contracting decisions and enhancing the government's ability to weed out risky contractors, especially those with histories of non-responsibility or poor performance. Instances of non-responsibility include false claims against the government, violations of the Anti-Kickback Act, fraud, conspiracy to launder money, retaliation against workers' complaints, and environmental violations.

The undersigned organizations urge you to make the contractor responsibility database government-wide and accessible to the public. Unfortunately, the contractor responsibility database included in S. 3001 only applies to the Defense Department and is available only to government officials—not the public.

Obviously, government officials across the government, including contracting officers (COs), suspension and debarment officials (SDOs), and Members of Congress, need access to the database. The same companies doing business with the DOD also have contracts at many other federal agencies. COs and SDOs government-wide need access to information about their contractors' conduct in performing contracts at other agencies.

The public also deserves to see how taxpayer money is spent. Most of the information—suspensions, debarments, and civil, criminal, and administrative cases—is already publicly available via SEC filings or DOJ or agency press releases. The remaining instances would be contracts terminated for default and administrative agreements (which

the Army already makes publicly available). Inclusion of such cases will deter irresponsible behavior and induce companies to voluntarily report it to the government. We believe that the public deserves to see the companies that broke the law, performed poorly, and had their government contracts terminated, or have entered into agreements with federal or state agencies.

The opponents of the contractor responsibility database are powerful and well-financed; therefore, any effort to publicly expose contractors' missteps will be bitterly challenged. We know what we are up against and we will need your support to ensure that the public has access to this vital government-wide database.

Please join the undersigned organizations in supporting the important provisions of H.R. 3033 and S. 2904, to ensure that the public has access to DOD and civilian contractor responsibility information. For more information, please contact POGO's general counsel Scott Amey at (202) 347-1122.

Sincerely,

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