



U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

May 23, 2007

General Services Administration
Regulatory Secretariat
1800 F Street, NW, Room 4035
Attn: Ms. Laurieann Duarte
Washington, DC 20405

Re: Comments on FAR Case 2006-007

Dear Ms. Duarte:

Thank you for the opportunity to comment on FAR Case 2006-007, Contractor Code of Ethics and Business Conduct. First, I wanted to commend your agency for proposing a rule intended to establish a clear and consistent policy regarding "contractor code of ethics and business conduct." Since October 2006, I have chaired the Department's National Procurement Fraud Task Force, which includes many Inspectors General and U.S. Attorneys, and the Deputy Administrator of OMB, among others. One of our objectives is to enlist the support of the contracting community to reform its practices, and this proposed rule advances that discussion.

The only specific comment the Department of Justice has is that the proposed rule could provide more detail on what is required in the "written code of ethics and business conduct" by specifically referencing the U.S. Sentencing Guidelines ("Sentencing Guidelines"). Since 1991, the Sentencing Guidelines, in one form or another, have prescribed what the Sentencing Commission believes represents an "Effective Compliance and Ethics Program," currently found in Section 8B2.1.

There are several advantages to referencing the Sentencing Guidelines formula in this proposed rule. First, in this area of corporate compliance, it could be confusing if it appeared that the FAR was setting a different standard than the Sentencing Commission and the federal courts, which implement the Guidelines. Second, the Sentencing Guidelines are subject to routine reexamination and revision by both the Sentencing Commission after substantial study and public comment, and the federal courts in specific cases, allowing for adjustments to this proposed rule without having to open a new FAR case. Therefore, we believe that the Guidelines should serve as the baseline standard for a contractor's code of ethics and business conduct. By referencing the Guidelines, we would be able to ensure that the federal government speaks with one voice on corporate compliance.

Thank you for this opportunity to comment. If you have any questions, please contact

Steve Linick at (202) 353-1630, who serves as the Director of the National Procurement Fraud Task Force.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alice S. Fisher', written over a circular stamp or mark.

Alice S. Fisher
Assistant Attorney General
Criminal Division, Department of Justice

cc: Robert Burton
Deputy Administrator, OMB