

2007-006-38



National Archives

Office of the Inspector General

8601 Adelphi Road, College Park, Maryland 20740-6001

January 14, 2008

Ms. Laurieann Duarte
General Services Administration
Regulatory Secretariat, (VIR)
1800 F Street, NW
Room 4035
Washington DC, 20405

RE: FAR Case 2007-006: Contractor Compliance Program and Integrity Reporting

Ms. Duarte,

The Office of the Inspector General (OIG) at the National Archives and Records Administration (NARA) appreciates this opportunity to comment on, and provide our support for, the proposed rule to amend the Federal Acquisition Regulation (FAR) to require contractors to have a code of ethics and business conduct, establish and maintain specific internal controls to detect and prevent improper conduct in the connection with the award or performance of government contracts or subcontracts, and to notify contracting officers without delay whenever they become aware of violations of Federal criminal law with regard to such contracts or subcontracts.

Our office is responsible for investigating and auditing programs within NARA and the Presidential Libraries system. As with any federal agency, contractor and procurement fraud is a deep concern at NARA. Our office diligently works to uncover any contractor violations, but our resources are stretched thin. While the general types of actions required by the proposed rule are arguably covered by a myriad of other regulations and rules, the reality is that in today's business dynamic contractors see their relationship to our agency through a single lens – the contract. The ability to directly point to the contract for these requirements would be invaluable when dealing with the day-to-day real world personnel working on a contract. In short, our efforts to protect the taxpayer can be dramatically improved if contractors are specifically put on such notice and required to assist by the FAR itself.

Further, making self-reporting a requirement gives honest contractor employees necessary leverage over those who may seek to shield the employer when wrongdoing is noticed or suspected. It makes sense to give employees the power to force a protective employer to openly discuss potential contract vulnerabilities with the government, as these are the people with the most knowledge of how a contract may possibly be abused. While some may argue against this, it is exactly the sort of incentive structure we need to create in order to foster a truly open relationship with our contractors.

In sum, our office supports these proposed amendments as they only serve to further the overall interests of all Americans – the efficient use of scarce government resources. We understand the initial drafts of these rules would have produced some undesirable results (i.e. burdens on small business concerns), but those have been mediated by this latest version. As such, we are proud to write in full support of these proposed amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "P Brachfeld".

Paul Brachfeld
Inspector General
National Archives and Records Administration