

WEBB-McCASKILL COMMISSION ON WARTIME CONTRACTING
Amendment No. 2999 to H.R. 1585

Title:

An amendment to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom.

Summary:

The amendment would establish an independent and bipartisan eight-member Commission on Wartime Contracting to study and investigate: (1) federal agency contracting for the reconstruction of Iraq and Afghanistan; (2) federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and (3) federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom. The bill also will expand the Special Inspector General for Iraq Reconstruction's (SIGIR's) area of responsibility beyond Iraq Reconstruction and Relief Funds. In consultation with the Commission, SIGIR will conduct audits of agency contracts to identify potential waste, fraud, abuse, and mismanagement.

The Commission will study and investigate the extent and impact of this growing reliance on civilian contractors to perform wartime functions. Its focus will encompass the policies, procedures, processes, and performance associated with wartime contracting and contracts. It also will assess the extent of waste, fraud, abuse, and mismanagement, and the extent to which those responsible have been held financially and legally accountable. The appropriateness of agencies' structure, policies, and processes for wartime and contingency contracts also will be assessed.

The bill also expands the authority of SIGIR beyond its current mandate to investigate the Iraq Reconstruction and Relief Fund. More than \$20 billion has been committed to Afghan reconstruction, yet virtually nothing has been done to assess the program. Working closely with the Commission and the inspectors general of other agencies, SIGIR would be authorized to audit and investigate all support contracts associated with Operation Iraqi Freedom and Operation Enduring Freedom. SIGIR's excellent performance in uncovering waste, fraud, and abuse in Iraq reconstruction contracts is proof of its ability to conduct a more comprehensive inter-agency examination of wartime contracts. .

Rationale:

With the commencement of Operation Iraqi Freedom in 2003, the federal government has relied upon unprecedented levels of private contractors to support U.S. military operations and reconstruction-and-relief projects. The Government Accountability Office reported that between fiscal years 2003 and 2006, the U.S. government has allocated more than \$300 billion to support stabilization and reconstruction efforts in Iraq alone. Increasingly, the work of a military at war is being performed by contractors—including such critical functions as security, intelligence, and

logistics support. Hundreds of billions of taxpayer dollars have been exposed to potential misuse and waste.

In 2005, for example, the Special Inspector General for Iraq Reconstruction (SIGIR) reported that nearly \$9 billion spent on Iraq's reconstruction was unaccounted for as the result of inefficiencies and bad management. To date, SIGIR investigations of \$32 billion in Iraq reconstruction and relief funds have resulted in arrests, imprisonments, \$3.6 million in restitution orders, and \$9.5 million in recovered and seized assets. More than 40 individuals and private companies have been suspended, debarred, or proposed for debarment. More than 30 SIGIR investigations await prosecution at the Department of Justice.

This independent, bipartisan, cross-jurisdictional Commission will significantly increase transparency and public accountability, as well as generate important remedies for systemic wartime-contracting problems.

The amendment has been endorsed by taxpayer watchdog groups such as the Project on Government Oversight, Taxpayers for Common Sense, Government Accountability Project, OMBWatch, and Iraq and Afghanistan Veterans of American. Congressman Tierney, chairman of the investigatory National Security and Foreign Affairs Subcommittee of the Oversight and Government Reform Committee, will introduce companion legislation in the House of Representatives.

COSPONSORS (31 as of January 30, 2008):

McCaskill
Klobuchar
Brown
Casey
Tester
Cardin
Whitehouse
Sanders
Levin
Carper
Feinstein
Kerry
Johnson
Boxer
Obama
Leahy
Harkin
Stabenow
Dodd
Landrieu
Feingold
Bayh

Pryor
Byrd
Durbin
Clinton
Lautenberg
Reed
Hagel
Salazar
Kennedy

ENDORISING ORGANIZATIONS (as of January 30, 2008)

- Project on Government Oversight
- Taxpayers for Common Sense
- OMBWatch
- Iraq and Afghanistan Veterans of America
- Government Accountability Project
- Common Cause
- U.S. Public Interest Research Group