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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

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December 10, 2012

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The Honorable Carl Levin  
Chairman  
Senate Armed Services Committee  
Russell Senate Building, Room 228  
Washington, DC 20510

The Honorable John McCain  
Ranking Member  
Senate Armed Services Committee  
Russell Senate Building, Room 228  
Washington, DC 20510

The Honorable Buck McKeon  
Chairman  
House Armed Services Committee  
Rayburn House Office Building, Room 2120  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
Rayburn House Office Building, Room 2120  
Washington, DC 20515

Dear Senators Levin and McCain and Representatives McKeon and Smith:

As the conference committee begins the important task of reconciling House- and Senate-passed versions of the Fiscal Year 2013 National Defense Authorization Act (NDAA), I am writing to express my support for Senator McCaskill's amendment (S.Amdt.2929 to S.3254) (McCaskill amendment) to strengthen oversight and accountability and reduce waste, fraud, and abuse in wartime contracting.

As the Ranking Member of the National Security Subcommittee of the House Oversight Committee, I have seen too many instances of waste, fraud, and abuse in wartime contracting, most recently in our ongoing investigation of a multi-billion dollar food contract in Afghanistan. Following five-and-a-half years of gross contract mismanagement, the government demanded that the prime contractor, Supreme Foodservice, return \$757 million in overpayments. In the current environment of fiscal austerity, it is imperative that we take responsible steps to protect taxpayer resources and learn from the contracting mistakes made in Iraq and Afghanistan.

The McCaskill amendment represents the best, current hope of achieving this goal. The provision would improve the contingency contracting system by:

- Requiring timely submission of contractor performance evaluations within 14 days of providing them to affected contractors for comment;
- Requiring past performance and integrity information on the entire corporate entity, including any parent, subsidiary, and successor entities, in the Federal Awardee Performance and Integrity Information System; and

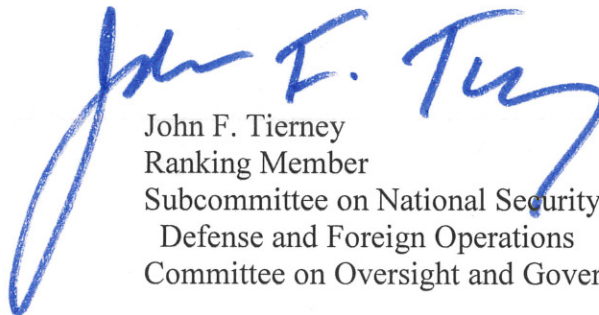
- Requiring sustainability assessments for certain capital projects to ensure the thorough review of necessity and sustainability of projects.

These reforms would increase oversight and accountability by empowering contracting officers to make informed decisions and reduce the amount of taxpayer waste due to projects built without adequate consideration for the host nation's capacity to sustain them.

Earlier this year, I introduced the Oversight and Accountability in Wartime Contracting Act of 2012 (H.R. 6360), a bill that would strengthen the system for awarding and overseeing contractors in war zones and reduce our reliance on non-competitive practices. My bill adopted key recommendations of the Commission on Wartime Contracting, and included some of the same reforms that Ms. McCaskill has championed in the Senate.

We must not waver in our collective efforts to root out deficiencies in the contracting system and protect precious taxpayer resources from being squandered in future contingency operations. The McCaskill amendment brings us a step closer to achieving this goal. For these reasons, I strongly urge you to adopt the McCaskill amendment.

Sincerely,



John F. Tierney  
Ranking Member  
Subcommittee on National Security, Homeland  
Defense and Foreign Operations  
Committee on Oversight and Government Reform