

Congressional Subcommittee Hears Testimony on Priorities and Objectives for Improving Federal Procurement and Acquisitions Process

June 16, 2009

Kara M. Sacilotto, a partner in Wiley Rein's Government Contracts Practice, testified today during a hearing before the House Subcommittee on Government Management, Organization and Procurement, Committee on Oversight and Government Reform, on "The State of Federal Contracting: Opportunities and Challenges for Strengthening Government Procurement and Acquisition Policies." Her statement addressed current laws and regulations governing agency procurement and acquisition practices and recommendations for strengthening the procurement system.

"My belief is that the federal procurement system is fundamentally sound," Ms. Sacilotto told the Subcommittee. However, she noted that, "nevertheless, the past two years have seen a near-unprecedented growth in legislative and regulatory initiatives aimed at 'reforming' federal procurement law."

During her testimony, Ms. Sacilotto offered the Subcommittee three items for consideration regarding the challenges in the current procurement system.

- **More regulation v. better implementation:** Given the solid framework of legislation and regulation already in place, policymakers should ensure that existing legislative and regulatory tools do not already address the concern at hand and focus on better execution of existing law before adding more layers of regulation.
- **Coordinated filling of the regulatory gaps:** If additional regulations are required, efforts should be coordinated so that

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conflicting and unnecessary obligations are avoided.

- **Allowing prior changes to be implemented:** Because constant regulatory change increases costs, inefficiency, and instability, she recommended that policymakers take into account that the legislative and regulatory initiatives passed in 2008 and 2009 are relatively young, and their efficacy has not been tested. By allowing new reform efforts to be tested by government and industry in practice, policymakers will have better information to evaluate what measures work (or do not work), where clarification may be warranted, and, if additional legislative or regulatory efforts are necessary, how to target them to aspects of the procurement system that still require improvement.