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August 19, 2021

The Honorable Jackie Speier
HASC
2216 Rayburn House Office Building
Washington, D.C. 20515

Subject: Request to Amend NDAA for FY 2022 or Billion Dollar Boondoggle Act

Dear Representative Speier:

In my letter to you, dated July 2, I cited your reintroduction of the Billion Dollar Boondoggle Act (Boondoggle) that would increase transparency and accountability in large-scale government projects. As discussed previously, provisions of Boondoggle were originally introduced by Rep. Henry Waxman in the Clean Contracting Act of 2007 (Clean).

However, an important section of Clean, concerning unjustified award fees, was omitted from Boondoggle. Please consider amending Boondoggle to restore the omission, as follows.

TITLE V—PREVENTING UNJUSTIFIED AWARD FEES

SEC. 501. ENCOURAGING EXCELLENT CONTRACT PERFORMANCE.

(a) LIMITATION.—For any cost-based contract entered into by the Federal Government that includes an award or incentive fee—

(2) at a minimum, the following factors shall be considered in making a determination regarding whether, and in what amount, the fee shall be paid to the contractor:

- (A) Whether the contractor met cost goals.
- (B) Whether the contractor met schedule goals.
- (C) Whether the contractor met performance goals and delivered the goods or services required to be provided under the contract.

Alternately, please coordinate with Chairman Smith to mark up the NDAA to restore the omission.

The original justification for including Clean, Sec. 501 is provided in the attached letter to Rep. Waxman, subj: Award Fees and Contract Oversight, dated June 22, 2007. Rep. Waxman's response, dated July 10, 2007, is also attached. Additional justification has been provided in recent letters to you Chairman Smith.

Yours truly,



Paul Solomon

CC:

Hon. Adam Smith, HASC
Rep. Donald Norcross, HASC
Hon. Sen. Joni Ernst, SASC

Hon. Sen. Bernie Sanders
Hon. Sen. Elizabeth Warren, SASC
Hon. Kathleen Hicks, Dep. Sec. of Defense
Hon. USD(A&S) Gregory Kausner
Anthony Capaccio, Bloomberg News
Michael LaForgia, NYT