



Gordon: Senate Provision Would Force Insourcing

By Matthew Weigelt Nov 16, 2011

Dan Gordon, administrator of the Office of Federal Procurement Policy, said Nov. 16 that a recent Senate proposal to bar contractors from doing work closely associated with inherently governmental jobs would seriously disrupt government agencies' operations.

"This bill language would force us essentially to insource all closely associated functions to the maximum extent practicable," Gordon said in an interview with Federal Computer Week.

However, the Senate has taken a different view than Gordon and the administration. A provision in an appropriations bill would stop contractors from doing work that is "closely associated with inherently governmental functions." Inherently governmental functions are already limited to federal employees only. The new provision, if it becomes law, would extend that restriction to closely associated jobs as well, with just a few exceptions.

The provision requires that "contracts exclude, to the maximum extent practicable, functions that are closely associated with inherently governmental functions."

The specific provision is in the Senate's fiscal 2012 Financial Services and General Government Appropriations Act (S. 1573). The bill now is a part of the consolidated legislation. The Senate has started its debate on the legislation.

"The reason we oppose that provision is because it is inconsistent with our approach that is set out in a policy letter that we issued," Gordon said. "Never in this administration have we been in favor of 'willy nilly' insourcing or hiring people. We think it needs to be done in a sensible, thoughtful way. This bill would sweep away sensible and thoughtful, and say just insource everything to the maximum extent practicable."

Gordon said there is no reason to block contractors from doing those jobs. But the government must have good managers to oversee the contractors, and make sure the contractors' work doesn't spill over into an inherently governmental function, such as writing policy or making a business decision on the government's behalf.

The administration has said that contractors can do jobs that are closely associated with government-only work. Those jobs may include preparing a budget and providing support for developing policies or drafting documents and conducting analyses.

The Senate's bill, "If it were to be enacted as written, it would be very disruptive. It would be very problematic," Gordon said.