Conflict of interest rules must extend to government contractors, says ethics expert

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The American Bar Association's House of Delegates recently adopted a resolution recommending that the federal government expand its protections against conflicts of interest among government contractors. The resolution was based in part on a report Kathleen Clark, JD, ethics expert and professor of law at Washington University in St. Louis, wrote for the Administrative Conference of the United States (ACUS).

"In recent decades, the federal government has greatly expanded its use of contractors to perform services, and spends hundreds of billions on services every year," Clark writes.

"The government increasingly turns to contractors to accomplish its programmatic goals, and contractor personnel are now performing tasks that in the past had been performed by government employees.

"While an extensive array of ethics statutes and rules regulate government employees to ensure that they make decisions in the interest of the government rather than a private interest, only a few of these restrictions apply to contractor personnel."

Clark notes that if a federal employee makes a recommendation on a matter that could affect her financial interest, she could be subject not only to administrative discipline but also to criminal prosecution. Contract employees in the same situation are usually not subject to any consequences.

"In fact, the government does not have any systematic way of even finding out when contractor personnel have such conflicts of interest," Clark says.

"The personal conflicts of interest of contractor personnel are largely unregulated."

Provided by Washington University in St. Louis

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