

The Washington Post

Advocates Determined to See Whistleblower Protections Pass

By Joe Davidson
Wednesday, February 18, 2009; D04

Advocates for stronger whistleblower protections who were jumping for joy not long ago are a bit more subdued because those measures were not included in the stimulus package *President Obama* signed yesterday.

Gleeful when the House passed the protections for federal workers and disappointed when the provisions were stripped from the final compromise with the Senate, the advocates remain determined to see the amendment pass, particularly because the package does cover whistleblowers who are contractors and those working for state and local governments.

The National Whistleblowers Center is circulating a letter from a whistleblower, *Bunnatine (Bunny) H. Greenhouse*, a former procurement executive with the Army Corps of Engineers, that calls for a petition drive urging the Senate Committee on Homeland Security and Governmental Affairs to send to the floor a bill that covers national security whistleblowers and allows jury trials for employees who sue agencies that unfairly move against whistleblowers.

"The House of Representatives strongly backed the whistleblower amendment. We now know where the problem lies. We know where we need to focus our efforts. As a nation, we must educate our friends on the Senate Committee on Homeland Security and Governmental Affairs. We need to explain why all federal employees must have access to federal court and a jury trial," the Greenhouse letter says.

The jury trial provision has been one stumbling block in the Senate. Another was language that would cover national security employees.

Rep. Chris Van Hollen (D-Md.), a sponsor of the amendment, said "it was appropriate to get it on the recovery package because of all the money being spent. We want federal employees to feel comfortable coming forward if they've seen fraud waste or abuse on spending."

Now he needs to work with the Senate, particularly *Sen. Susan Collins*, to get it passed. The Maine Republican played a key role in getting the package passed and was among those who wanted the whistleblower provisions to go through committee procedures, rather than the truncated process that marked passage of the American Recovery and Reinvestment Act.

Meanwhile, federal contractors can expect to see business increase by at least \$37.5 billion because of the

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\$787 billion stimulus package, according to estimates by the Professional Services Council, which represents companies doing business with Washington.

But while more money is going to contractors, no more is slated for federal acquisition officers who oversee the contracts, said *Alan Chvotkin*, executive vice president of the council.

The shortage of these procurement people is a huge problem -- "penny wise and pound foolish," is the way *Max Stier*, president of the Partnership for Public Service, put it. "We've outsourced the brains to adequately identify what needs to be done by those external resources."

Contractors want more federal employees involved in procurement. There is "absolutely a critical need for a wider range of acquisition officers," Chvotkin said. A shortage "puts a constraint, a challenge, on the timely execution of projects," he added. "It acts as barrier to meeting the goals of the stimulus."

Of course, the president wants no barriers getting in the way of the stimulus and he realizes the importance of good management to its success. At the signing ceremony, the boss in chief promised his "administration will initiate new, far-reaching measures to help ensure that every dollar spent in this historic legislation is spent wisely and for its intended purpose."

Certainly the \$252 million for inspectors general, plus additional funding for the General Accountability Office, Labor Department compliance officers and creation of an oversight board will help ensure the money is spent wisely.

But these efforts, which often will come into play after the fact, can't replace the acquisition staffers who are essential in making sure the projects get off to a good start. Too few officers means the homework Uncle Sam needs to do before hiring an outsider for a project doesn't get done as soon as it should or with the thoroughness it needs.

It's not too late for Sam to hire additional staff to oversee the money he's about to funnel to contractors. Van Hollen said agencies could request additional procurement officers through the appropriations process. "When you're dealing with this volume of contracts," he said, "I think we should provide reinforcements for the acquisition officers, the procurement officers."

Some of that could mean moving current employees to new duties. A memo sent from *Rahm Emanuel*, Obama's chief of staff, and *Peter R. Orszag*, Office of Management and Budget director, to agency heads last week told them to pay particular attention to "managing and overseeing contracts." It went on to say, bosses "should immediately begin developing plans for allocating workforce resources" to reduce risks associated with implementing the recovery program.

The memo from Emanuel and Orszag can be found here:
<http://www.recovery.gov/files/recoverylegislationmemo.pdf>.

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