

# **TESTIMONY OF BUNNATINE H. GREENHOUSE**

**Before the United States House of Representatives  
Committee on Oversight and Government Reform  
Protecting the Public from Waste, Fraud, and Abuse:  
H.R. 1507, the Whistleblower Protection Enhancement Act of 2009.  
May 14, 2009**

My name is Bunnatine Greenhouse. Chairman Towns, Ranking Member Isa, and Honorable Members of the Committee, I thank you for this opportunity to appear before you today in support of H.R. 1507, the Whistleblower Protection Enhancement Act of 2009. Before I proceed any further, I am required to tell you that my testimony is presented in my personal capacity. In 1997 I was sworn in as the United States Army Corps of Engineers (“USACE”) Procurement Executive and Principal Assistant Responsible for Contracting (PARC). I was chosen based on a competitive selection process and proudly became the first black female to enter the ranks of the Corps’ Senior Executive Service (“SES”). I quickly learned that the Corps’ contracting process was dominated by cozy and clubby contracting “relationships.” Simply stated, improper contracting practices were the norm rather than the exception. I fought to bring accountability and fairness to the Corps’ contracting mission, but the path I followed was laced with hostility, blatantly tied to my race and gender.

During the ramp-up to the Iraq War, the Army Corps was named as the Executive Agent to a contract effort known as Restore Iraqi Oil, or “RIO” for short. RIO was a \$7 billion, sole source, cost plus contract awarded to Halliburton subsidiary, Kellogg Brown & Root without competition. My intolerance to “questionable” contracting activity was known and my reaction to the RIO contracting effort would come as no surprise. So the Command structure kept me in the dark so much so that I was not informed that the Corps had been designated as Executive Agent for the RIO contract. But I could not be completely circumvented because as the USACE Competition Advocate, my signature eventually had to appear on the final justification and approval for the RIO contract before it could be implemented.

It was not until the invasion of Iraq was imminent that the curtain was finally lifted giving me a front row seat to the worst contract abuse I witnessed during the course of my 23-year professional career. While the Corps was supposed to be the Executive Agent, the reality was that this function was being controlled out of the office of the Secretary of Defense. I raised concerns directly to the Secretary of Defense's representatives and to the Senior Contracting Officials from the Department of the Army and to my Command, outlining that the selection of KBR was improper and unlawful; that the process was plagued by conflict of interest, and that the scope and duration of the "compelling emergency" contract was unconscionable. But, because the invasion was imminent there was little else I could do. After some soul-searching, I was compelled to hand-write directly onto the original copy of the contracting documentation, a notation documenting my most pressing concern over the unprecedented duration of the contract. My notation on the contract documents did not sit well with my superiors and retaliation was sure to follow.

In October of 2004, I was presented written notice that I was going to be removed from the Senior Executive Service and from my position, but that I could, instead, retire with grace. I did nothing wrong, I was not going to retire, and I was not going to remain silent. I turned to Michael Kohn, a co-founder of the National Whistleblowers Center, to help navigate the legal terrain that lay ahead. With his assistance, I brought my concerns to the then Acting Secretary of the Army and to key Members of Congress, which resulted in intense media coverage. The Acting Secretary of the Army responded by acknowledged the seriousness of my concerns and halted my demotion and removal until my concerns were reviewed by the Department of Defense Office of the Inspector General ("DOD-IG"). As far as I can tell, the DOD IG never conducted an investigation. The IG never contacted me and I continued in my job.

The status quo ended once I agreed to testify before a congressional committee regarding improper contracting. Prior to appearing, I was visited by the Army Corps' Acting General Counsel. He let it be known that it would not be in my best interest to voluntarily appear before the committee. I appeared as a witness before the United States Senate Democratic Policy Committee on June 27, 2005. I anticipated swift retaliation for doing so and I received it.

On August 27, 2005 I was removed from the SES and stripped of all contracting responsibilities. Since then, my top secret clearance was withdrawn, I continuously receive inappropriately down-graded performance reviews, others are allowed to take credit for my work, and I am kept away from my career field of contracting. I was even denied recognition for having completed 25-years of Federal Service at the Annual USACE Awards Ceremony that was afforded to other USACE eligible employees.

I am not an expert in the law, but I am well versed in how poorly it works when it comes to federal sector whistleblower protection. The current reality is that the federal Whistleblower Protection Act offers no protection. How poorly it works in exemplified in my own case. I approached the National Whistleblowers Center, a not for profit organization devoted to helping whistleblowers, and spoke with some of the most knowledgeable legal practitioners in the field of whistleblower protection. When I explained what was happening to me the advice I received was uniform -- filing a claim under the Whistleblower Protection Act would do more harm than good.

What happened to me after I blew the whistle is typical. I am the “poster child” of what federal employees can expect if they have the courage to blow the whistle on waste, fraud or abuse – a lost career with the inability to wage a meaningful legal challenge. I believe my former Commander, Lt. General Carl Strock, got it right when, during his weekly staff meeting of his office chiefs, top military officers and senior executives, he announced, in my presence, that the Corps had a “whistleblower,” but that there was no need for concern because the system would take care of itself.