

Testimony of

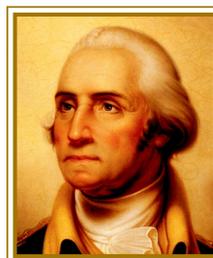
Professor Steven L. Schooner

Co-Director of the Government Procurement Law Program

***Is DHS Too Dependent on Contractors to
Do the Government's Work?***

UNITED STATES SENATE, COMMITTEE ON
HOMELAND SECURITY & GOVERNMENTAL AFFAIRS

Wednesday, October 17, 2007



THE GEORGE
WASHINGTON
UNIVERSITY
LAW SCHOOL
WASHINGTON D.C.

Chairman Lieberman, Ranking Member Collins, and members of the Committee, I appreciate the opportunity to appear before you today to discuss the steps that the Department of Homeland Security could take to improve its management and oversight of its contractors.¹ This Committee's focus upon, and interest in improving, the procurement process is an important and valuable public service.² Also, I applaud the work of the Government Accountability Office (GAO) on this issue.³

Introduction: Benefits, Challenges, and Risks

You asked me to comment on the benefits, challenges, and risks of agencies' increased reliance on contractors to provide critical services. Briefly, some obvious benefits include (1) avoiding failure, particularly where the federal government lacks the ability or resources to perform its mission(s); (2) surge capacity or the ability to supplement limited government resources far more quickly, efficiently, and effectively than the existing federal personnel or acquisition regimes permit; and (3) flexibility, specifically the ability to employ superior technology, better talent, or different approaches than the government's existing workforce and capital resources would permit.⁴ (Please note that I do not suggest, and take issue with those who

¹ My statement derives from my experience in federal procurement policy, practice, and law. I have attached a brief biography.

² I support many of the initiatives in the current version of S.680, particularly the Acquisition Workforce Human Capital Succession Plan.

³ GAO-07-990, *Department of Homeland Security: Improved Assessment and Oversight Needed to Manage Risk of Contracting for Selected Services* (September 2007).

⁴ It has been more than a generation since the government abdicated its leadership role in spending on research, development, and innovation. For example, for too long the federal government has engaged in the short-sighted practice of requiring contractor "investment" in defense research and development. During that time, the private sector dramatically outpaced the government in the creation of new technology, both in terms of hardware solutions and business systems and processes. As a result, not surprisingly, as suggested below, the most talented workforce follows the technology, a trend that increasingly makes government work less

(continued...)

do suggest, that a *primary* benefit of reliance upon contractors is the potential for cost savings.⁵)

The challenges associated with extensive contractor reliance include, among others: (1) planning, which includes understanding what outcome will be sought from the private sector; (2) both understanding and accurately describing that outcome (or task) to the private sector; (3) selecting appropriate, qualified contractors in a timely fashion; (4) negotiating cost-effective agreements and drafting clear contracts that contain effective incentives (or profit mechanisms) to maximize contractor performance; (5) managing the contractual relationship to ensure that the government receives value for its money; (6) providing appropriate oversight throughout the process to, among other things, avoid corruption; and, most importantly, (7) maintaining a sufficiently educated, experienced, and motivated government workforce (or augmented workforce) to take on these challenges.

Against that backdrop, the risks of relying upon contractors are constrained only by one's imagination. They include, among others,⁶ (1) failure of the agency, or interference with the agency's ability, to accomplish its mission; (2) harm being inflicted upon the public, the government, or others; (3) loss of public confidence in government; and, of course, (4)

⁴(...continued)

attractive. Moreover, the combination of government recruiting policies, salaries, benefits, opportunities, and quality of work lag much of the private sector, particularly in high-demand career fields. Thus, the "market" reflects that the government undervalues critical skills.

⁵ Slavish focus upon the relative cost of contractor support is misguided. Specifically, it is not productive to criticize agencies for paying contractors "too much" without: (1) permitting an agency to hire additional personnel; (2) confirming that sufficient personnel are available in the marketplace and willing to work for the government; (3) comparing "apples to apples," such as taking into account all of the costs of civil servants or members of the armed services; and (4) considering critical issues such as flexibility and surge capacity. For example, higher contractor salaries may be offset, at least in part, by long-run costs avoided. Indeed, a strong case could be made that, for *short-term* demands for additional resources, it makes sense to pay higher, and potentially significantly higher, amounts for contractor support (rather than incurring the cost of additional government employees). This complex topic is well beyond the scope of this testimony, but recent GAO testimony offers an interesting apples-to-apples anecdote. Statement of Joseph A. Christoff, Director International Affairs and Trade, *Peacekeeping: Observations on Costs, Strengths, and Limitations of U.S. and UN Operations*, GAO-07-998T (June 13, 2007). "The UN budgeted \$25 million to deploy 872 civilian officers..., while we estimate that it would cost the United States \$217 million to deploy the same number of civilian U.S. police officers. ... The UN budgeted \$131 million for pay and support of military troops, while we estimate it would cost the United States \$260 million for the same number of soldiers." *Id.* at 8.

⁶ GAO artfully states that increasing reliance upon contractor services runs the risk that the "government [loses] control over and accountability for mission-related policy and program decisions." GAO 07-990 at 2.

expenditure of excessive amounts of public funds.

You also asked me to comment upon the adequacy of current laws and regulations governing issues arising from today's acquisition environment, including organizational and personal conflicts of interests. For the most part, I find that, while there is always room for improvement, the legal and regulatory regime is adequate.⁷ Rather, I trace the lion's share of DHS's (and, for that matter, the government's) difficulties to *implementation* of those laws, regulations, and policies. Ultimately, I find the root cause of the problems to derive from resource deficiencies and, more specifically, an inadequate acquisition workforce.

It is easy to agree with GAO's recommendations.⁸ But I am not optimistic that DHS will be able to meaningfully implement these actions. It is difficult to conceive of a higher priority for a heavily outsourced agency, such as DHS, than to "assess program office staff and expertise necessary to provide sufficient oversight" of its most important service contracts, and I applaud GAO for encouraging DHS to assess the risks of relying upon contractors as part the acquisition process. While DHS may have no choice but to rely upon contractors *despite those risks*, the discipline may result in contracts that more carefully attempt to control those risks. GAO is entirely correct that DHS should "define contract requirements to clearly describe roles, responsibilities, and limitations" as part of the acquisition planning process. Moreover, I would suggest that *any* additional energy devoted to acquisition planning will pay dividends during contract performance. Unfortunately, haste and lack of resources continue to frequently lead to inadequate acquisition planning. In the current environment, DHS will require strong, committed, and disciplined leadership to change this culture. Moreover, I fear that calling for "strategic-level guidance for determining the appropriate mix of government and contractor employees" will

⁷ One clear exception lies in the government's increasing and, frankly, disturbingly chaotic reliance upon private security. As recent events make clear, the risks in this area are particularly grave, the existing legal and regulatory regimes are inadequate to address them, and the government waited far too long to address them in a thoughtful and responsible manner. The events involving Blackwater on September 16, 2007, appear to have become the proverbial straw that broke the camel's back. Peter Singer's popular book, *CORPORATE WARRIORS: THE RISE OF THE PRIVATIZED MILITARY INDUSTRY*, was published in 2004; the popular FRONTLINE documentary *Private Warriors*, aired in 2005, www.pbs.org/wgbh/pages/frontline/shows/warriors; the National Defense University's Industrial College of the Armed Forces (ICAF) twice has conducted lengthy studies on privatized military operations, www.ndu.edu/ICAF/Industry/reports/2007/pdf/2007_PMOIS.pdf; www.ndu.edu/ICAF/Industry/reports/2006/pdf/2006_PMOIS.pdf; and numerous issues remain unresolved, as a recent Princeton University Workshop, including senior military and government officials, contractors, academic experts and Washington policymakers, suggested, <http://lapa.princeton.edu/newsdetail.php?ID=17> and http://lapa.princeton.edu/conferences/military07/MilCon_Workshop_Summary.pdf.

⁸ GAO-07-990 at 25.

result in empty rhetoric.

DHS (and, More Broadly, the Federal Government) Has Little Choice But to Rely Upon Contractors

Thus, it oversimplifies the problem to suggest that DHS currently is too dependent upon contractors. As a matter of policy, it is possible that – under different circumstances – an outsourced and privatized DHS, might best serve the government’s interest. This potentially fascinating debate – over how much we should outsource – quickly polarizes participants into two basic camps.

One staunchly advocates the (rapidly changing) status quo: that work historically (or currently) being performed by government employees should remain in house. This position idolizes, or at very least respects, both the ethos of public service and, more generally, public servants. The opposite camp advocates outsourcing or reliance upon the private sector, asserting that for-profit firms are capable of performing much of the Government’s work and, if properly motivated and managed, should out-perform government employees (in terms of quality of service, price of service, or both).

At an abstract level, I find neither extreme position uniquely compelling. Empirical evidence is scant to demonstrate that government employees are more talented, committed, motivated, or honest than their private sector counterparts, and vice-versa. Where the two groups differ, however, is with regard to their incentive structures. The private sector’s exposure to market forces, and the related corporate purpose of pursuing profit, permits (and, arguably, requires) a more diverse and potent arsenal of employee incentives and disincentives. These tools include compensation (salary, salary increases, bonuses, stock incentives), opportunity for advancement, and, of course, the risk of termination. While the Government can use similar tools, their impact (or the degree to which these tools can influence behavior) is at least perceived as far less dramatic, given a heavily constrained promotion and bonus regime and an impenetrable *de facto* tenure system. The private sector-government contrast is greatest at the extremes. The private sector offers far greater economic rewards for success and threatens more credible sanctions for less than desirable performance. While we continue to witness efforts to reform the civil service system and inject more potent performance incentives, history reminds us that this is a daunting task.

Ultimately, however, the debate is increasingly academic. The government today relies on the private sector because we have restricted the size of government or, more specifically, the number of government employees.⁹ We can no longer claim to be surprised to find contractors

⁹ GAO aptly noted: “Decisions to contract for ... services were driven by the need for staff and expertise to get programs up and operations up and running.... [Yet, even where] the original justification for contracting, such as immediate need, had changed, ... components continued to
(continued...)”

involved in almost every aspect of the United States Government's efforts in Iraq. While it is true that the Bush administration did not mask its preference for outsourcing, including "competitive sourcing" on the President's management agenda,¹⁰ that initiative impacts a statistically insignificant percentage of service contracts.

At home, the government currently has no short-term choice but to rely upon contractors for every conceivable task that it is understaffed to fulfill. In Iraq, our military relies upon contractor personnel not only for transportation, shelter, and food, but for unprecedented levels of battlefield and weaponry operation, support, and maintenance. Accordingly, defense experts now recognize that without contractors our military simply cannot project its awesome technical superiority abroad. But highly publicized incidents – whether of prisoner abuse at Abu Ghraib or recent allegations of shooting of civilians by Blackwater – raise fundamental questions regarding to the tasking of contractor personnel and oversight of their performance.

I believe that DHS has no meaningful short-term alternatives for escaping its current predicament. It is not an option for DHS to consolidate its missions, jettison a number of its tasks, terminate contracts, and take on only those missions it is appropriately staffed to perform. Nor is it feasible for DHS to wait while it embarks upon an aggressive program to identify, recruit, hire, and retain an extraordinary number of civil servants. First, it is unclear (if not unlikely) whether there is political will (on either side of the aisle) to grow the federal workforce. Further, it would take many years build DHS into a significantly larger, cohesive organization. Finally, it is distinctly possible that, given the constraints of the federal service, particularly in terms of compensation, that DHS simply could not assemble a sufficiently talented organization. For example, the market for talent is now global, and the global shortage of engineers is increasingly well documented. Only serious, long term, far reaching personnel reforms can, in any meaningful manner, begin to reverse the current trend. Accordingly, DHS must continue to expend its best efforts to achieve its mission with the resources available, acknowledge that it is a rather "hollow" agency,¹¹ and invest significant energy and resources in improving its use of

⁹(...continued)
use contractors without reassessing who ... should perform a given function." GAO-07-990 at 3-4, 14-15.

¹⁰ See, generally, Steven L. Schooner, *Competitive Sourcing Policy: More Sail Than Rudder*, 33 PUBLIC CONTRACT LAW JOURNAL 263 (2004), available at <http://ssrn.com/abstract=488266>.

¹¹ This includes conceding that contractors will continue to perform what historically have been perceived as inherently governmental functions. GAO accurately describes the conceptual framework under which government employees, rather than contractors, *should* perform inherently governmental functions, those functions that "require discretion in applying government authority or value judgments in making decisions for the government." GAO-07-990 at 6-7. But this discussion, and, in practice, the entire legal regime (encompassing
(continued...)

contractors to help it achieve its mission.¹²

**Inadequate Investment in Acquisition Resources,
Particularly Contract Management, Is
Irresponsible Given DHS’s Unavoidable Reliance Upon Contractors**

*Common themes and risks emerged ..., primarily the dominant influence of expediency, poorly defined requirements, and inadequate oversight that contributed to ineffective or inefficient results and increased costs.*¹³

The federal government must devote more resources to the acquisition function. This investment is urgent following the bipartisan 1990's Congressionally-mandated acquisition workforce reductions. Although no empirical evidence supported the reductions, the sustained reductions and subsequent failure to replenish the workforce created a generational void and

¹¹(...continued)

“competitive sourcing” and OMB Circular A-76), is increasingly quaint, outmoded, anachronistic, or simply irrelevant. Experience suggests that, throughout the government, the private sector is intimately involved in functions perceived as inherently governmental, specifically including those where the risk level is deemed highest, such as acquisition support, engineering or technical services, intelligence services, policy development, and reorganization and planning. *Id.* at 19. See also the discussion GAO-07-990 at 8, including note 11, citing GAO-07-45SP, *Highlights of a GAO Forum: Federal Acquisition: Challenges and Opportunities in the 21st Century* (October 6, 2006) (“increasing reliance on contractors to perform services for core government activities challenges the capacity of federal officials to supervise and evaluate the performance of these activities”).

¹² One oft-criticized practice, use of Lead Systems Integrator (LSI) strategies – with the most relevant example here being the Deepwater initiative – are a direct result of the human capital gap. The potential conflict that arise from these relationships are now well documented. See generally, GAO-07-874, *Coast Guard: Challenges Affecting Deepwater Asset Deployment and Management and Efforts to Address Them* (June 2007) (“Over the past several years, GAO has expressed concerns about the Coast Guard’s ability to manage and oversee the Deepwater program. Specifically, the program has faced challenges in terms of management, contractor accountability, and cost control.”). It may make sense for U.S. Coast Guard to bring the integration function back in house. But this ignores the reality that the Coast Guard originally turned to the private sector because it lacked the capacity to perform the task with internal resources. The Coast Guard will require additional program management and engineering support from contractors to replace the contractors that had been performing those roles. Accordingly, even as DHS increases its capacity, it still has no choice but to strategically supplement its workforce from outside.

¹³ GAO-07-990 at 24, describing the DHS Inspector General’s efforts.

devastated procurement personnel morale.¹⁴ Simultaneously, the government skimmed on training, while contracting officers faced increasing workloads and confronted increasingly complex contractual challenges. Despite the explosive growth in the reliance upon service contracts,¹⁵ no emphasis was placed upon retaining or obtaining skilled professionals to plan for, compete, award, or manage sophisticated long-term service contracts. Thus, the macro (government-wide) and micro (acquisition workforce) effects of the 1990's downsizing frenzy left the federal government woefully unprepared to identify, recruit, manage, and incentivize the (hypothetically revolutionized) acquisition workforce envisioned by the 1990's acquisition reforms. The dramatic increase in procurement spending since the September 11, 2001 attacks¹⁶ exacerbated the simmering workforce crisis. Congressional investment in the people who are responsible for that procurement has not kept pace. Quite simply, the Government continues to lack sufficient qualified acquisition, contract management, and quality control personnel to handle the growth in service contracts. This insufficiency includes two separate deficiencies: (1) the number of people available and (2) the qualifications necessary for them to perform a complicated, highly discretionary task over extended periods of time.

As our procurement system has struggled throughout this decade, Congress has been quick to call for more auditors and inspectors general to scrutinize contracting. That's a responsible gesture. But the corresponding call – for more contracting experts to perform the many functions that are necessary for the procurement system to work well – has been both delayed and muted. In order to serve the taxpaying public and meet the needs of agency customers, acquisition professionals must promptly and accurately describe what the government wants to buy, identify and select quality suppliers, ensure fair prices, structure contracts with proper monetary incentives for good performance, and manage and evaluate contractor performance.¹⁷

¹⁴ See, e.g., the Professional Services Council (PSC) and Grant Thornton's Troubling Trends survey, *Acquisition Workforce Top Concern for Federal Managers, Survey Says*, www.pscouncil.org/pdfs/2006PSCProcurementPolicySurvey.pdf.

¹⁵ See, e.g., GAO-07-990 at 5 (noting that services accounted for 67 percent of DHS contracting in FY 2005, which follows the governmentwide trend).

¹⁶ See, Appendix A to this document, and, generally, Steven L. Schooner, *Feature Comment – Empty Promise for the Acquisition Workforce*, 47 THE GOVERNMENT CONTRACTOR ¶ 203 (May 4, 2005), available at <http://ssrn.com/abstract=719685>.

¹⁷ The involvement of contractors in the Abu Ghraib prison provided a simple “lesson learned”: if the government relies heavily upon contractors, there are unfortunate consequences when government fails to maintain, invest in, and apply appropriate acquisition professional resources to select, direct, and manage those contractors. See, generally, Steven L. Schooner, *Contractor Atrocities at Abu Ghraib: Compromised Accountability in a Streamlined, Outsourced Government*, 16 STANFORD LAW & POLICY REVIEW 549 (2005). For example, General Fay
(continued...)

Accordingly, the contracting workforce – understaffed, under-resourced, and under-appreciated – desperately requires a dramatic recapitalization.¹⁸ But acquiring the talent won't be easy. Senior procurement officials increasingly bemoan that no young person in his or her right mind would enter government contracting as a career.

An Anecdote: Personal Services Contracting

In a classic (nonpersonal) services contract, the government delegates a function to a contractor. Conversely, in personal services contracts, the government retains the function, but contractor employees staff the effort. Despite longstanding legal and policy objections to the use of personal services contracts, we have witnessed an explosive growth in what we refer to as body shop or employee augmentation arrangements. As the name implies, the government uses this type of contract to hire contractor personnel to replace, supplement, or work alongside civil servants or members of the armed forces. This is the antithesis of the government's preferred approach, known as performance-based service contracting (PBSC). As a matter of practice and necessity, however, the federal government today relies heavily upon employee augmentation contracts. Civil servants work alongside, with, and at times, for, contractor employees who sit in seats previously occupied by government employees. Unfortunately, no one stopped to train the government workforce on how to operate in such an environment.

¹⁷(...continued)

poignantly articulated: “[T]here was no credible exercise of appropriate oversight of contract performance at Abu Ghraib.” MG George R. Fay, Investigating Officer, *AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade*, at 52 (“the Fay Report”). This problem exists government-wide: “[T]he administration of contracts[,] once they have been signed[,] has been the neglected stepchild of [procurement system reform] effort.” Steven Kelman, *Strategic Contracting Management*, in *MARKET BASED GOVERNANCE: SUPPLY SIDE, DEMAND SIDE, UPSIDE, AND DOWNSIDE* at 89-90, 93 (John D. Donahue & Joseph S. Nye Jr. eds., 2002).

¹⁸ The Acquisition Advisory Panel found that: “The federal government does not have the capacity in its current acquisition workforce necessary to meet the demands that have been placed on it.” Acquisition Advisory Panel Final Report at 361, available at www.acquisition.gov/comp/aap/finalaapreport.html. The Report performed a valuable public service by raising awareness that: (1) agencies have failed to perform systematic human capital planning to assess their acquisition workforce, either in the present or with an eye towards the future; (2) despite the myriad methods in which the acquisition workforce has been defined and counted over time and among agencies, no one appears to be attempting to quantify contractor personnel that currently play an important role in assisting, supporting, and, yes, augmenting the acquisition workforce; and (3) “While the private sector invests substantially in a corps of highly sophisticated, credentialed and trained business managers to accomplish sourcing, procurement and management of functions, the government does not make comparable investments.”

The worst-case scenarios have arisen where contractors have performed work under an open-ended contracts (e.g., with a vague or ambiguous statement of work) without guidance or management from a responsible government official (e.g., in the absence of an administrative contracting officer or a contracting officer's representative), typically facilitated by the reliance on interagency contracting vehicles. Increasing attention to this oversight vacuum has begun to reign in this practice.¹⁹

Across the government, the long-standing prohibitions against personal services contracting have become dead letter.²⁰ DHS already enjoys greater authority to employ personal services contracting authority in the Homeland Security Act (HSA).²¹ What this means is that within DHS, contractors increasingly work alongside government employees, performing similar functions, in what increasingly is referred to as a blended workplace. In addition to the potential conflicts of interest, this raises a number of issues with regard to the management of human capital. In attempting to attract and retain a qualified workforce, DHS may find it increasingly difficult to articulate why individuals should come to work for, or stay employed by, DHS rather than its contractors. This problem is particularly acute where contractors (properly) employ incentives (including, among others, raises, bonuses, training opportunities, travel and entertainment, etc.) to reward and retain their top talent.

¹⁹ Steven L. Schooner, *Feature Comment – Risky Business: Managing Interagency Acquisition*, 47 THE GOVERNMENT CONTRACTOR ¶ 156 (April 6, 2005) (applauding GAO for adding interagency acquisition to its High Risk List).

²⁰ The Acquisition Advisory Panel Report began from the premise that “the ban . . . on personal service contracts ... doesn’t take proper recognition of where we are as a work force today” and concludes that “the existing FAR prohibition on [personal services contracts] ... is not compelled by applicable statutes and case law[.]” Acquisition Advisory Panel Final Report 400-404, at www.acquisition.gov/comp/aap/finalaapreport.html.

²¹ See, generally, Section 832 of the Homeland Security Act, 6 U.S.C. § 392, including authority to contract without regard to the pay limitation of 5 U.S.C. § 3109. Also, the Transportation Security Administration (TSA) retained separate authority to engage in personal services contracts that derives from the Federal Aviation Administration’s procurement flexibilities. Moreover, the U.S. Coast Guard is specifically authorized to award medical personal services contracts, 10 U.S.C. §1091.

Conclusion

More than fifteen years of ill-conceived under-investment in the acquisition workforce, followed by a government-wide failure to respond to a dramatic increase in procurement activity has led to a triage-type focus on buying, with insufficient the resources available for contract administration, management, and oversight.²² The old adage – an ounce of prevention is worth a pound of cure – rings true. More auditors and inspectors general will guarantee a steady stream of scandals, but they’ll neither help avoid the scandals nor improve the procurement system. Conversely, a prospective investment in upgrading the number, skills, and morale of government purchasing officials would reap huge dividends for the taxpayers.

That concludes my statement. Thank you for the opportunity to share these thoughts with you. I would be pleased to answer any questions.

²² It is not surprising that GAO “found cases in which the [DHS] components lacked the capacity to oversee contractor performance due to limited expertise and workload demands.” GAO-07-990 at 22, 23 (acknowledging that “at DOD, we have found cases of insufficient numbers of trained contracting oversight personnel, and cases in which personnel were not provided enough time to complete surveillance tasks, in part due to limited staffing”).

Appendix

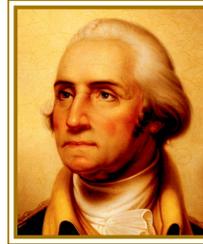
Federal Procurement Spending Trending Analysis Report Since Fiscal Year 2000²³

Fiscal Year	Number of Actions (in Millions)	Dollar Value (in Billions)	Percentage Increase From Previous Year
2006	8.3	\$415.4	6.6
2005	11.2	\$389.6	8.9
2004	10.6	\$357.7	9.6
2003	11.6	\$326.4	18.6
2002	8.2	\$275.2	17.0
2001	9.0	\$235.2	7.2
2000	9.8	\$219.3	

²³ See, Federal Procurement Data System,
www.fpdsng.com/downloads/top_requests/FPDSNG5YearViewOnTotals.xls

STEVEN L. SCHOONER

is Senior Associate Dean for Academic Affairs, Associate Professor of Law, and Co-Director of the Government Procurement Law Program at the George Washington University Law School.



THE GEORGE
WASHINGTON
UNIVERSITY
LAW SCHOOL
WASHINGTON DC

Before joining the faculty, Dean Schooner was the Associate Administrator for Procurement Law and Legislation (a Senior Executive Service position) at the Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget (OMB). He previously tried cases and handled appeals in the Commercial Litigation Branch of the Department of Justice. He also practiced with private law firms and, as an Active Duty Army Judge Advocate, served as a Commissioner at the Armed Services Board of Contract Appeals. As an Army Reserve officer, he served for more than fifteen years as an Adjunct Professor in the Contract and Fiscal Law Department of the Judge Advocate General's School of the Army, in Charlottesville, Virginia.

Outside of the U.S., he has advised hundreds of government officials on public procurement issues, either directly or through multi-government programs. His dispute resolution experience includes service as an arbitrator, mediator, neutral, and ombudsman.

Dean Schooner received his Bachelors degree from Rice University, Juris Doctor from the College of William and Mary, and Master of Laws (with highest honors) from the George Washington University. He is a Fellow of the National Contract Management Association (NCMA), a Member of the Board of Advisors, a Certified Professional Contracts Manager (CPCM), and serves on the Board of Directors of the Procurement Round Table. He is a Faculty Advisor to the American Bar Association's PUBLIC CONTRACT LAW JOURNAL and a member of the GOVERNMENT CONTRACTOR Advisory Board. He is author or co-author of numerous publications including THE GOVERNMENT CONTRACTS REFERENCE BOOK: A COMPREHENSIVE GUIDE TO THE LANGUAGE OF PROCUREMENT (third edition forthcoming, 2007). Dean Schooner's recent scholarship is available through the Social Science Research Network at <http://ssrn.com/author=283370>.