

January 31, 2019

The Honorable Christopher Krebs
Director, Cybersecurity and Infrastructure Security Agency (CISA)
U.S. Department of Homeland Security
1110 North Glebe Road
Arlington, VA 22201

Dear Director Krebs:

On behalf of the member companies of the Professional Services Council (PSC),¹ I am writing to highlight our shared concern about the security of the government's supply chain, particularly government information systems and networks, and to offer PSC's assistance and expertise in developing policies to address these critical issues.

To address supply chain vulnerabilities and threats, CISA has begun an interagency and industry stakeholder process to develop policies and procedures to strengthen the federal government's supply chain. Near the end of 2018, Congress passed and the President signed the SECURE Technology Act,² expanding the DHS vulnerability remediation and mitigation program. While existing critical infrastructure sector-specific mechanisms should be part of the consideration of new policies and procedures, to the extent that proposed changes to the Federal Acquisition Regulation (FAR) or other federal procurement policies are being contemplated, PSC should be, and seeks an opportunity to be, a highly involved CISA stakeholder.

PSC, founded in 1972, has a long history of working with the federal government on acquisition and procurement policy challenges. In early 2014, in response to multiple requests for PSC's views on acquisition and technology improvement and reform, and to inform a range of related initiatives, PSC convened the Acquisition Policy Review Committee (APRC) that created PSC's 2014 Acquisition and Technology Policy Agenda.³ We believe that these recommendations are still timely. More recently, on October 28, 2018, PSC co-authored the Council of Defense and Space Industry Associations (CODSIA) comments⁴ on a June 29, 2018 DFARS proposed rule on "Inapplicability of Certain Laws and Regulations to Commercial Items." In the comments, we raised questions about the integration and application of new statutory requirements and supply chain security

¹ PSC is the voice of the government technology and professional services industry, representing the full range and diversity of the government services sector. As a trusted industry leader on legislative and regulatory issues related to government acquisition, business and technology, PSC helps build consensus between government and industry. Our nearly 400 member companies represent small, medium, and large businesses that provide federal agencies with services of all kinds, including information technology, engineering, logistics, facilities management, operations and maintenance, consulting, international development, scientific, social, environmental services, and more. Together, the trade association's members employ hundreds of thousands of Americans in all 50 states. Many of our member companies provide services of all kinds to DHS and its component agencies.

² Public Law #115-390, December 21, 2018, available at <https://www.congress.gov/bill/115th-congress/house-bill/7327?s=2&r=2>.

³ 2014 PSC Acquisition and Technology Policy Agenda, available at https://www.pscouncil.org/PolicyIssues/AcquisitionPolicy/AcquisitionPolicyIssues/PSC_APRC_Framework.aspx.

⁴ DFARS Case 2017-D010, Defense Federal Acquisition Regulation Supplement: Inapplicability of Certain Laws and Regulations to Commercial Items, October 28, 2018, available at <https://www.pscouncil.org/Downloads/documents/CODSIA%20Comments%20on%20DFARS%20Proposed%20Rule%20on%20Inapplicability%20of%20Certain%20Laws%20and%20Regulations%20to%20Commercial%20Items%20-%202010-28-18.pdf>.

considerations, among others, and called for a “methodical, holistic approach to determining which clauses should be deemed inapplicable to the purchase of commercial products...in the best interest [of] industry and DoD...[to minimize] confusion and ensure consistent application [and] implementation...”

In the spirit of cooperation, PSC would appreciate the opportunity to work with you to develop processes and policies that incorporate input from industry stakeholders. Once decisions are made, it is imperative that these decisions are then shared with industry and a dialogue occurs between industry and the government, consistent with agency policy and the FAR.

We ask that you include PSC in the stakeholder outreach, including but not limited to, the following items:

1. A document submitted to Congress on how DHS will handle reports from outside government about security vulnerabilities in federal computer systems and how DHS will fix them;
2. Process and procedures of the Federal Acquisition Security Council and how industry feedback will be considered by the group;
3. The “strategic plan for addressing supply chain risks;”
4. The “DHS Vulnerability disclosure policy;” and
5. Other CISA policy proposals for consideration in a FAR case to be considered by the FAR Council.

Thank you for your consideration of our request and that we will continue our ongoing dialogue with you and other CISA executives.

Sincerely,



Alan Chvotkin
Executive Vice President and Counsel

cc: Claire Grady, Under Secretary for Management, DHS
Bob Kolasky, Director, National Risk Management Center, CISA
Soraya Correa, Chief Procurement Officer, DHS