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PSC Applauds Key Court Decision Ensuring Contractors Can Support Deployed Military Forces

Arlington, Va. (June 28, 2018) –The Professional Services Council (PSC) applauds last week’s [decision](#) by the Fourth Circuit Court of Appeals affirming key protections for companies that provide support under government contracts to the U.S. military in war zones and other volatile situations.

“This decision is about far more than one specific incident or one specific company,” said David J. Berteau, PSC president and CEO. “It affirms the fundamental position that contractors who are executing the functions covered by the terms of the contract, in accordance with directions from duly authorized government officials, will be protected from litigation that results from proper execution of legal tasks.”

As part of the case, [PSC](#) and the [National Defense Industrial Association](#) jointly [filed an amicus brief](#) in November 2017, urging the court to affirm a Maryland federal district court’s dismissal of the multi-district, class-action litigation. On June 20, the Fourth Circuit, applying the Political Question Doctrine, upheld a lower court’s dismissal of the litigation against PSC member company KBR.

The court found all of KBR’s actions were at the direction, control and oversight of the U.S. military and that, as a result, KBR’s actions cannot be challenged in court. This decision enables contractors to rely on and follow the military’s direction in carrying out support activities for its missions in the battlefield and around the world.

“The U.S. Military heavily relies on government contractors for many functions, and contractors like KBR deliver essential support to the U.S. military in harsh, dangerous, and often unpredictable operating environments,” Berteau continued. “In order to operate safely and effectively in these environments, contractors need to know they will be protected when following guidance for actions that support military operations and functions. The decision also affirms to the military that it needs to recognize that contractors can and will execute contracts and meet their needs.”

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About PSC: PSC is the voice of the government technology and professional services industry. PSC’s 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. Follow PSC on Twitter [@PSCSpeaks](#). To learn more, visit www.pscouncil.org.