



# ***PSC Working for You:*** **Congressional Successes and Future Advocacy**

**by Cate Benedetti**, PSC Vice President of Government Relations

**P**SC's primary mission is advocacy on behalf of our member companies. In last December's issue of *Service Contractor*,<sup>1</sup> PSC Executive VP and Counsel Alan Chvotkin laid out our "Roadmap for Advocacy," how we engage with Congress to turn industry priorities into laws.

As the 115th Congress comes to an end and we begin the 116th Congress in 2019, PSC looks back on the successes in this current Congress and ahead toward priorities and opportunities in the new year.

When the new administration took office in January 2017, PSC went to work to seek a repeal of one of the previous administration's most egregious attempts to impose unnecessary, unfair and unworkable requirements on government contractors. PSC advocated for a Congressional Review Act resolution disapproving the August 25, 2016 final "Fair Pay and Safe Workplaces" Federal Acquisition Regulation—often referred to as the "blacklisting" rule. The regulation elevated allegations to the same status as convictions as a basis for rejecting contracts; established a duplicative and costly compliance and reporting regime; and offered no material benefit to the government. Congress enacted that repeal in March of 2017 and returned fairness and due process to the contracting community.

PSC then took on the Defense Contract Auditing Agency's backlog of incurred cost audits—testifying before Congress on how private sector solutions and targeted reforms could improve acquisition outcomes and mitigate the negative impacts that result from the backlog. Delays in audit completion impacts a company's cash flow as the government withholds funds and as companies must pay administrative, and often unallowable, costs.

Our recommendation that the government leverage independent, third-party auditors led to the enactment of provisions in the FY18 NDAA to require DCAA to outsource some of this work to qualified auditors. When the provision is fully implemented, PSC members can expect more timely contract closeouts.

PSC's priorities for this legislative session also included promoting value based contracting and increasing the government's access to innovation, while ensuring the government acquires services from contractors in the most effective, timely and efficient manner.

## **HOW WE DO IT**

**2** PSC participated in  
**Two Committee-Held Roundtables:**  
House Veterans Affairs Committee  
House Small Business Committee

**4** PSC Testified Four Times  
in the 115th Congress before House and Senate Committees:  
House Armed Services Committee  
Senate Select Committee on Intelligence  
House Small Business Committee  
House Committee on Homeland Security

**30** PSC Sent More than 30 Hill Letters  
and other communications to the House  
and Senate this Congress.

**140** PSC Participated in 140 Hill Meetings  
with members of Congress and staff

After initially securing language to limit the Department of Defense's use of lowest price technically acceptable source selection criteria in December 2016, PSC was successful this year in expanding these provisions government-wide. In addition, the Department of Defense has put an emphasis on transitioning to a culture of performance that operates at the "speed of relevance." PSC is helping them get there—securing enactment in the FY18 NDAA of a provision that requires DoD to define, measure and track Procurement Administrative Lead Times (PALT). Given the pace of technological change in the solutions that contractors can provide to the government, the acquisition system must be efficient and timely. When the government identifies a need, it should be able to obtain those goods and services as soon as possible. In 2018, we helped to shepherd legislation through Congress that expands that requirement government-wide.

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<sup>1</sup> <https://bit.ly/2QGWnBy>

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We also worked to restore accelerated payments to small businesses and small business subcontractors who support the Department of Defense, statutorily reestablishing an OMB directive that they allowed to lapse.

The accelerated payments policy was a critical lifeline for small businesses who work in the federal market and its impacts are widespread. PSC will try to expand this requirement to all federal agencies in the 116th Congress.

Similarly, the Department of Defense has been directed by Congress to provide comprehensive debriefings to offerors, in an attempt to limit the instances in which contractors protest simply to receive information about what went wrong with their proposal during source selection. Instead, this requirement will create a more meaningful dialogue between the government and offerors. We will be working to expand this requirement government-wide as well.

Finally, PSC is committed to helping our member companies build workforces to meet future government missions. The biggest workforce issue for many of our companies is the government's security clearance backlog

and wait times. PSC testified twice before Congress this year and proposed recommendations to reform the government's security clearance processes. As a result of the testimony and other legislative efforts, Congress has acted on a number of bills that will implement changes to reduce the backlog and wait times; move the government toward a modernized background investigation process; increase transparency and expand innovation; and support a shift to continuous evaluation and true reciprocity between federal agencies. With hundreds of thousands of potential employees still waiting in line for a security clearance, we will continue to promote solutions and better procedures in the new Congress.

Taken together, these reforms make the government a smarter buyer and promote a more effective, streamlined, and competitive federal contracting system. While the 116th Congress that will be sworn in in January will be different, our priorities and advocacy roadmap will not. We will continue to push for the successful enactment of legislation that improves acquisition outcomes and benefits the government contracting community. Please join us in shaping our advocacy agenda. ■

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