Sequestration has arrived. By the time you read this column, it may have been overcome by an alternative spending measure, or overtaken by an even more dramatic economic turn of events. Nonetheless, the impact of the federal budget turmoil and the debates surrounding it has serious implications for our Section and its members.

While our Section is not a political organization, it does have a point of view, and amidst this budget clamor that view should be heard. Specifically, the government enterprises and contractors most affected by the latest upheavals in fiscal policy are, collectively, our clients. Whatever your personal political philosophy may direct about what the government should be spending money to accomplish, we understand our clients to be engaged in positive and worthwhile activity. Government contracting is a vital means by which the government gets things done.

Yet, as I listen to the commentators and read the editorials, both government contractors and government purchasers are broadly condemned as a burdensome and ineffectual source of waste or fraud, or both. I find that assessment lazy, simplistic, and uninformed. There are unquestionably bad actors in the government contracting arena, as there are in most fields. A keystone of our Section’s mission is to improve government contracting systems. But the government officials and employees who purchase goods and services are executing important work for the public good. And in my experience, government contractors operate with a strong sense of purpose consistent with the objectives of their government customers.

I fear that government procurement activity provides a tempting and politically easy target for budget reductions. The acquisition workforce is already under serious strain, and the true need is for more, not fewer, resources devoted to personnel recruitment, retention, and training in this area. Likewise, overzealous condemnation of contractor performance makes for juicy headlines, but does not reflect the more typical contributions and vigor of most businesses in this arena.

Our Section will not be engaged in lobbying Congress as the budget debates continue. I do, however, want to encourage our members to speak up when the opportunity presents itself, to offer a more tempered, balanced view.

Mark D. Colley is the 2012–2013 chair of the Section of Public Contract Law, and a partner with Arnold & Porter LLP in its Washington, D.C., office where he chairs the firm’s government contracts practice group.
and I believe better informed, viewpoint that defends the important, well-intentioned, and positive work and contributions made by those in the public procurement community—both government and private sector. We need to provide some light amidst all of the heat in these debates, and are uniquely positioned to do so.

**Section Finances**

More self-interestedly, the spending reductions afflicting both the government and private sector enterprises will have inevitable consequences for our Section. Fewer funds will be available to support membership and participation in the Section. Yet the public budget challenges also mean that our members will be called on to help address and resolve the many issues these changing times will present. The need for the education, analysis, and forum our Section provides has never been greater. We will be forced to be more creative, more rigorous, and simply do more with less.

In addition to the budgetary pressures within our industry, the ABA is facing financial difficulties of its own, which are expected to impact our Section adversely in as yet undefined ways. The ABA underwrites important administrative and infrastructure activities that keep our Section operating, but that support is expected to diminish in coming years, perhaps dramatically, with the Sections being called upon to bear more of the financial burden. We are fortunate to have had for many years a very efficiently run operation, thanks largely to our Section director, Marilyn “Tight Ship” Neforas. I believe we can shoulder the added costs. We will need to stay focused, however, on ensuring that the Section’s various revenue-generating activities—programs, publications, etc.—are regular, frequent, and successful.

With that in mind, I want to extend special thanks to those who have stepped up to provide an extra measure of support for the Section. Foremost among these are Alan and Mildred Peterson. Since its inception in 1989, they have made generous annual contributions to the Section’s Public Contract Law Education Project (more colloquially, and appropriately, referred to simply as “The Peterson Fund”). This fund covers costs for government speakers to participate at many Section programs, which preserves the vital balanced dialog that has become a hallmark for our Section. I hope that their efforts will lead by example, and that others who have benefitted from their Section involvement over the years will similarly decide to contribute to this fund.

Another group to which I want to extend true appreciation is to the many sponsors of our Section programs. These programs would not be successful without their generosity and, speaking on behalf of the Section, we are very grateful for that support. We benefitted from a large number of sponsors for this year’s Federal Procurement Institute. We are also fortunate to have a steady group of sponsors for the receptions at our events (see page 11 and back cover), which provide important opportunities for exchange and communication. When you have the chance, please join me in extending thanks to members of these sponsoring entities.

**Government Lawyer Members**

I am pleased to report that the ABA Board of Governors has just extended for another year the Public Service Group membership pilot program. If you are a government lawyer, and not already participating in the program, then you should seriously consider this opportunity for much reduced ABA dues.

A group of government lawyers, say within a particular agency or subordinate office (minimum of five), may have their ABA membership considered collectively, with ABA dues set at $70 per member—discounted from the $100 to $225 rates for government lawyers (scaled for years of practice; Section dues are an additional $45). There are two catches: (1) 50 percent of the group must be new to the ABA at the group’s formation, and (2) there must be a single point of contact with the group—one individual serves as the group administrator to promote the program and handle all ABA billing/collection activities.

Our Section’s vitality and value depends on robust participation by government lawyers. Only with that quality will we retain balance in our education about and debate over public procurement matters. Maintaining a large and active government lawyer membership also preserves the Section’s credibility, and makes the interaction amongst our members especially useful.

If your office is not already enrolled in this program, then enlist your colleagues and make an effort to form a group. This program is something we have not yet actively promoted as a Section, but we are going to do so. Other ABA Sections who have made such an effort have seen very positive results in their Section membership. Present expectations are that this pilot program will soon become a permanent ABA dues arrangement, although the permanent structure may be modified.

If you are interested and would like help setting up a group, please get in touch with one of our Membership Committee cochairs: Ty Hughes (571/403-0571 or tyhughes@gmail.com) and Heather Kilgore Weiner (202/220-1212 or weinerh@pepperlaw.com).

**Annual Meeting**

It’s not too soon to make plans for our Annual Meeting this August 9-12 in San Francisco. We will have, as always, some excellent programs and social events, in a venue that’s impossible not to enjoy. I hope you will join us. ©