



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111

REPLY TO
ATTENTION OF

May 19, 2000

Exemption Number 2000-0001

MEMORANDUM THRU DIRECTOR OF THE ARMY STAFF

FOR ACTING DEPUTY CHIEF OF STAFF FOR LOGISTICS

SUBJECT: Quality Assurance Specialist (Ammunition Surveillance) Exemption

Reference your memorandum, DALO-AMA, 14 January 2000, subject: Federal Activities Inventory Reform (FAIR) Act Database Correction or Revision for Quality Assurance Specialist (Ammunition Surveillance) (QASAS) Career Program.

I have determined that it would be inconsistent with the FAIR Act determinations previously made in the acquisition and other functional areas to classify the QASAS functions as inherently Governmental within the meaning of the Act. As described in your memorandum, the functions performed by QASAS personnel do not appear to entail the exercise of substantial discretion or value judgment in applying Government authority or making decisions for the Government.

However, I have determined that the QASAS function should be exempted from private sector performance under Office of Management and Budget (OMB) Circular A-76 Reason Code A (Defense Reform Initiative Directive (DRID) 20 Manpower Mix Criteria Code I, "Civilian National Security or Operational Risk"). OMB Reason Code A is defined by OMB as designed to permit the Agency Head to identify specific commercial activities that should not be subjected to privatization, outsourcing or competition for purposes of the FAIR Act. Since you are the senior military official with technical responsibility for the QASAS function, your analysis of the risks involved is entitled to great weight. As you have pointed out, QASAS personnel, in contrast to single-task contractors, can, as a part of their normal duties, be rapidly shifted to any worldwide site and immediately begin effectively performing a variety of ammunition support tasks vital to the readiness of the Army. Since World War II, they have deployed with our combat troops in most theaters of operations, and are currently in Bosnia and Kosovo.


Patrick J. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111



October 30, 2000

REPLY TO
ATTENTION OF

Exemption Number 2000-0002

MEMORANDUM FOR DEPUTY UNDER SECRETARY OF THE ARMY (OPERATIONS
RESEARCH)

SUBJECT: Test and Evaluation Exemption

Reference memorandum, CSTE-RM, 3 October 2000, subject: Request for Exemption.

I have determined that the test and evaluation function performed by the Army Test and Evaluation Command (ATEC) is a non-inherently Governmental function that should be exempted from private sector performance on the basis of risk to national security. Civilian employees performing this function will be reported in the Federal Activities Inventory Reform (FAIR) Act inventory under Office of Management and Budget (OMB) Reason Code A. OMB Reason Code A is designed to identify specific non-inherently Governmental (commercial) activities that should not be subjected to privatization, outsourcing or competition for purposes of the FAIR Act. Military performing this function are not reported in the public FAIR inventory. The exemption applies to performance of the basic test and evaluation functions. It does not apply to test and evaluation support functions. The criteria for identifying the exemption for the basic test and evaluation function (less support) are described at enclosure.

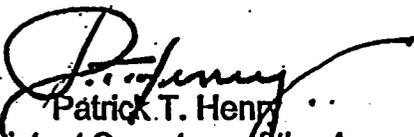
As pointed out in the referenced memorandum, contractors assist in drafting test and evaluation plans and in collecting and formatting data. However, primary responsibility for testing and evaluating systems relies on a core military and Government civilian workforce. Military personnel bring recent field experience and knowledge of doctrine (tactics, techniques, and procedures), organization, training, and equipment critical to determining whether a system will operate safely and effectively on the battlefield. Moreover, military personnel have a personal stake in the evaluations they perform, because they will eventually return to field units and have to employ the new equipment themselves.

A core workforce of Government civilian employees is required for the test and evaluation function to assure experience, continuity, and objectivity. Such employees provide guidance and assistance to newly assigned military personnel as they learn the intricacies of planning and conducting tests and evaluations. More importantly, civilian employees have no ties to commercial activities or defense industries that may benefit from the procurement of systems being tested and evaluated. As senior officials with



technical responsibility for the test and evaluation function, the analysis of the risks involved by the Commander, Army Test and Evaluation Command, and your concurrence in that analysis, are entitled to great weight, as are your judgments that further contracting of the basic test and evaluation function will compromise Governmental oversight.

I also noted that section 802 of the 1980 Defense Authorization Act, P.L. 96-107 allows for the competing under OMB Circular A-76 procedures of test and evaluation support functions, but completely bars the application of A-76 procedures to the contracting of performance of the basic test and evaluation function itself. As a matter of Army policy, my approval of your exemption request bars the contracting of the basic function unless this exemption is subsequently vacated by this office.


Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

CF:
DAS

Exemption will affect all military positions in ATEC RDTE activities. MDEPs affected are RL02, RL03, and RL07.

Exemption will affect the following civilian positions in ATEC RDTE activities.

1. Test Pilots GS-12 or Broad Band NH-IV and above in series 2181.
2. Test Officers GS-12 or Broad Band NH-IV and above in series 301, 1670, 1640, and 1601, 393, and 391.
3. Scientist, Mathematicians and Engineers GS 12 or Broad Band NH-IV in series 1531, 1530, 1550, 1529, 1520, 1515, 1341, 1386, 1374, 1340, 1321, 1320, 1311, 1310, 1306, 1301, 0899, 0895, 0893, 0861, 0856, 085, 0854, 0850, 0840, 0830, 0819, 0806, 0803, 0802, 0801, 0408, 0404, 0403, and 0401.

ATEC is documented under command code AT. UICs that make up ATEC are listed below.

W3Q2AA Headquarters U.S. Army Test and Evaluation Command
W3U6AA U.S. Army Evaluation Center
W469AA U.S. Army Operational Test Command
W0JEAA Headquarters, U.S. Army Development Test Command
W376AA U.S. Army Aviation Technical Test Center
W1HTAA U.S. Army Redstone Technical Test Center
W30MAA U. S. Army Dugway Proving Ground
W04XAA U. S. Army Yuma Proving Ground
W04WAA U. S. Army White Sands Missile Range
W4QUAA U. S. Army Aberdeen Test Center



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111

November 28, 2000

Exemption Number 2000-0003

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY
(MILITARY PERSONNEL POLICY)

SUBJECT: Medical Exemption

Reference, memorandum, w/endorsement, TSG, DASG-PAE-M, 31 October 2000, subject: Request for Exemption – U.S. Army Medical Command (MEDCOM).

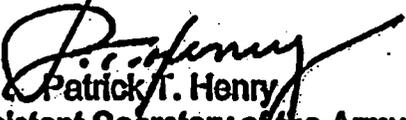
I have determined that the medical function performed by the military personnel assigned to MEDCOM and within the operating forces is a non-inherently Governmental function that should be exempted from private sector performance on the basis of risk to national security. The exemption applies to officers, warrant officers and enlisted personnel providing or supporting direct patient care in the operating forces and in MEDCOM organizations with the same skills identified as requirements in the operating forces. The exemption includes tertiary care provided by Army medicine to the U.S. Air Force and U.S. Navy in any theater. It does not apply to civilian employees providing or supporting the direct patient care medical function in MEDCOM. The criteria for identifying this exemption are described at the enclosure. Military personnel performing this function are not reported in the public Federal Activities Inventory Reform Act (FAIR) inventory.

As pointed out in the referenced memorandum, contractors and civilian employees are needed to assist in providing and supporting direct patient care to an expanding beneficiary population, which now includes enhanced health care and pharmacy benefits for Medicare-eligible retirees pursuant to the National Defense Authorization Act for fiscal year 2001. The Army has historically used contract medical personnel in major conflicts up through the Persian Gulf War. The Army doctrine under review in this exemption request, in Army Field Manual 100-21, *Contractors On The Battlefield (March 2000)*, currently provides that some combat health support capability may be augmented by contractor support in the areas of food service, laundry, waste disposal, medical maintenance, optical fabrication, materiel handling equipment, oxygen generation, environmental and occupational health assessment, water purification assessment, application of pesticides for disease control, veterinary services and laboratory services — depending upon the nature of the host nation medical infrastructure. In addition, your endorsement suggests that contracting for western-trained civilian providers to work in host nation hospitals, as happened in Saudi Arabia, and contracting for civilian providers to fill vacancies in Reserve Component medical units may be appropriate in some circumstances.

However, the referenced endorsement points out that, in general, the historical record indicates that extensive reliance on contracted medical support increases the risks of poor quality medical care provided to soldiers in the field. Most battlefield deployments are to second and third world areas, in circumstances where the Army and warfighting Commanders in Chief cannot contract for modern health care. For example, in Mogadishu, Somalia, Army medicine was the only health care in the region.

Accordingly, it is prudent for the Army to maintain a core capability of uniformed military trained in military medical principles that is ready and available to deploy to theaters of potential conflicts. The utilization of this core capability to help provide peacetime medical care to retirees, military dependents and non-deployed military assigned to garrisons in peacetime is a sound business decision that also maintains the proficiency and currency of the medical skills also required in theater. As senior officials with technical responsibility for the military medical function, the analysis of the risks involved by The Surgeon General, and your concurrence in that analysis, are entitled to great weight, as are your judgments that converting these functions to contract will compromise military readiness. Therefore, I have exempted military needed to maintain this core capability from conversion to contract.

I also noted The Surgeon General's concerns with the potential adverse impact of the A-76 process on the quality of direct patient care provided by his military, civilian employees and contractors, and his concerns with the application of A-76 to medical Research, Development, Testing and Evaluation (RDT&E) functions currently performed in-house within MEDCOM RDT&E organizations. Office of Management and Budget (OMB) Circular A-76 provides for an exemption from A-76 procedures for direct patient care activities at Government hospitals or other healthcare facilities to assure quality of care. It also provides for an exemption from A-76 procedures for the conduct of research and development other than severable in-house commercial activities in support of research and development. Therefore, both the direct patient care function and the basic RDT&E function, less support, will be reported in the FAIR Act Inventory under OMB Reason Code C. OMB Reason Code C is designed to identify specific non-inherently Governmental (commercial) activities that may be converted to contract, but not by means of the A-76 process.


Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

National Security Exemption (Medical)

National Security exemption will affect all officer positions in the following skills:

| | | |
|---------------------------------|----------------------------------|--------------------------------|
| 05A-Branch Immaterial | 60A-Operational Medicine | 60B-Nuclear Medicine Officer |
| 60C-Preventive Medicine Officer | 60J-Obstetrician & Gynecologist | 60K-Urologist |
| 60L-Dermatologist | 60N-Anesthesiologist | 60P-Pediatrician |
| 60S-Ophthalmologist | 60T-Otolaryngologist | 60V-Neurologist |
| 60W-Psychiatrist | 61A-Nephrologist | 61F-Internist |
| 61G-Infectious Disease Officer | 61H-Family Physician | 61J-General Surgeon |
| 61K-Thoracic Surgeon | 61M-Orthopedic Surgeon | 61N-Flight Surgeon |
| 61R-Diagnostic Radiologist | 61U-Pathologist | 61Z-Neurosurgeon |
| 62A-Emergency Physician | 62B-Field Surgeon | 63A-General Dentist |
| 63B-Comprehensive Dentist | 63D-Periodontist | 63B-Endodontist |
| 63F-Prosthodontist | 63H-Public Health Dentist | 63N-Oral Maxillofacial Surgeon |
| 63R-Executive Dentist | 64A-Field Vet Svc | 64B-Vet Preventive Med |
| 64D-Veterinary Pathology | 64F-Vet Comparative Med | 64Z-SR Veterinarian (IM) |
| 65A-Occupational Therapy | 65B-Physical Therapy | 65C-Dietitian |
| 65D-Physician Assistant | 66C-Psychiatric/MH Nurse | 66B-Operating Room Nurse |
| 66F-Nurse Anesthetist | 66H-Medical/Surgical Nurse | 66N-Generalist Nurse |
| 67A-Health Services | 67B-Laboratory Sciences | 67D-Behavioral Sciences |
| 67E-Pharmacy | 67F-Optometry | 67G-Podiatry |
| 67J-Aeromedical Evacuation | 70A-Health Care Administration | 70B-Health Services Admin |
| 70C-Health Services Comptroller | 70D-Health Services Sys Mgt | 70E-Patient Administration |
| 70F-Health Services HR | 70H-Health Svcs Plans, Ops, etc. | 70K-Health Services Materiel |
| 71A-Microbiology | 71B-Biochemistry | 71E-Clinical Laboratory |
| 72A-Nuclear Medical Science | 72B-Entomology | 72C-Audiology |
| 72D-Environmental Science | 72E-Sanitary Engineer | 73A-Social Work |
| 73B-Clinical Psychology | 75A-Field Veterinary Service | 75B-Veterinary Preventive Med |

National Security exemption will affect all warrant officer positions in the following skills:

| | |
|-------------------------------------|---|
| 640A-Veterinary Services Technician | 670A-Health Services Maintenance Technician |
|-------------------------------------|---|

National Security exemption will affect all enlisted positions in the following skills:

| | | |
|---------------------------------|------------------------------|------------------------------------|
| 91A-Medical Equip Repairer | 91B-Medical Specialist | 91C-Practical Nurse |
| 91D-Operating Room Specialist | 91E-Dental Specialist | 91G-Patient Admin SP |
| 91J-Medical Logistics SP | 91K-Medial Lab Specialist | 91M-Hospital Food Svc Spec |
| 91P-Radiology Specialist | 91Q-Pharmacy Specialist | 91R-Vet Food Inspect Specialist |
| 91S-Preventative Med Specialist | 91T-Animal Care Specialist | 91V-Respiratory Specialist |
| 91W-Medical Specialist | 91X-Mental Health Specialist | 91Z-Sergeant Major (Chief Med NCO) |

Direct Patient Care Exemption From A-76

Direct Patient Care exemption from A-76 will affect all military (to include officer and enlisted medical specialties not identified under the National Security Exemption) and GS-11 and higher civilian positions in the following occupational series assigned to all MEDCOM organizations shown on this sheet:

| | | |
|--|--|------------------------------------|
| 00600-00699-Physicians, nurses, allied health & health spt spec. | 00101-Social Science Analyst | 00101-Social Science Aid Tech |
| 00180-Psychologist | 00181- Psychology Aid & Tech | 00185-Social Worker |
| 00186-Social Svc Aid & Assist | 00401-General Biology Scientist | 00403-Microbiologist |
| 00404-Biological Science Tech | 00405-Pharmacologist | 00410-Zoologist |
| 00413-Physiologist | 00414-Entomologist | 00415-Toxicologist |
| 00440-Geneticist | 00487-Animal Scientist | 00493-Home Economist |
| 00701-Veterinarian | 00704- Animal Health Tech | 00858-Biomedical Engineer |
| 01863-Food Inspection | 01864-Public Health Quarantine Inspector | 04010- Prescription Byeglass Maker |
| 04805-Medical Equip Repairer | 05031-Insect Production Worker | 05048-Animal Caretaker |

| | |
|---|--|
| W03HAA-USA Ctr for Health Promotion and Preventative Medicine | W05JAA-USA Medical Materiel Agency |
| W07CAA-Tripler Army Medical Center | W07RAA-Great Plains Regional Medical Cmd |
| W07SAA-Southeast Regional Medical Cmd | W07TAA-North Atlantic Regional Med Cmd |
| W08QAA-European Regional medical Command | W08RAA-Northwest Regional Medical Command |
| W08SAA-Pacific Regional Medical Command | W0CCAA-USA Medical Materiel Ctr, Europe |
| W0REAA-USA Medical Dept Activity, Alaska | W0BPAA-USA Veterinary Activity, Europe |
| W0Q1AA-Madigan Army Medical Center | W0Q3AA-William Beaumont Army Med Center |
| W0XNAA-USA Med Dept Activity, Ft Huachuca | W1G3AA-USA Army Security Force, Ft Detrick |
| W1HHAA-Landstuhl Army Medical Center | W1HJAA-Heidelberg Army Medical Center |
| W1MLAA-USA Med Dept Act, Ft Leonard Wood | W2DHAA-Walter Reed Army Medical Center |
| W2DLAA-Armed Forces Institute of Pathology | W2DNAA-Brooke Army Medical Center |
| W2FLAA-USA Med Dept Act, Redstone Arsenal | W2H8AA-USA Med Dept Activity, West Point |
| W2K1AA-USA Med Dept Activity, Ft Bustis | W2L3AA-USA Med Dept Activity, Ft Benning |
| W2L6AA-USA Med Dept Activity, Ft Bragg | W2L8AA-USA Med Dept Activity, Ft Campbell |
| W2LAAA-USA Med Dept Activity, Ft Knox | W2LMAA-USA Med Dept Activity, Ft Lee |
| W2M5AA-USA Med Dept Activity, Ft Hood | W2MJAA-USA Med Dept Activity, Ft Jackson. |
| W2MQAA-USA Med Dept Activity, Ft Rucker | W2MSAA-USA Medical Dept Activity, Ft Stewart |
| W2NKAA-USA Medical Dept Activity, Ft Polk | W2NVAA-USA Medical Dept Activity, Ft Sill |
| W2P0AA-USA Medical Dept Activity, Ft Riley | W2P1AA-USA Medical Dept Activity, Ft Carson |
| W2P4AA-USA Med Dept Activity, Ft Leavenworth | W36LAA-USA Health Facility Planning Agency |
| W383AA-USA Med Dept Activity, Wuerzburg | W398AA-USA Med Info Systems Support Activity |
| W3FBAA-USA Medical Dept Activity, Japan | W3J1AA-USA Joint Health Services Agency |
| W3QMAA-Dwight D Eisenhower Army Med Ctr | W3U4AA- USA Veterinary Command |
| W3U5AA-USA Dental Command | W3VYAA-HQ, USA Medical Command |
| W3VZAA-USA Medical Dept Center & School | W3ZRAA-Great Plains Regional Dental Command |
| W3ZSAA-North Atlantic Regional Dental Cmd | W3ZTAA-Southeast Regional Dental Command |
| W3ZUAA-Western Regional Dental Command | W3ZVAA-Pacific Regional Dental Command |
| W3ZWAA-European Regional Dental Command | W40MAA-USA Health Care Acquisition Activity |
| W4FFAA-USAMedical Dept Activity, Ft Irwin | W4U2AA-USA Medical Dept Activity, Ft Drum |

RDT&E Exemption From A-76

RDT&E exemption from A-76 will affect all military (to include officer and enlisted medical specialties not identified under the National Security Exemption) and GS-12 and higher civilian positions in the following occupational series assigned to MEDCOM organizations listed on this sheet:

| | | |
|--|-----------------------------------|--|
| 00101-Social Science Analyst | 00102-Social Science Aid /Tech | 00180-Psychologist |
| 00181-Psychology Aid/Tech | 00185-Social Worker | 00186-Social Services Aid/Assist |
| 00401-General Biology Scientist | 00403-Microbiologist | 00404-Biological Science Tech |
| 00405-Pharmacologist | 00410-Zoologist | 00413-Physiologist |
| 00414-Entomologist | 00415-Toxicologist | 00440-Geneticist |
| 00487-Animal Scientist | 00493-Home Economist | 00701-Veterinarian |
| 00704-Animal Health Technician | 00858-Biomedical Engineer | 01863-Food Inspection |
| 01864-Public Health Quarantine Inspector | 04010-Prescription Eyeglass Maker | 04805-Medical Equipment Repairer |
| 05031-Insect Production Worker | 05048-Animal Caretaker | 00600-00699-Physicians, nurses, allied health & health support |

| | |
|--|---|
| W03JAA-USA Med Research & Materiel Cmd | W03KAA-Walter Reed Army Institute of Research |
| W03SAA-USA Institute of Surgical Research | W03WAA-USA Research Inst of Environ Med |
| W03YAA-USA Army Aeromedical Research Lab | W2DRAA-WRAIR Special Foreign Activity |
| W4D7AA- USA Med Research Inst of Chem Def | W4GPAA-USA Med Res Inst of Infectious Disease |
| W4PZAA-USA Med Research Acquisition Activity | W4QFAA-USA Med Materiel Dev Activity |



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111



December 26, 2000

REPLY TO
ATTENTION OF

Exemption Number 2000-0004

MEMORANDUM THRU ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF
THE ARMY
DIRECTOR OF THE ARMY STAFF

FOR ASSISTANT DEPUTY CHIEF OF STAFF FOR INTELLIGENCE

SUBJECT: Intelligence Exemption

Reference, memorandum, ADCSINT, DAMI-ZC, 1 December 2000, subject:
Request for Exemption – Army Military Intelligence.

I have made the following determinations regarding the intelligence function performed by military and Federal civilian employees in the Army operating force and the generating force. The criteria for identifying the scope of these determinations are described in the enclosure. Military performing this function are not reported in the public Federal Activities Inventory Reform Act (FAIR) inventory. My determinations do not apply to Army assets under the operational control of other Defense activities or executive agencies.

At the tactical level, the intelligence function under the operational control of the Army performed by military in the operating forces is an inherently Governmental function barred from private sector performance. An inherently Governmental function includes those activities that require either the exercise of discretion in applying Government authority or the making of value judgments in making decisions for the Government. The gathering and analysis of intelligence as described above requires the exercise of substantial discretion in applying Government authority because intelligence at the tactical level is integral to the application of combat power by the sovereign authority. Army warfighting doctrine provides that battalion and brigade S-2s, and division and corps G-2s provide assessments of enemy capabilities and intentions, critical situational awareness and force protection information, and targeting data relevant to the operational perspective and organizational capability of their respective commanders. Such tailored intelligence, often derived solely from organic intelligence assets, is a fundamental tenant of effective operational planning and mission success.

At the operational and strategic level, the intelligence function (less support) performed by military personnel and Federal civilian employees is a non-inherently



Governmental function that should be exempted from private sector performance on the basis of risk to national security from relying on contractors to perform this function. The acquisition of intelligence-related technologies and systems, and the instruction and training of soldiers and Army civilian employees on intelligence doctrine and methods are non-inherently Governmental functions. The capabilities provided by military performing these functions also are exempted from conversion to private sector performance on the basis of risk to national security in order to retain a core capability.

In the generating forces and at the theater level in the operating forces, I have exempted the intelligence function from conversion to private sector performance to the extent necessary to provide adequate oversight of contracted intelligence capabilities, and to maintain sufficient in-house skills in this function. As pointed out in the referenced memorandum, contractors may be used to facilitate the gathering or interpretation of intelligence information, in circumstances where contractors are the sole source of a particular capability. In addition, contractors provide maintenance support of, and support the research, development and acquisition of, intelligence-related technologies, as well as support of the instruction of military and civilian employees on military intelligence doctrine and skills. The use of contractors to augment instruction in the intelligence function performed at Army schools, where there is only a requirement to maintain a sufficient core capability of military cadre needed to retain proficiency with current doctrine, presents little risk to national security. However use of contractors in other situations presents much greater risks.

Private contractors may be acquired by foreign interests, acquire and maintain interests in foreign countries, and provide support to foreign customers. The contract administration oversight exerted over contractors is very different from the command and control exerted over military and civilian employees. Therefore, reliance on private contractors poses risks to maintaining adequate civilian oversight over intelligence operations. Civilian oversight over intelligence operations and technologies is essential to assure intelligence operations are conducted with adequate security safeguards, and within the scope of law and direction of the authorized chain of command and officials. In addition, once a function is contracted there is no assurance that the capability provided by a contractor will be maintained beyond the term of the contract.

Accordingly, my exemption, as a matter of Army policy, bars the contracting of the intelligence function (less support) except where a contractor provides the sole capability for gathering or analyzing intelligence or for acquiring and maintaining intelligence-related technologies. The exception to the bar in these limited circumstances is premised on the Army retaining, or growing, a sufficient core capability to oversee the contract without compromising national security.

In addition, this bar does not apply to contractor performance of the training function pertaining to intelligence at Army schools. Field Manual 100-21, *Contractors on the Battlefield* (March 2000) should be modified and clarified to reflect these determinations.



Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

CRITERIA FOR FY01 FEDERAL ACTIVITY

ARMY REFORM (PAIR) ACT MI FORCE EXEMPTIONS

| Draft M&RA Exemption Memo Paragraph | CRITERION: Military Intelligence MTOEs | CRITERION: Non-Military Intelligence MTOEs | CRITERION: Military Intelligence and Non-Military Intelligence TDA/TDA Augmentations |
|--------------------------------------|--|---|---|
| 1 | N/A | N/A | N/A |
| 2 | N/A | N/A | N/A |
| 3 (Tactical) | SRC 34 TOEs / MTOEs | In all but SRC 34-series TOEs / MTOEs: Officers - Area of Concentration 35 (Military Intelligence); Warrant Officers - Branch 35 (Military Intelligence); Enlisted: Chiefs 33 (Electronic Warfare / Intercept Systems Maintenance), 96 (Military Intelligence) (which includes MOS series 90x and 97X), or 98 (Signals Intelligence / Electronic Warfare Operations). | In TDA Augmentations to all-SRC series TOEs / MTOEs: Officers - Area of Concentration 35 (Military Intelligence); Warrant Officers - Branch 35 (Military Intelligence); Enlisted: Chiefs 33 (Electronic Warfare / Intercept Systems Maintenance), 96 (Military Intelligence) (which includes MOS series 90x and 97X), or 98 (Signals Intelligence / Electronic Warfare Operations). |
| 4 (Operational and Strategic) | SRC 30 and 32-series TOEs / MTOEs | In all but SRC 30 and 32-series TOEs / MTOEs: Officers - Area of Concentration 35 (Military Intelligence); Warrant Officers - Branch 35 (Military Intelligence); Enlisted: Chiefs 33 (Electronic Warfare / Intercept Systems Maintenance), 96 (Military Intelligence) (which includes MOS series 90x and 97X), or 98 (Signals Intelligence / Electronic Warfare Operations). | In all TDAs and TDA Augmentations to all-SRC series TOEs / MTOEs: Officers - Area of Concentration 35 (Military Intelligence); Functional Areas 35 (Military Intelligence) or 34 (Strategic Intelligence); Warrant Officers - Branch 35 (Military Intelligence); Enlisted: Chiefs 33 (Electronic Warfare / Intercept Systems Maintenance), 96 (Military Intelligence) (which includes MOS series 90x and 97X), or 98 (Signals Intelligence / Electronic Warfare Operations); Civilian Skill Codes: 00132, 00194, Civilian Authorizations funded under PE 121034. |
| 5 (Generating / Theater Forces, RDA) | SRC 30 and 32-series TOEs / MTOEs | In all but SRC 30 and 32-series TOEs / MTOEs: Officers - Area of Concentration 35 (Military Intelligence); Warrant Officers - Branch 35 (Military Intelligence); Enlisted: Chiefs 33 (Electronic Warfare / Intercept Systems Maintenance), 96 (Military Intelligence) (which includes MOS series 90x and 97X), or 98 (Signals Intelligence / Electronic Warfare Operations). | In all TDAs and TDA Augmentations to all-SRC series TOEs / MTOEs: Officers - Area of Concentration 35 (Military Intelligence); Functional Areas 35 (Military Intelligence) or 34 (Strategic Intelligence); Warrant Officers - Branch 35 (Military Intelligence); Enlisted: Chiefs 33 (Electronic Warfare / Intercept Systems Maintenance), 96 (Military Intelligence) (which includes MOS series 90x and 97X), or 98 (Signals Intelligence / Electronic Warfare Operations); Civilian Skill Codes: 00132, 00194, Civilian Authorizations funded under PEs 121034 or 654766. |
| 6 (Intelligence Oversight, Security) | SRC 30, 32, and 34-series TOEs / MTOEs | In all but SRC 30, 32, and 34-series TOEs / MTOEs: Officers - Area of Concentration 35 (Military Intelligence); Warrant Officers - Branch 35 (Military Intelligence); Enlisted: Chiefs 33 (Electronic Warfare / Intercept Systems Maintenance), 96 (Military Intelligence) (which includes MOS series 90x and 97X), or 98 (Signals Intelligence / Electronic Warfare Operations). | Civilian Skill Codes: all 00132, 00194; Civilian Skill Codes: 0080, 0096 assigned to INSCOM (Command / Assignment Code "AS"); Civilian Authorizations funded under PE 121034. |
| 7 | N/A | N/A | N/A |
| 8 | N/A | N/A | N/A |

Summary

- 1) MI SRCs 30, 32, 34
- 2) MI Officers: Area of Concentration (AOC) 35 (Military Intelligence); Functional Areas (FAs) 35 (Military Intelligence) and 34 (Strategic Intelligence).
- 3) MI Warrant Officers: Branch 35 (Military Intelligence).
- 4) MI Enlisted: Chiefs 33 (Electronic Warfare / Intercept Systems Maintenance), 96 (Military Intelligence) (which includes MOS series 90x and 97X), or 98 (Signals Intelligence / EW Operations).
- 5) MI Civilian: all 00132, 00194; Civilian Skill Codes: 0080, 0096 assigned to INSCOM (Command / Assignment Code "AS"); Civilian Authorizations funded under PEs 121034 or 654766.



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111



January 2, 2001

REPLY TO
ATTENTION OF

Exemption Number 2000-0005

**MEMORANDUM FOR COMMANDING GENERAL, UNITED STATES ARMY
FORCES COMMAND
COMMANDING GENERAL, HEADQUARTERS, EIGHTH
UNITED STATES ARMY
COMMANDING GENERAL, HEADQUARTERS, UNITED
STATES ARMY, PACIFIC**

SUBJECT: Packaging Exemption Based on Agreements With Japan and Korea

Reference: a. Memorandum, EUSA, EACG, 13 Aug 1999, subject: Update of Defense Reform Initiative Directive (DRID) 20 for Purposes of Federal Activities Inventory Reform Act Implementation.

b. Memorandum, USARPAC, APRM-MC, 13 October 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial Activities and Inherently Governmental Activities (Inventory).

c. Memoranda, FORSCOM, AFPI-IMP, 17 October 2000 and 29 November 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial Activities and Inherently Governmental Activities.

I have determined that all functions performed by military and civilian personnel in Japan and Korea should be exempted from conversion to contract. This determination is based on my conclusion that the cost-sharing agreements in effect with the Governments of Japan and Korea make it impractical to compete a function under A-76 procedures within the affected commands. The scope of this packaging exemption is defined at the enclosure.

As pointed out in the above references, Korean Nationals comprise about 75 percent of the Army's Table of Distribution and Allowances (TDA) work force in Korea. Under the labor cost-sharing portion of our Special Measures Agreement with the Republic of Korea, 70 percent of the cost of the Korean National work force is borne by the Korean Government. Given the favorable circumstances of our labor cost-sharing agreement, it is not cost effective and practical to compete functions that employ Korean Nationals in the affected commands. Moreover, it is impractical to sever and compete only that portion of the functions performed by United States civilian employees from the portion of the same function performed predominantly by Korean



Nationals. In addition, the replacement costs for the military personnel performing duties in some of those functions makes any planned conversion of the function to contract impractical and more costly to the Government than continued inhouse performance.

As pointed out in the above references, most of the civilian work force in the affected commands in Japan are comprised of local national employees. The Status of Forces Agreements governing the rights of local national employees in Japan require long lead times and indemnity payments to displace an employee, whether by contract or reduction due to the formation of a Most Efficient Organization. More significantly, the Special Master Agreement with Japan reimburses 100 percent of the cost of the civilian work force in the Army organizations located in Japan. Accordingly, I have determined that it is impractical to package a competition involving Army elements in Japan because any such competition would result in no cost savings to the United States Government and the Army.



Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

OCONUS Packaging Exemption

Command Code for 8th Army is P8.

The following TDA/AUG TDA Units with UIC's for USARPAC are:

| | | |
|---|---|---|
| W0ATAA-HQ, US Army, Japan | WDCA99-Augmentation, 17 th ASG | WCA699-Augmentation, 35 th Supply & Support Bn |
| WB0399-Augmentation, 83 rd Ordnance Bn | W3LKAA-USA Postal Service Center, Honshu | W3G6AA-USA MP Det, Honshu |
| W3NDAA- USA Aviation Det, Japan | WERG99-Augmentation, 10 th ASG | WERH99-Augmentation, 505 th Quartermaster Bn |

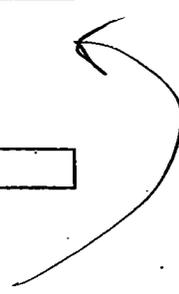
The following UIC's are for FORSCOM (1st Signal Brigade Elements located in Korea):

| | | | | |
|-------------------|--------|-------------------|--------|-------------------|
| WDMAAA | WCBSAA | WCBAAA | WHSTAA | WCBEAA |
| WHKFAA | WFH8AA | WH3HAA | WH3JAA | WCBFAA |
| W35WAA | WHUGAA | WCGDAA | WFGRAA | WATEAA |

UIC's for foreign civilian workforce located in Japan:

| | | | | |
|--------|--------|--------|--------|--------|
| WGZU99 | WEB899 | WJEH99 | WEZ099 | WJEG99 |
|--------|--------|--------|--------|--------|

3 do not exist in FY03 DB





DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111



January 16, 2001

REPLY TO
ATTENTION OF

Exemption Number 2001-0001

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (ACQUISITION,
(LOGISTICS AND TECHNOLOGY)

SUBJECT: Research and Development Exemption

References:

a. Memorandum, SAMR, 14 August 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial Activities and Inherently Governmental Activities (Inventory).

b. Memorandum, AMCOSA, 3 October 2000, subject: U.S. Army Materiel Command (AMC) Analysis of Commercial and Inherently Governmental Activities (CIGA) FY00 Inventory.

c. Memorandum, Army Materiel Command, 20 December 2000, subject: Research and development—Exemption Request.

I have determined that the research and development function performed by Army scientists and engineers in the Army Materiel Command and the Army Research Institute is a non-inherently Governmental function that should be exempted from private sector performance on the basis of risk to national security. Civilian employees performing this function will be reported in the Federal Activities Inventory Reform (FAIR) Act Inventory under Office of Management and Budget (OMB) Reason Code A. OMB Reason Code A is designed to identify specific non-inherently Governmental (commercial) activities that should not be subjected to privatization, outsourcing or competition for purposes of the FAIR Act. Military personnel performing this function are not reported in the public FAIR inventory. The criteria for identifying the exemption are described at the enclosure.

As pointed out in the referenced December 20th memorandum, approximately 70 percent of all work assigned to the Army Materiel Command Research Development and Engineering Centers and the Army Research Lab is contracted. Further, the functional community believes that this ratio expresses the outer bounds of contracting required to retain sufficient Government oversight and capability. That memorandum also suggests that it is appropriate to contract for research and development work where there is no organic capability within the Government; where there is sufficient

commercial interest apart from military applications in areas such as information technology; or where the export of the technology or its ready availability poses no risks to national security. The memorandum argues that, in general, contractors should not make baseline programmatic decisions on contracts, schedules, cost, design and performance changes, or make recommendations to milestone decision authorities. In addition, contractors should not represent the Army at formal requirements generation or future systems direction meetings, boards or councils across the Army, DoD and private industry, or with allied nations.

A small cadre of the existing military personnel included within the scope of this exemption provide knowledge of Army doctrine and tactics critical to applying technology to the real world of Army operations. A core Government workforce of civilian employees is required for the research and development function to maintain the knowledge base, corporate memory and oversight body to provide a "smart buyer" capability. The core workforce within the scope of this exemption writes the statements of work, evaluates contractor proposals and reviews contractor performance. These civilian employees have no ties to commercial activities or defense industries that may benefit from the procurement of technologies or weapon systems. More importantly, certain core capabilities within the scope of this exemption involve the research and development of technologies that are not commercially practicable or available, such as large caliber ballistics and propellants, rocketry, armor, advanced weapons sensors and target acquisition technologies. This civilian workforce provides the forward-deployed research and development advisors and the scientific and technological interface with the soldier through the Field Assistance in Science and Technology program.

Additionally, I note that the question of converting the DoD's and Army's research and development laboratories to Government-owned, contractor-operated laboratories based on the example afforded by the Department of Energy (DOE) laboratories has been considered on a number of occasions. A decision was made not to follow the DOE example, in part because of the potential for Government-owned, contractor-operated laboratories to be "less closely connected to their Government customer than DoD laboratories." See, e.g., Section VB., p. 26, Federal Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories, report to the Secretary of Defense, September 1991. There were real concerns that such entities would be "less able to transfer technology to Army users, provide technical support to operating forces, or carry out technology assessments for the Army." See, e.g., p. 154, National Research Council report, The Army Research Laboratory, Alternative Organization and Management Options, 1994. In addition, I note that these studies concluded that the steps required to convert the DoD labs from Government-owned, Government-operated to contractor-operated were inappropriate because of the costs of conversion and because many of the original advantages of Government-owned, contractor-operated facilities had been eliminated by regulation and practice.

As senior officials with technical responsibility for the research and development function, the analysis of the risks involved by the Commander, Army Materiel Command, and the concurrence of your Office of the Deputy Assistant Secretary for

Research and Technology in that analysis, are entitled to great weight, as are their judgments that further contracting of the research and development function is inappropriate for the reasons stated in this exemption policy.

I note that section 802 of the 1980 Defense Authorization Act, Public Law 96-107 allows for the competing under OMB Circular A-76 procedures of research and development support functions, but completely bars the application of A-76 procedures to the contracting of performance of the basic research and development function itself.

In the event the question of conversion of Army laboratories to Government-owned, contractor-operated entities arises, or in the event an unsolicited proposal is received from private sector entities proposing such conversion, I would ask that that such proposals be coordinated with this office.

Continuation of this exemption is conditioned on solid progress in developing appropriate ratios of in-house to contract that may be used to evaluate expected increases in workload in this functional area in Army Materiel Command. This will require solid progress by Army Materiel Command in adoption of workload-based systems and the implementation and use of the contractor inventory data collected pursuant to the Army Final Rule, codified at 32 CFR Part 668, to evaluate the risks of contracting the full requirement within a function.


Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

CF: Cdr, AMC

**National Security Exemption
Research and Development
Functions**

The scope of this excludes RDT&E support.

1. Unit Identification Codes

- XDW262AA – US Army Research Laboratory**
- X6W1DFAA – US Army Aviation and Missile Command Research, Development and Engineering Center**
- X7W4GHAA – US Army Tank Automotive Research, Development and Engineering Center**
- X74WMKAA – US Army Research and Development Center, Picatinny Arsenal**
- X8W4G8AA – US Army Communications and Electronics Command Research, Development, and Engineer Center, Fort Monmouth**
- W038AA – US Army Natick Research, Development and Engineer Center**
- W4MLAA – US Army Edgewood Research, Development and Engineer Center**
- XAW1D1AA – US Army Edgewood and Natick Research, Development and Engineer Center**
- X9W317AA – US Army Simulation, Training, and Instrumentation Command**

- W3VS31 – US Army Research Institute**

2. Occupation Codes

All Military

GS-12 and higher

800 Series (all) – Engineers

1300 Series (all) – Scientific

1500 Series (all) – Operations Research and Mathematics

1910 – Quality Assurance



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111



January 17, 2001

REPLY TO
ATTENTION OF

Exemption Number 2001-0002

**MEMORANDUM THRU DEPUTY ASSISTANT SECRETARY OF THE ARMY
(MILITARY PERSONNEL POLICY)
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF
THE ARMY
DIRECTOR OF THE ARMY STAFF**

FOR DEPUTY CHIEF OF STAFF FOR PERSONNEL

SUBJECT: Military Personnel and Adjutant General Exemption

References:

- a. Memorandum, SAMR, 14 August 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial Activities and Inherently Governmental Activities (Inventory).
- b. Memorandum, DUSD (Installations), OUSD (AT&L) and DUSD (Program Integration), OUSD (P&R), 15 November 2000, subject: 2000 DoD Inventory of Commercial and Inherently Governmental Activities Data Call (S: 19 January 2001, extended to 2 April 2001).
- c. Memorandum, SAMR-MPP, 20 November 2000, subject: Federal Activities Inventory Reform (FAIR) Act and Army Recruiting.
- d. Memorandum, DAPE, 28 November 2000, subject: Request for Temporary and Permanent Exemptions from FAIR Inventory.

I have determined that the retention and equal opportunity functions performed by military personnel in the operating and generating forces and the promotion and assignment management function performed by military assigned to Total Army Personnel Command (PERSCOM) are non-Inherently Governmental functions that should be exempted from private sector performance on the basis of risk to national security. I have further determined that the recruiting function performed by military personnel assigned to the U.S. Army Recruiting Command and the adjutant general/military personnel functions performed by military personnel in the operating forces are non-Inherently Governmental functions that should be temporarily exempted from the A-76 process until fiscal year 2005 on the basis of risk to national security.



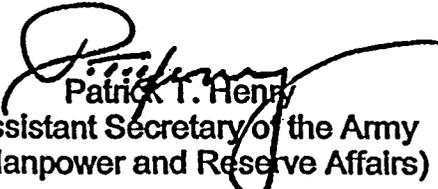
Accordingly, military personnel performing these functions in the generating and operating forces will be reported in the Internal DoD inventory described in reference b using DoD Manpower Mix Criteria Code B ("Military Combat Augmentation") or X ("Competable But Exempt from A-76"), as appropriate. Military personnel performing these functions are not reported in the public Federal Activities Inventory Reform Act (FAIR) Inventory. The criteria for identifying the scope of these determinations are described in the enclosure.

As pointed out in referenced memoranda, the use of a core cadre of military in the retention, equal opportunity, recruiting, assignment management and promotions functions directly affects the manning, morale, discipline, and quality of life of the force. To convince soldiers to reenlist requires retention of noncommissioned officers who are staying in the service as well, and who possess the skills and knowledge that are only present in an experienced individual currently serving in the force. To maintain the trust, credibility and open communication channels required for an effective equal opportunity environment within a military unit requires that a member be assigned to that function who does not have dual loyalties to a private sector contractor and the military. The credibility of the promotion and assignment management process likewise requires the use of a cadre of military personnel assigned to PERSCOM in these functions.

I note that the U.S. Army Recruiting Command is now testing the use of contractor recruiters for U.S. Army Reserve recruiting, Army Medical Department recruiting and guidance counselor operations. In the Fiscal Year 2001 National Defense Authorization Act, Congress directed an additional test to outsource active recruiting in ten recruiting companies. These tests will end in fiscal year 2005 and provide evidence on the viability of outsourcing recruiting activities. This exemption from the A-76 process does not preclude potential additional tests to explore innovative private sector approaches to recruiting in support of Active, Reserve and Reserve Officers' Training Corps (ROTC) requirements.

I further note that the military personnel community is designing new doctrine, organization, structure and training that will support these changes. Additionally, the personnel community is developing and fielding in the next four years a multi-component corporate personnel data base to ensure that commanders at all levels have access to accurate personnel information. Accordingly, it is appropriate to exempt the military personnel and administration functions in the operating forces temporarily from the A-76 process (but not from direct conversion to private sector performance) until fiscal year 2005 to avoid further turbulence to this critical function.

This exemption is subject to annual re-validation and requires that, to retain this exemption, periodic updates be provided to this office on the status of these personnel initiatives.


Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

National Security Recruiting Exemption:

1. All recruiting activities currently being conducted by USAREC (MACOM Code RC) in officer skill code 4C and enlisted CMF79 are subject to National Security Exemption through FY2005 with the following exceptions:

a. The following recruiting battalions currently have MPRI contract Army Reserve recruiters:

3M2AA (Albany Bn) 2 out of 35 AGR are AGR contract recruiters
06SAA (Baltimore Bn) 2 out of 50 AGR are AGR contract recruiters
17TAA (New England Bn) 1 out of 44 AGR are AGR contract recruiters
3MFAA (Harrisburg Bn) 3 out of 32 AGR are AGR contract recruiters
17QAA (New York City Bn) 2 out of 46 AGR are AGR contract recruiters
17RAA (Mid Atlantic Bn) 9 out of 44 AGR are AGR contract recruiters
17SAA (Pittsburgh Bn) 2 out of 42 AGR are AGR contract recruiters
17VAA (Syracuse Bn) 3 out of 28 AGR are AGR contract recruiters
17KAA (Beckley Bn) 3 out of 38 AGR are AGR contract recruiters

18PAA (Nashville Bn) 1 out of 27 AGR are AGR contract recruiters
18QAA (Raleigh Bn) 1 out of 28 AGR are AGR contract recruiters

19HAA (Chicago Bn) 6 out of 41 AGR are AGR contract recruiters
3MSAA (Cleveland Bn) 1 out of 27 AGR are AGR contract recruiters
17MAA (Columbus Bn) 9 out of 50 AGR are AGR contract recruiters
19MAA (Indianapolis Bn) 3 out of 44 AGR are AGR contract recruiters
3MPAA (Great Lakes Bn) 1 out of 35 AGR are AGR contract recruiters
19PAA (Milwaukee Bn) 2 out of 42 AGR are AGR contract recruiters
19QAA (Minneapolis Bn) 2 out of 42 AGR are AGR contract recruiters

182AA (Dallas Bn) 1 out of 35 AGR are AGR contract recruiters
184AA (New Orleans Bn) 1 out of 26 AGR are AGR contract recruiters

196AA (Los Angeles Bn) 1 out of 29 AGR are AGR contract recruiters
3MKAA (Sacramento Bn) 1 out of 40 AGR are AGR contract recruiters
3MJAA (Southern California Bn) 1 out of 26 AGR are AGR contract recruiters

b. The following recruiting battalions currently have MPRI contract guidance counselors:

06SAA (Baltimore Bn) 2 Contract MEPs Guidance Counselors
17TAA (New England Bn) 2 Contract MEPs Guidance Counselors
3MFAA (Harrisburg Bn) 1 Contract MEPs Guidance Counselors
17QAA (New York City Bn) 1 Contract MEPs Guidance Counselors
17RAA (Mid Atlantic Bn) 1 Contract MEPs Guidance Counselors
17SAA (Pittsburgh Bn) 1 Contract MEPs Guidance Counselors

17VAA (Syracuse Bn) 1 Contract MEPs Guidance Counselors
17KAA (Beckley Bn) 1 Contract MEPs Guidance Counselors

18LAA (Atlanta Bn) 1 Contract MEPs Guidance Counselors
18QAA (Columbia Bn) 1 Contract MEPs Guidance Counselors

3MSAA (Cleveland Bn) 1 Contract MEPs Guidance Counselors
17MAA (Columbus Bn) 1 Contract MEPs Guidance Counselors
19MAA (Indianapolis Bn) 1 Contract MEPs Guidance Counselors
3MPAA (Great Lakes Bn) 1 Contract MEPs Guidance Counselors
19PAA (Milwaukee Bn) 1 Contract MEPs Guidance Counselors
19QAA (Minneapolis Bn) 1 Contract MEPs Guidance Counselors

182AA (Dallas Bn) 1 Contract MEPs Guidance Counselors
19KAA (Des Moines Bn) 1 Contract MEPs Guidance Counselors
3MTAA (Houston Bn) 1 Contract MEPs Guidance Counselors
184AA (New Orleans Bn) 1 Contract MEPs Guidance Counselors
185AA (Oklahoma City Bn) 1 Contract MEPs Guidance Counselors
186AA (San Antonio Bn) 1 Contract MEPs Guidance Counselors
19RAA (St Louis Bn) 2 Contract MEPs Guidance Counselors

198AA (Phoenix Bn) 1 Contract MEPs Guidance Counselors
199AA (Portland Bn) 1 Contract MEPs Guidance Counselors
3MKAA (Sacramento Bn) 1 Contract MEPs Guidance Counselors
2ABAA (Seattle Bn) 1 Contract MEPs Guidance Counselors
3MJAA (Southern California Bn) 1 Contract MEPs Guidance Counselors

c. The following Brigades currently have RCI contract AMEDD recruiters:

09WAA (1st Brigade) 5 Contract AMEDD Recruiters

1A4AA (3rd Brigade) 2 Contract AMEDD Recruiters

1BAAA (5th Brigade) 3 Contract AMEDD Recruiters

1B1AA (6th Brigade) 4 Contract AMEDD Recruiters

DCSPER Requested Personnel Exemptions

Permanent requests for personnel exemption from A-76 include Army-wide TDA military:

1. Equal Opportunity Officers (position skill identifier "ST") and Equal Opportunity Advisor NCOs (MOS 00U/ Skill Qualification Identifier "Q")
2. Retention NCOs (MOS 79S)
3. Promotion Board Recorders (Officer(*) and Balisted boards)
4. The following paragraph and line numbers of Assignment Officers/Professional Development NCOs assigned to US Army PERSCOM:

| | | |
|---------|---------|---------|
| 001-01 | 025-03 | 027A-02 |
| 001-02 | 025A-01 | 027B-01 |
| 001-03 | 025A-02 | 027B-02 |
| 001-04 | 025A-03 | 027B-03 |
| 001-05 | 025A-04 | 027C-01 |
| 001-06 | 025B-01 | 027C-02 |
| 001-07 | 025B-02 | 027C-03 |
| 001-08 | 025B-03 | 027D-01 |
| 001-09 | 025C-01 | 027D-02 |
| 001-10 | 025C-02 | 027D-03 |
| 018-01 | 025C-03 | 027B-01 |
| 018-02 | 025C-04 | 027B-02 |
| 018-03 | 025D-01 | 027B-03 |
| 021-01 | 025D-02 | 027G-01 |
| 021G-01 | 025B-01 | 027G-02 |
| 021G-02 | 025B-02 | 028-01 |
| 021G-03 | 025F-01 | 028B-01 |
| 021G-04 | 025F-02 | 028B-02 |
| 021G-05 | 025F-03 | 028B-03 |
| 021G-06 | 026-01 | 028B-04 |
| 021H-01 | 026-02 | 028C-01 |
| 021H-02 | 026A-01 | 028C-02 |
| 021H-03 | 026A-02 | 028C-03 |
| 021H-04 | 026A-03 | 028C-04 |
| 022-01 | 026A-04 | 028C-05 |
| 022-02 | 026A-05 | 028C-06 |
| 022A-01 | 026B-01 | 028C-07 |
| 022A-02 | 026B-02 | 029-01 |
| 022A-03 | 026B-03 | 029-02 |
| 022A-04 | 026B-04 | 029A-01 |
| 022A-05 | 026C-01 | 029A-02 |
| 022B-01 | 026C-02 | 029A-03 |
| 022B-02 | 026D-01 | 029A-04 |
| 022B-03 | 026D-02 | 029B-01 |
| 022B-04 | 026D-03 | 029B-02 |
| 022B-05 | 026E-01 | 029B-03 |
| 022B-06 | 026E-02 | 029C-01 |
| 022B-07 | 026E-03 | 029C-02 |
| 022C-01 | 026E-04 | 029D-01 |
| 022C-02 | 026G-01 | 029D-02 |
| 022C-03 | 027-01 | 029D-03 |
| 025-01 | 027-02 | 029D-04 |
| 025-02 | 027A-01 | 029D-05 |
| 029B-01 | 035B-01 | 036C-06 |

| | | |
|----------|----------|----------|
| 029B-02 | 035B-02 | 036C-07 |
| 029B-03 | 035B-03 | 036C-08 |
| 029B-04 | 035B-04 | 036C-09 |
| 029B-05 | 035A-05 | 036C-10 |
| 029B-01 | 035A-06 | 036C-11 |
| 029B-02 | 035A-07 | 036D-01 |
| 029B-03 | 035A-08 | 036D-02 |
| 030-01 | 035B-05 | 036D-07 |
| 030-02 | 035B-06 | 036D-08 |
| 030-03 | 035C-01 | 036D-09 |
| 030-04 | 035C-02 | 036D-10 |
| 030-05 | 035C-03 | 036D-11 |
| 031-01 | 035C-04 | 039A-02 |
| 031-02 | 035C-05 | 039A-03 |
| 031-03 | 035C-06 | 039A-04 |
| 031-04 | 035C-07 | 039A-05 |
| 031-05 | 035C-08 | 039A-06 |
| 033-01 | 035C-09 | 068-01 |
| 033-02 | 035C-010 | 068-02 |
| 034-01 | 035D-01 | 068-03 |
| 034A-01 | 035D-02 | 068-04 |
| 034A-02 | 035D-03 | 068-05 |
| 034A-03 | 035D-04 | 075D-01* |
| 034A-04 | 035D-05 | 075D-02* |
| 034A-05 | 035D-06 | 075D-03* |
| 034A-06 | 035D-07 | 075D-04* |
| 034A-07 | 035D-08 | 160-01 |
| 034A-08 | 036G-01 | 160-02 |
| 034A-09 | 036A-01 | 160-03 |
| 034A-010 | 036A-02 | 160-04 |
| 034B-01 | 036A-03 | 160-05 |
| 034B-02 | 036A-04 | 160-06 |
| 034B-03 | 036A-05 | 160-07 |
| 034C-01 | 036A-06 | 160-08 |
| 034C-02 | 036B-01 | 160-09 |
| 034C-03 | 036B-02 | 160-10 |
| 034C-04 | 036B-03 | |
| 034C-05 | 036B-04 | |
| 034C-06 | 036B-05 | |
| 034D-01 | 036B-06 | |
| 034D-02 | 036B-07 | |
| 034E-01 | 036B-08 | |
| 034E-02 | 036B-09 | |
| 034E-03 | 036C-01 | |
| 034E-04 | 036C-02 | |
| 034E-05 | 036C-03 | |
| 034E-06 | 036C-04 | |
| 035-01 | 036C-05 | |
| 035A-01 | 036D-03 | |
| 035A-02 | 036D-04 | |
| 035A-03 | 036D-05 | |
| 035A-04 | 036D-06 | |

Temporary exemption covers all officer, warrant officer and enlisted positions in the following MOS's in the operating forces:

| Officer | Warrant Officer | Enlisted |
|----------------|------------------------|-----------------|
| 42 | 420A | 75B |
| 43 | | 75F |
| | | 75H |
| | | 71L (ASI "F5") |
| | | 75Z |



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111



January 18, 2001

REPLY TO
ATTENTION OF

Exemption Number 2001-0004

MEMORANDUM THRU DEPUTY ASSISTANT SECRETARY OF THE ARMY
(RESERVE AFFAIRS, MOBILIZATION, READINESS AND
TRAINING)
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF
THE ARMY
DIRECTOR OF THE ARMY STAFF

FOR DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS

SUBJECT: Initial Entry Training, Professional Military Education, and Active
Component Support to Reserve Component Exemption

References:

- a. Memorandum, SAMR, 14 August 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial Activities and Inherently Governmental Activities (Inventory).
- b. Memorandum, DUSD (Installations), OUSD (AT&L) and DUSD (Program Integration), OUSD (P&R), 15 November 2000, subject: 2000 DoD Inventory of Commercial and Inherently Governmental Activities Data Call (S: 19 January 2001, extended to 2 April 2001).
- c. Memorandum, ATRM-F, 16 January 2001, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial and Inherently Governmental.

I have determined that the initial entry training and the professional military education functions performed by military personnel in the Training and Doctrine Command (TRADOC) are non-inherently Governmental functions that should be exempted from private sector performance on the basis of risk to national security. I have further determined that the Active Component support to Reserve Component function performed by military personnel is a non-inherently Governmental function that should be exempted from private sector performance on the basis of statute.

Accordingly, military personnel performing these functions in the generating forces will be reported in the Internal Department of Defense Inventory described in reference b using DoD Manpower Mix Criteria Code B or J, as appropriate. Military

personnel performing these functions are not reported in the public Federal Activities Inventory Reform Act (FAIR) Inventory. This exemption excludes training development and training support functions. The criteria for identifying the scope of these determinations are described in the enclosure.

As pointed out in reference c, the use of a core cadre of military for command and control, drill sergeant and instructor functions is critical to training the force. Military personnel bring recent field experience and knowledge of doctrine (tactics, techniques, and procedures), organization, unit training, equipment and values that are essential to transforming a civilian into a soldier who is ready to be integrated into the operating forces. As stated in reference c, these skills are unique to military. Therefore, it would be inappropriate to use contractors to perform these functions.

The recent contracting of Assistant Professors of Military Science within the Reserve Officers' Training Corps program on a college campus is not analogous to initial entry training, although it may supply a precedent for some contracting in a professional military education environment. However, as pointed out in reference c, the available pool for such contractors is typically limited to former military with recent experience that will assure up-to-date skills and knowledge.

In this connection, I also considered section 414(c) of the National Defense Authorization Act (NDAA) for fiscal years 1992-1993, Public Law 102-190, as amended. This section required the Secretary of the Army to institute a program to provide Active Component advisors to combat units, combat support units, and combat service support units in the Selected Reserve of the Ready Reserve that have a high priority for deployment. As amended through section 1066(d)(2) of the NDAA for fiscal year 2000, Public Law 106-65, this legislation requires the assignment of not less than 5,000 Active Component advisors to this program. Hence, it is evident that Congress also recognizes the importance of ensuring that some degree of combat training be provided by military personnel with recent field experience, providing further justification for this exemption.


Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

CF: Cdr, TRADOC

TRADOC National Security Exemption for Training Cadre

Initial Entry Training includes Drill Sergeants (SQI X), Training Cadre 1st Sgt (SQI M), instructors (TRADOC Remark Codes XT, XV), and training cadre command and control:

- BCT, 312711
- OSUT, 313761
- AIT, a part of the following 321731, 321733, 321734. Until FY 03, the positions that are training cadre command and control can only be identified by individual positions. FY 03 and out, the military in the MDEP TATC applies.
- Initial Entry Reception Battalions, 312714

Professional Military Education includes instructors (TRADOC Remark Codes XT, XV) and command and control:

- General Skills Training/Functional Training, 312731, 321733, 321734
- OCS, 311722
- Defense Language Institute, 321631
- Aviation Training, 322741, 322743
- Other Professional Military Education, 323751

Generally these positions will be:

- Officers in field grade and above with the exception of training cadre structure, which require Cpts and Lts for company command and executive officers and other command and control positions.
- All Warrant Officer paygrades
- Enlisted positions E-6 and above.



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111



January 18, 2001

REPLY TO
ATTENTION OF

Exemption Number 2001-0006

**MEMORANDUM THRU ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF
THE ARMY
DIRECTOR OF THE ARMY STAFF**

FOR CHIEF OF CHAPLAINS

**SUBJECT: Chaplain, Chaplain Assistants and Director of Religious Education
Exemption**

References:

a. Memorandum, SAMR, 14 August 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial Activities and Inherently Governmental Activities (Inventory).

b. Memorandum, DACH-ZA, 18 October 2000, subject: Chaplains and Chaplain Assistants Exemption from Private Sector Performance in Connection With the Federal Activities Inventory Reform (FAIR) Act and the Inventory.

I have determined that the functions performed by military chaplains and chaplain assistants in the operating and generating forces, and civilian employee directors of religious education in the generating forces are non-inherently Governmental functions that should be exempted from private sector performance on the basis of risk to national security. In making this determination, I have noted the unique problems associated with meeting the religious needs of our deployable military personnel in the operating forces. These problems are well described in *Katcoff v. Marsh*, 755 F.2d 223, 228 (2d Cir. 1985).

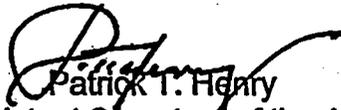
Civilian employees performing the director of religious education function will be reported in the Federal Activities Inventory Reform (FAIR) Act Inventory under Office of Management and Budget (OMB) Reason Code A. OMB Reason Code A is designed to identify specific non-inherently Governmental (commercial) activities that should not be subjected to privatization, outsourcing or competition for purposes of the FAIR Act. Military personnel performing these functions are not reported in the public Federal Activities Inventory Reform Act (FAIR) Inventory. The criteria for identifying the scope of this exemption are described in the enclosure.



Military chaplains are essential to maintaining morale, discipline and quality of life in a military organization. See, e.g., Katcoff, 755 F.2d at 237 ("the morale of our soldiers, their willingness to serve, and the efficiency of the Army as an instrument for our national defense rests in substantial part on the military chaplaincy, which is vital to our Army's functioning."). The chaplaincy function embraces not just the religious practices afforded by military chaplains, but integrally includes the provision of religious education and counseling soldiers and their family members. The director of religious education function in the generating forces is not severable from the chaplain and chaplain assistant function for purposes of packaging a competition.

Chaplain assistants provide for the protection and security of the chaplain, who is a non-combatant under the Geneva Convention. Chaplains and chaplain assistants work as a trained and ready unit ministry team. Chaplains and chaplain assistants must rotate in and out of garrison assignments into the operating forces to maintain a training base for this function.

I note that contract services have been provided on an exception basis when a chaplain and chaplain assistant are not available to meet religious support requirements for soldiers and their families, as determined by the commander and upon the advice of the staff chaplain. Such exceptions should be coordinated with this office.


Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

Chaplain Exemption

Chaplains, Chaplain Assistants and Directors of Religious Education in the following MOS's, Occupational codes and MDEPS are exempted:

Chaplains – 56A and 56B^{SD}
Chaplain Assistants – 56M (replaces 71M)
Directors of Religious Education – GS-1701-09, GS-1710-11 and AMSCO 96.3
(Base Ops)

Officer ASE: 7E, 7F, 7K, 7M w/ Ident K, L, or O



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111



January 18, 2001

REPLY TO
ATTENTION OF

Exemption Number 2001-0007

**MEMORANDUM THRU DEPUTY ASSISTANT SECRETARY OF THE ARMY
(RESERVE AFFAIRS, MOBILIZATION, READINESS AND
TRAINING)
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF
THE ARMY
DIRECTOR OF THE ARMY STAFF**

FOR DEPUTY CHIEF OF STAFF FOR OPERATIONS AND PLANS

SUBJECT: United States Military Academy Faculty Exemption

References:

- a. Memorandum, SAMR, 14 August 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial Activities and Inherently Governmental Activities (Inventory).
- b. Memorandum, MARM-MD, 7 November 2000, subject: Interim Guidance for Fiscal Year 2000 Inventory of Commercial and Inherently Governmental Activities (Inventory).

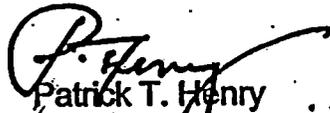
I have determined that the functions performed by all of the military and civilian faculty at the United States Military Academy (USMA) and at the USMA Preparatory School are non-inherently Governmental functions that should be exempted from private sector performance on the basis of risk to national security, and that some of these functions have an independent basis for exemption based on title 10 United States Code. Accordingly, civilian employees performing these functions will be reported in the Federal Activities Inventory Reform (FAIR) Act Inventory under Office of Management and Budget (OMB) Reason Code A. OMB Reason Code A is designed to identify specific non-inherently Governmental (commercial) activities that should not be subjected to privatization, outsourcing or competition for purposes of the FAIR Act. Military personnel performing this function are not reported in the public FAIR inventory. The criteria for identifying the scope of these determinations are described in the enclosure.

As pointed out in reference b, the military faculty at the USMA provide recent field experience, knowledge of doctrine (tactics, techniques and procedures) and are



essential to maintaining the military character of the institution. The practice of rotating military officers as faculty with recent company-grade leadership experience provides role models for the cadets. I note that title 10, United States Code, prescribes the small core of senior military faculty at the USMA.

Reference b points out that civilian faculty improve the quality of the academic program at the USMA by increasing the percentage of Doctorates of Philosophy on the faculty. Although current law does not allow for tenure for the civilian faculty, faculty stability and reasonable expectations of continued service are critical to maintaining long-term program quality. I take note that no comparable college or university has contracted out its entire faculty to an external commercial entity, and that an A-76 competition involving the faculty at the USMA would likely undermine the academic quality and prestige of the institution.



Patrick T. Henry
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

CF: Sup, USMA

US Military Academy national security and law exemption request will affect positions in the following areas. MDEPs affected are USMA, USMB and QNMG.

1. Military staff and faculty:

- **USMA Professor and Academy Professor, Functional Area (FA) 47.**
- **All Instructor positions, regardless of FA or AOC.**
- **All Tactical Officer positions, regardless of FA or AOC.**
- **All Tactical Non-commissioned Officer positions, regardless of MOS.**
- **All officer and enlisted positions in the Center for the Professional Military Ethic.**
- **All officer positions in the Center for Personnel Development, US Corps of Cadets.**

2. Civilian faculty:

- **Title 10 Professor positions in series 1701.**
- **Visiting Professor positions in Series 1710.**
- **Instructor (Coach) positions GS-11 and above in the series 1701 and 1750.**
- **Center for Enhanced Performance Instructor positions GS-09 and above in series 1701.**