



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.

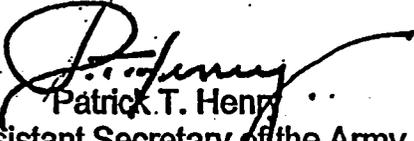
As pointed out in the referenced memorandum, contractors assist in drafting test and evaluation plans and in collecting and formatting data. However, primary responsibility for testing and evaluating systems relies on a core military and Government civilian workforce. Military personnel bring recent 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
WIHTAA 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