



## FAIR List Released to Public

**W**ASHINGTON (Army News Service, Jan. 5, 2000) — A list of Army functions deemed "commercial" in nature, and thus possibly susceptible to outsourcing, was released to the public last week.

The Federal Activities Inventory Reform list, originally expected to be released in November, was made available Dec. 30 by the Office of Management and Budget. OMB released the FAIR list for 21 federal agencies — including the Army — with an announcement in Thursday's [Dec. 30, 1999] *Federal Register*.

Under the FAIR Act of 1998, each federal agency was required annually to make available to the public a list of functions judged to be "not inherently governmental" and as such possibly able to be performed by contractors. This was the first such list compiled, officials said.

Paper and CD-ROM copies of the FAIR list were provided to 16 public libraries in the Washington, D.C., area, to include county libraries in Virginia and Maryland. The list was also made available at the Library of Congress and the Pentagon Library, and can be viewed on the FAIRNET Web site at <http://gravity.lmi.org/dodfair>.

In addition, officials said more information about the Army's FAIR List is available at another Web site, <http://www.asamra.army.pentagon.mil/FAIR/> and a DoD hotline number for more FAIR Act information has been activated at (703) 917-7431.

The Army's FAIR list contains functions now performed by more than 221,000 civilian employees, officials said.

A large portion of the Army's civilian jobs — about 84 percent — had to be included on the FAIR list, Dr. John Anderson said, in light of the legal definition for "inherently governmental." He said this term refers to positions which involve, among other things, interpreting and executing the laws "so as to bind the United States to take or not take some action."

Anderson is the Army official at the Pentagon responsible for the Army FAIR list.

In addition, Anderson said just because a job is "not inherently governmental" does not mean that it would

be in the "best interest" of the Army to contract it out. In fact, he said about 80,000 of the jobs on the list are exempt from cost comparison requirements or outsourcing because many of the functions are considered by the Army to be "core capabilities."

"The decision as to which commercial functions represent 'core capabilities,' and thus should be retained in-house, remains with the agency head," according to an OMB statement in the June 24 *Federal Register*.

Anderson explained that even if a function is coded on the FAIR list as being contractible, that doesn't necessarily mean it will be outsourced or even considered for outsourcing. But he said some of the jobs will be reviewed to determine the most efficient method of performing the work — by an in-house workforce or by contract.

During the Defense Quadrennial Review, the Army agreed to review 73,000 positions under A-76 competitions or through other methods over the next five years.

Anderson said the Army has already contracted out a significant portion of its functions. He said there are approximately 269,000 contractor employees performing functions for the Army.

The announcement of the FAIR list in the *Federal Register* opened a 30-day public challenge period, officials said. Under Section 3 of the FAIR Act, the decision to include or exclude a particular activity from the DoD inventory is subject to challenge and possible appeal.

With the publishing of the list, an interested party may submit a written challenge within 30 calendar days. This public challenge period ends Jan. 31.

**Editor's Note:** This information is in the public domain at <http://www.dtic.mil/armylink/news>.