

GOVERNMENT CONTRACTORS

**Are Service Contractors
Performing Inherently
Governmental Functions?**

Government Contractors Are Service Contractors Performing Inherently Governmental Functions

**United States. Congress. House.
Committee on Appropriations**



Government Contractors Are Service Contractors Performing Inherently Governmental Functions:

Government Contractors Warren R. Anderson, 1994 Reviews the use of contract consultants by federal agencies Discusses a broad range of contract services obtained by the government such as professional administrative and management support services Charts and tables **Government Contractors** United States. General Accounting Office, 1991 Government Contractors United States. General Accounting Office, 1991 Government Contractors Bernard L. Ungar, États-Unis. General Accounting Office, 1991 **Definitions of Inherently Governmental Function in Federal Procurement Law and Guidance** Congressional Research Congressional Research Service, 2014-12-23 Functions that federal law and policy require to be performed by government personnel not contractor employees are known as inherently governmental functions Such functions have been a topic of interest in recent Congresses in part because of questions about sourcing policy i e whether specific functions should be performed by government personnel or contractor employees There have also been questions about the various definitions of inherently governmental function given in federal law and policy and particularly whether the existence of multiple definitions of this term may have resulted in contractor employees performing functions that should be performed by government personnel Two primary definitions of inherently governmental function currently exist in federal law and policy One is a statutory definition enacted as part of the Federal Activities Inventory Reform FAIR Act of 1998 This definition states that an inherently governmental function is a function so intimately related to the public interest as to require performance by Federal Government employees The other is a policy oriented definition contained in Office of Management and Budget OMB Circular A 76 This definition states that an inherently governmental activity is an activity that is so intimately related to the public interest as to mandate performance by government personnel These two definitions arguably do not differ significantly in and of themselves However both the FAIR Act and OMB Circular A 76 include further elaboration and expansion upon the meaning of inherently governmental function that differ in certain ways Other statutes regulations and guidance documents that define inherently governmental function do so either by reproducing the language of the FAIR Act or OMB Circular A 76 or by incorporating their definitions by reference Most notably the Federal Acquisition Regulation FAR incorporates by reference or otherwise adopts the definition of OMB Circular A 76 while Office of Federal Procurement Policy OFPP Policy Letter 11 01 discussed below adopts the FAIR Act s definition However like the FAIR Act and OMB Circular A 76 both the FAR and Policy Letter 11 01 also include some unique elaboration and expansion upon the term In addition to these definitions there are numerous statutory regulatory and policy provisions designating specific functions as inherently governmental or alternatively commercial A commercial function is one that could be performed by contractor employees although there is generally no requirement that contractor employees perform commercial functions Such designations also help establish the meaning of inherently governmental function by specifying what is and is not included within this category Similarly while not offering their own

definitions of inherently governmental function the Government Accountability Office GAO and the federal courts have developed tests that they use in identifying specific functions as inherently governmental or commercial However a judicial declaration that a particular function is inherently governmental under a constitutional test would not necessarily preclude the executive branch from contracting out this function The 110th Congress tasked OMB with reviewing existing definitions of inherently governmental function and developing a single consistent definition of this term Partly in response to this charge OMB though the OFPP issued Policy Letter 11 01 Policy Letter 11 01 adopts the FAIR Act s definition of inherently governmental function rather than establishing a new definition However Policy Letter 11 01 does establish two tests for identifying inherently governmental functions as well as defines a critical function as one that is necessary to the agency being able to effectively perform and maintain control of its mission and operations

Government Contractors États-Unis. General Accounting Office, États-Unis. Congress. Senate. Committee on Governmental Affairs. Post Office and Civil Service Subcommittee. Federal Services, 1991 **Government Contractors** États-Unis. General Accounting Office, 1991 A Free Market Approach to Federal Contracting United States. Congress. Senate. Committee on Governmental Affairs. Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, 1998 **Downsizing Government and Setting Priorities of Federal Programs: Department of**

Transportation and related agencies United States. Congress. House. Committee on Appropriations, 1995

Downsizing Government and Setting Priorities of Federal Programs United States. Congress. House. Committee on Appropriations, 1995 **Federal Register** , 2013-02 **OECD Public Governance Reviews The Korean Public Procurement Service Innovating for Effectiveness** OECD, 2016-01-15 This report on the Public Procurement Service of Korea examines the effectiveness of its system identifying good practices that can inspire reform efforts in other countries

Outsourcing Management Functions for the Acquisition of Federal Facilities National Research Council, Commission on Engineering and Technical Systems, Board on Infrastructure and the Constructed Environment, Committee on Outsourcing Design and Construction-Related Management Services for Federal Facilities, 2001-01-20 In this study outsourcing is defined as the organizational practice of contracting for services from an external entity while retaining control over assets and oversight of the services being outsourced In the 1980s a number of factors led to a renewed interest in outsourcing For private sector organizations outsourcing was identified as a strategic component of business process reengineering an effort to streamline an organization and increase its profitability In the public sector growing concern about the federal budget deficit the continuing long term fiscal crisis of some large cities and other factors accelerated the use of privatization measures including outsourcing for services as a means of increasing the efficiency of government *Outsourcing of OPM's Investigations Program* United States. Congress. House. Committee on Government Reform and Oversight. Subcommittee on Civil Service, 1997 *Final Report of Indian Health Service/Tribal*

Residual Workgroup Indian Health Service/Tribal Residual Workgroup (U.S.),1995 **Military Law Review** ,1995

Private Security Contractors in Iraq and Afghanistan Jennifer K. Elsea,2010-10 The use of private security contractors PSCs to protect personnel and property in Iraq and Afghanistan has been a subject of debate While PSCs are viewed as being vital to U S efforts in the region many are concerned about transparency accountability and legal issues raised by the use of armed civilians to perform security tasks formerly performed by the mil Contents of this report Legal Status and Authorities a Internat Law Can Contractors be Combatants Are They Mercenaries b Iraqi Law and Afghan Law and Status of U S Forces c U S Law Inherently Gov t Functions and Other Restrictions on Gov t Contracts Prosecution of Contractor Personnel in U S Fed or Mil Courts Uniform Code of Mil Justice **Report of the Activities of the Committee on Armed Services for the ... Congress** United States. Congress. House. Committee on Armed Services,2009 *Patriots for Profit* Thomas Bruneau,2011-07-18 This book develops a new approach to the analysis of civil military relations by focusing on the effectiveness of the armed forces in fulfilling roles missions and on their efficiency in terms of cost The approach is applied to the United States using official documents and interviews with policy makers In addition to analyzing the impact of defense reform initiatives over the past thirty years the book includes the recent phenomenon of contracting out security that has resulted in greater numbers of contractors in Iraq and Afghanistan than uniformed military personnel While the book demonstrates that democratic civilian control of the military in the U S is not at issue it reveals that there is little public control over Private Security Contractors due to a combination of the current restricted interpretation of what is an inherently governmental function and limited legal authority This is despite the fact that PSCs have taken on roles and missions that were previously the responsibility of the uniformed military Further despite numerous efforts to redress the problem current political and institutional barriers to reform are not likely to be overcome soon Report of the Activities of the Committee on Armed Services, January 3, 2009, 110-2 House Report 110-942 ,2009

Government Contractors Are Service Contractors Performing Inherently Governmental Functions Book Review: Unveiling the Magic of Language

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its capability to stir emotions, provoke thought, and instigate transformation is really remarkable. This extraordinary book, aptly titled "**Government Contractors Are Service Contractors Performing Inherently Governmental Functions**," written by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound affect on our existence. Throughout this critique, we shall delve into the central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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