



SECRETARY OF THE ARMY
WASHINGTON

June 18, 2014

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (MANPOWER
AND RESERVE AFFAIRS)

SUBJECT: Delegation of Authority – Direct Hire Authority for Scientific and Engineering Positions Within Designated Personnel Demonstration Laboratories

1. References:

a. Under Secretary of Defense (Personnel and Readiness) Memorandum, December 16, 2008, subject: Redelegation of Authority under Section 1108 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2009.

b. Section 1108 of the Duncan Hunter NDAA for FY 2009 (Public Law (PL) 110-417), as amended by Section 1101 of the Ike Skelton NDAA for FY 2011 (PL 111-383), and by Section 1103 of the NDAA for FY 2012 (PL 112-81).

c. Section 1105 of the NDAA for FY 2010 (PL 111-84).

d. Secretary of the Army memorandum, subj: Delegation of Authority – Direct Hire Authority for Scientific and Engineering Positions Within Personnel Demonstration Laboratories, dated October 13, 2010 (hereby rescinded).

e. Assistant Secretary of the Army (Manpower and Reserve Affairs) memorandum, dated June 2, 2014, subject: Delegation of Civilian Human Resources Authorities, Version 04-2014, effective May 30, 2014: *Revision to Delegation of Civilian Human Resources Authorities Matrix and Execution, Publication and Transmission of Delegations #15 through #25, and Extension of Delegations #26 through #33.* (hereby rescinded).

2. I hereby delegate to the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA(M&RA)) the authority under Section 1108 of the Duncan Hunter NDAA for FY 2009, PL 110-417, delegated to me in reference 1.a., to appoint qualified candidates possessing an advanced degree to scientific and engineering positions within any personnel demonstration laboratory designated by section 1105(a) of reference 1.c. as a Department of Defense (DoD) science and technology reinvention laboratory without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303, 3321, and 3328 in accordance with the above references. All appointments made using this authority must comply with DoD implementation guidance and all applicable laws, rules, and regulations. The authority will be exercised consistent with the above references.

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3. When the position of the ASA(M&RA) is vacant, as defined by the law governing vacancies, or the ASA(M&RA) is temporarily absent or otherwise not available to take timely action, the Principal Deputy Assistant Secretary of the Army (PDASA(M&RA)) or the designated Senior Official performing the duties of the ASA(M&RA) may exercise the authorities set forth in paragraph 2, above.

4. Unless expressly prohibited or restricted by law, directive, regulation, or policy, or as set forth herein, you may re-delegate this authority to other Department of the Army officials. Should you elect to do so, you will remain cognizant of and accountable for all actions taken in the exercise of this authority by those who have been delegated this authority at any level. Should you elect to re-delegate this authority, you may further restrict or condition your delegate's exercise of same. A re-delegation of authority shall not be effective unless it is in writing, signed by you, and has been determined not to be legally objectionable upon review by the Office of the Army General Counsel. No re-delegation shall take effect until a record copy of same has been provided to the Office of the Administrative Assistant for archiving. I will hold you responsible for any and all actions taken pursuant to this delegation or any re-delegation thereof. Should conditions warrant, you will suspend the use of and/or rescind further delegation of the authority, as appropriate.

5. Although not a limitation on the authority of the ASA(M&RA), PDASA(M&RA) or Senior Official to act in those cases specified above, where the proposed decision represents a change in precedent or policy; is of significant White House, Congressional, Department, or public interest; or has been, or should be, of interest or concern to me, for any reason, brief me prior to rendering your decision, unless the exigencies of the situation preclude such action. Continue my practice of coordination with the Office of the Army General Counsel.

6. This delegation is effective immediately and expires April 3, 2017, unless earlier revoked or superseded.

John M. McHugh

CF:
Office of the Army General Counsel
Office of the Administrative Assistant