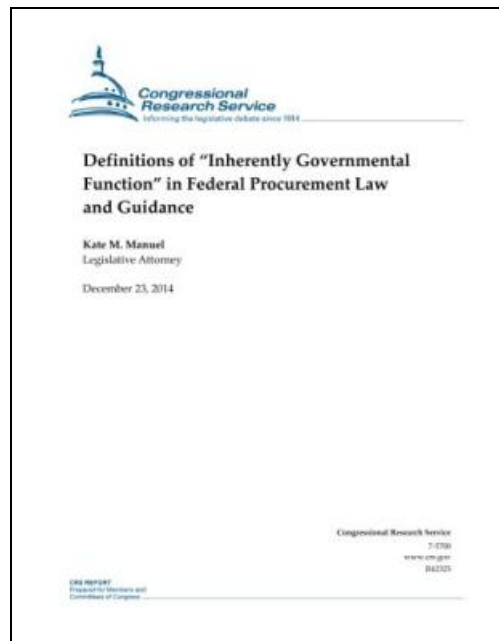


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(Eileen Kling I)

DEFINITIONS OF INHERENTLY GOVERNMENTAL FUNCTION IN FEDERAL PROCUREMENT LAW AND GUIDANCE



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Createspace, United States, 2014. Paperback. Book Condition: New. 279 x 216 mm. Language: English . Brand New Book ***** Print on Demand *****.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)...



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