



SECRETARY OF THE ARMY  
WASHINGTON

13 Oct 2010

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

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

1. References:

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

b. Secretary of the Army Memoranda, dated May 22, 2009, subject: Delegation of Direct Hire Authority for Scientific and Engineering Positions Within Personnel Demonstration Laboratories (hereby rescinded).

2. I hereby delegate to the Assistant Secretary of the Army (Manpower and Reserve Affairs) the authority under Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 to appoint qualified candidates possessing an advanced degree to scientific and engineering positions within personnel demonstration laboratories identified in section 9902(c)(2) of title 5, United States Code, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code. All appointments made using this authority must comply with Department of Defense implementation guidance and all applicable laws, rules, and regulations.

3. 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. You may further delegate this authority, in writing, to the Commanders of the U.S. Army Materiel Command, the U.S. Army Medical Command, and the U.S. Army Corps of Engineers. These Commanders may further delegate this authority, in writing, to a level not lower than the activity commander or activity head. Should you elect to re-delegate this authority, 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

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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.

4. Although not a limitation on your authority to act in my behalf, in those cases specified above where your 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, you will brief me prior to the decision unless the exigencies of the situation preclude such action. Continue my practice of coordination with the Office of the Army General Counsel.

5. This delegation is effective immediately and expires September 30, 2013, unless earlier revoked or superseded.

/original signed/  
John M. McHugh

CF:  
General Counsel