

JULIE, —

IF YOU DON'T
UNDERSTAND WHERE
THIS CAME FROM
PLEASE CALL ME AND
I WILL EXPLAIN
DEBBIE @ 6-5582

Juvenile
Justice
Report -
Last section
(that Jen Keingave you)

SUMMARY OF FEDERALLY CONDUCTED EDUCATION AND TRAINING PROGRAM EXEMPTION REQUESTS

The following chart summarizes the information provided to the Department of Justice by Federal departments, agencies, boards, and commissions (collectively, "agencies") on their federally conducted programs which, in their opinion, should be excluded from the proposed executive order governing federally conducted education and training programs. The chart is divided into three parts.

Part A lists programs that involve education and/or training provided to foreign nationals. This was the most common exemption requested. The chart provides the name of the agency, the name of the federally conducted program, the legal authority for the program, the approximate 1997 fiscal year funding, a brief description of the program, and the reason offered by the agency for the exemption. Whenever possible, the justification listed is a direct quotation from the inventory submitted by the agency so as not to mischaracterize the nature of the program or the reason the agency believes the program merits exclusion from the executive order. In the event an agency did not articulate a justification for the requested exemption, the class of programs the training belongs to is simply listed in the "Justification" column--e.g., training of foreign nationals.

Part B provides information on exemptions requested for various reasons other than the fact that the programs involve training of foreign nationals. Exemptions were requested for programs involving training for military purposes, training involving national security issues, training directed at agency employees that is also open to non-agency employees, programs specifically targeted to women, and training conducted by contractors on behalf of an agency. The same categories of information are provided for these programs as are provided in the first section.

There were instances where the concerned agency unequivocally requested an exemption for a particular program or a class of programs and gave reasons therefor. In a few instances, other agencies listed programs with similar characteristics, yet did not request an exemption for the programs. In order to provide the most complete information as to the number and scope of a particular class of programs, those agencies that did not request an exemption but have similar programs are listed in Part C.

CHART I PART A

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
1	Department of Commerce	Special American Business Internship training program (SABIT)	Freedom Support Act; Foreign Assistance Act of 1961 §632(a) \$2.5M	SABIT Program provides training for managers and scientists from the Newly Independent States (NIS) of the former Soviet Union through reimbursable agreements to U.S. companies and directly through group training sessions. U.S. companies provide the training free of charge. Other costs are borne by the U.S. Government.	Congress places restrictions on FSA activities, including earmarked funds for certain countries or restrictions which might inhibit SABIT's ability to train individuals from specific NIS countries.

**CHART I
PART A**
Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
2	DOJ/Criminal Division	International Criminal Investigative Training Assistance Program (ICITAP)	§534(b)(3) of the Foreign Assistance Act of 1961, as amended; Anti-Drug Abuse Act of 1988; International Narcotics Control Act of 1990; Urgent Assistance for Democracy in Panama Act of 1990; East European Democracy Act of 1989; Freedom Support Act of 1992. Funding is from Department of State and USAID; conducted by DOJ	ICITAP was created in 1986 by Congressional mandate to provide comprehensive development assistance programs to law enforcement agencies in emerging democracies. ICITAP maintains two types of projects: those run by in-country offices in Bolivia, Columbia, El Salvador, Guatemala, Haiti, Honduras, Panama, and Bosnia for major police reform and development efforts, and those which are Washington-based for smaller projects in Central and South America, the English-speaking Caribbean, Lebanon, Liberia, Rwanda and South Africa.	ICITAP training programs are aimed exclusively at law enforcement and judicial officials of other countries. The recipients of ICITAP training are selected by the host country. Given the complex cultural, ideological, religious, and traditional heritages of the places in which ICITAP works abroad, it would be extraordinarily difficult to comply in all cases with the goals of Title IX. We believe that ICITAP and programs like it should be excluded from the scope of the intended order.

CHART I PART A

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
2	DOJ/ Criminal Division	Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) A. Former Soviet Union & Central/Eastern Europe	FY 97: \$5M Funding is from State Dept. Under Freedom Support Act and Support for Emerging Democracies (SEED)	Provides professional training, assistance & advice in investigative & prosecutorial laws & techniques required to combat organized crime, corruption & economic crimes. Using State Dept funds, provides financial support for the ABA's Central & E. European Law Initiative.	OPDAT programs are implemented overseas and recipients of the training are non-U.S. citizens who serve as prosecutorial & judicial personnel in other countries. Recipients are selected by host country, not OPDAT. Overseas programs not believed to be subject to provision of U.S. statutory & regulatory measures that seek to prohibit discrimination in federally conducted education and training programs.
	DOJ/ Criminal Division	B. Haiti	FY 97: \$ 1.7M	OPDAT assists the Haitian Ministry of Justice in the operation of a training facility for Haitian judicial personnel and prosecutors.	Training of foreign nationals.

**CHART I
PART A**

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
2	DOJ/ Criminal Division	C. Colombia	FY 97: \$ 1M	In Colombia OPDAT provides technical assistance and training for the Prosecutor General's Office.	Training of foreign nationals.
	DOJ/ Criminal Division	D. International Visitors to the United States	FY 97: \$0	OPDAT serves as the liaison between various private and public agencies that sponsor visits to the U.S. by foreign officials who are interested in examining the American legal system.	Training of foreign nationals.
3	Department of State	B. Antiterrorism Assistance	22 U.S.C. §2349aa, P.L. 98-151; P.L. 99-399 FY 97: \$ 16.5M	This program is designed to strengthen relationships between the U.S. and foreign governments by helping them to deter and manage terrorist threats.	Training of foreign nationals. Also, expressed National security concerns.

CHART I PART A

Requested Exemptions - Training of Foreign Nationals

3	Department of State	C. Office of Professional Development	Authority: Pub. L. 99-399; Memoranda of Agreement between Navy and State and the Marine Corps which specifies the Department's training responsibilities. FY 97: \$540K	The Office of Professional Development (DS Training Center) offers operational and technical training for DS and other DOS personnel; police authority from foreign countries; and other U.S. federal, state and municipal officials as required.	Training of foreign nationals. Training of military personnel.
---	---------------------	---------------------------------------	--	---	---

**CHART I
PART A**

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
4	Treasury/ Federal Law Enforcement Training Center	Conducts a multitude of training courses for foreign governments, both within and outside the U.S. The following are examples. A. Law and Democracy Programs PAATP Curriculum Conf: Russia and Poland participating B. Exports International Banking & Money Laundering: Poland, Russia, Romania C. ATF Internat'l ATF Internat'l Post Blast Investigations: Haiti, Colombia, Venezuela.	Authority: P.L. 104-208 Funding: not provided	Not provided	Training of foreign nationals.

**CHART I
PART A**

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
4	Department of Treasury/ US Secret Service	International Training- Currency Seminar Authentication of Genuine U.S. Currency and Detection of Counterfeit (various courses)	Authority: not provided FY 97: not provided State Department funded	Provides information to ascertain the authenticity of U.S. currency. Open to international law enforcement personnel and banking officials.	Training of foreign nationals.

CHART I PART A

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
5	Federal Mediation and Conciliation Service	FMCS International Program e.g., A. South African Mediation Service B. Hungarian Ministry of Labor Program C. Preventative Mediation Services	Authority: not provided FY 97: Not provided Authority: 1947 Taft Hartley Amendments to the National Labor Relations Act and 1978 Labor-Management Cooperation Act FY 97: \$ 240K	Many foreign training initiatives. Mediation training to South African mediators Mediation training to Hungarian mediators Custom designed training program. In FY 97 1300 international labor, management, and government representatives received training.	Training of foreign nationals Training of foreign nationals.

CHART I PART A

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
6	Peace Corps	Volunteer Assignments	Authority: The Peace Corps Act, Pub. L. 87-293, 22 U.S.C. §2502 et seq. FY 97: Not provided	Peace Corps teaching assignments are in institutions operated by governments and other entities of the countries in which Volunteers serve and are under the supervision of host-country nationals.	No Peace Corps Volunteers serve in the United States. While the Peace Corps may provide technical assistance in planning Volunteer assignments, the curriculum for each course is the responsibility of local authorities. The Peace Corps does not control any substantive aspect of the assignment, and the instruction offered is in no sense a federally conducted educational activity. Thirty-seven percent of all Peace Corps Volunteers serving at the end of fiscal 1996 were serving in education programs in foreign countries.
7	U.S. Commodity Futures Trading Commission	Seminar: Futures Registration	Authority: not provided FY 97: not provided	Commission staff conducts an annual seminar about futures regulation for members of foreign government regulatory agencies and foreign exchanges.	Training of foreign nationals. FTC does not view this program as federally conducted.

CHART I PART A

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
8	United States Information Agency	A. Study of the US Program	Authority: Pub. L. 87-256, as amended FY 97: \$2,860,131	Seeks to promote a better understanding of the U.S., its history, culture, & institutions among foreign educators worldwide whose professional focus & responsibilities involve teaching about the U.S. in universities abroad	All of our educational and cultural exchange programs involve foreign persons, foreign institutions, or foreign countries with many programs requiring the selections to be made overseas. Agency foresees impediments to the enforcement of Title IX to grantees selected overseas where their selection has not been subject to U.S. laws and regulations.
	United States Information Agency	B. Center for Cultural and Technical Interchange Between East and West, Inc.	Authority: Pub. L. 86-472 FY 97: \$ 7M	Promotes better relations & understanding between nations of Asia & the Pacific through cooperative study, training, and research.	Same as above.

**CHART I
PART A**

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
8	United States Information Agency	C. North-South Center	Authority: Pub. Law 101-513 FY 97: \$ 1.5M	Promotes better relations & serves as a catalyst for change among the U.S., Canada, & the nations of Latin America & the Caribbean by advancing knowledge & understanding.	Same as above.
	United States Information Agency	D. Fulbright Teacher Exchange Program	Authority: Pub. L. 87-256 FY 97: \$2,047,528	Sponsors reciprocal exchanges between American & foreign teachers & educational administrators in approx. 30 countries.	Participants are selected overseas.

**CHART I
PART A
Requested Exemptions - Training of Foreign Nationals**

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
8	United States Information Agency	E. Summer Institutes for African Educators in English as a Second/Foreign Language	Authority: Pub. L. 87-256 FY 97: \$250K	The two institutes support upgrading of English language teaching at secondary and tertiary school levels throughout parts of Africa. Participants are teachers of English at the secondary or tertiary school level, teacher trainers at teacher training colleges, or supervisors of secondary level English language programs.	Training is in another country.

**CHART I
PART A**

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
8	United States Information Agency	F. Junior Faculty Development Program	Authority: Freedom Support Act FY 97: \$750K	Provides opportunities for university faculty from Russia & Ukraine to develop their academic knowledge & teaching skills in specially designed programs at American universities.	Participants are selected overseas.

CHART I PART A

Requested Exemptions - Training of Foreign Nationals

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
8	United States Information Agency	G. Advisor Training (OSEAS Regional Linkage and Partnership Prog & US-Based Training Program)	Authority: Pub. L. 87-256 FY 97: \$27K	The programs develop the professional advising skills and knowledge about U.S. higher education of overseas educational advisors provide professional development opportunities for U.S. international educators at overseas advising centers.	Training of foreign nationals.
	United States Information Agency	H. International Media Training	Authority: Pub. L. 87-256, as amended, 22 U.S.C. §2451 <u>et seq.</u> FY 97: \$1,455,186	Training programs for foreign journalists to promote the development of a free and independent media throughout the world.	Training of foreign nationals.

**CHART I
PART B
Other Requested Exemptions**

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
1	Department of Defense	A. National Interagency Civil-Military Institute	Authority: 32 U.S.C. § 112 FY 97: \$3M	Providing training to military and civilian leaders on the interagency processes required for effective military support to civil authorities thus enhancing the interoperability of the military with Federal, State and Local counterdrug operations.	Requests an exemption for military training and education programs. "Military training and education programs are governed generally and, in some cases, specifically, by statute, in particular title 10 of the U.S. Code. The purposes of these programs are often conceptually and substantively different than those programs conducted for civilians, whether they are civilian Government employees or members of the public. Additionally, military training and education, particularly basic training, advanced individual training, advanced skills training, officer candidate training, and the senior service schools, are intended to teach and enhance skills which those entering the military do not possess, e.g., military discipline, military combat and combat support, and military command."

**CHART I
PART B
Other Requested Exemptions**

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
	Department of Defense	B. Fire Fighting and Damage Control	Authority: 32 U.S.C. § 112 FY 97: \$ 103K	This program is for merchant mariners who are going to sea, and covers: NAVOSH; shipboard firefighting; damage control; chemical, biological, and radiological defense; helo fire fighting; and other assorted maritime/government required courses.	Military training (see above)
	Department of Defense	C. Senior Service Schools (SSS)	Authority: 32 U.S.C. § 112 FY 97: not provided	SSS nominations are senior managers who have potential and desire for the Senior Executive Service. These military programs emphasize military strategy.	Military training (see above)

CHART I PART B Other Requested Exemptions					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
	Department of Defense	D. DODSI Interagency Training Center	Authority: Director CIA Decision, 3/18/68; Nat'l Security Directive 47 FY 97: \$1.4 M	Provides classroom training in technical surveillance, countermeasures and supporting subjects. Primary concern is technical security protection of U.S. government information. Open to Federal employees and Federal contractors identified by the contracting Federal agency.	

CHART I
PART B
Other Requested Exemptions

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
	Department of Defense	E. Long Term Full Time training	Authority: not provided FY 97: not provided	LTFT graduate level education to maintain the technical expertise required by the unique function of the Defense Mapping Agency. The Agency selects 25 employees through several levels of competition to attend Photogrammetry, GIS, Orbital Mechanics, and computer science disciplines. The program is open to all DMA civilian employees.	Specifically requests exemption for internal DOD education and training programs directed at DOD civilian employees, which also may be open to some civilian employees of other agencies. "We are concerned that, if the approach envisaged by the July 14 letter were adopted, organizations of the Federal Government, including the Department of Defense Components, would close their education and training program to civilian employees of sister agencies. This would deny all employees involved, both Defense and non-Defense personnel, the benefits and richness of experience that such joint training can provide. It also may force agencies which currently rely on these training and education programs to expend additional resources either to establish training programs of their own or to contract for training."

**CHART I
PART B
Other Requested Exemptions**

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
	Dept of Defense	G. Dept. of Defense Security Institute	Authority: not provided FY 97: \$4.6M	Program provides classroom, on-site , and independent study course training in major security programs.	Internal training (see above)

**CHART I
PART B
Other Requested Exemptions**

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
2	Department of Energy	Training Involving national security; Requests exemption for a class of programs e.g., Nuclear Nonproliferation Training Seminar (NNS)	Authority: not provided FY 97: not provided Authority: E.O. 12333; DOE Order 151.1; Presidential Decision Directive 39 FY 97: \$410K	Trainees include employees of DOE, other Federal agencies, contractors, congressional staff, National Laboratories, non-profit and private organizations, and foreign governments. NNS provides an introduction to nuclear nonproliferation policy issues. NNS is open to Federal and DOE National Laboratory employees. Occasionally, visitors from foreign governments are permitted to attend the first two days of the workshop.	"We also note that some of the training conducted by DOE is required for reasons of national security. Some of the courses contain highly classified information. Under law, all attendees must hold appropriate security and intelligence clearances and demonstrate an official "need-to-know. In accepting nominees to attend these courses, DOE must rely on the equal opportunity and nondiscriminatory policies and practices of the attendees's employers. In view of the rigid requirements for admissions to such courses and the national security interest involved, DOE submits that such training programs be excluded from coverage under the proposed executive order.

CHART I PART B Other Requested Exemptions					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
	Department of Energy cont'd	e.g., Emergency Management System Training	Authority: not provided FY 97: not provided	Program to train emergency management community, improving emergency planning, preparedness, and response capabilities within DOE at M&O contractor sites, with other Federal agencies, and tribal, State, local and industry organizations.	Same as above.

CHART I PART B Other Requested Exemptions					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
3	General Services Administration	Judicial Legal Intern Program	Authority: 5 U.S.C. §3111 FY 97: not provided	This program is offered by the General Services Administration Board of Contract Appeals. The program involves the use of volunteer law students who are not considered agency employees. The law students receive academic credit from their schools in exchange for legal intern activities which assist Board judges.	Not provided.

**CHART I
PART B
Other Requested Exemptions**

#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
4	Small Business Administration	Women's Business Owner Demonstration Program	Authority: 15 U.S.C. §656 FY 97: \$4M	This program provides long-term training, counseling, networking and mentoring, and funds private sector, non-profit organizations with a three-year declining Federal grant that must be matched by Federal contributions.	This program was established to benefit certain businesses owned by women. Strict application of Title IX may have the undesirable effect of nullifying this important eligibility requirement. The proposed Executive order should exempt such programs which are specifically designed to overcome gender-based inequities.

CHART I PART C Similar Program/No Exemption Requested					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
1	Department of Energy	Idaho National Engineering and Environmental Laboratory (INEEL) Research Exchange Program	Energy Reorganization Act of 1974, §2(a) and §103(10); DOE Organization Act of 1977, Pub. L. No. 95-91, §102; Executive Orders 12876, 12900, 13021 FY 97: not provided	Provides for inclusion of university participants from minority and non-minority institutions in existing INEEL projects. Participants are from 97 universities, 40 states, and 3 foreign countries.	Training of foreign nationals.
	Department of Energy	INEEL Employee Education Program	Authority: M&O Contract FY 97: not provided	Obligated through INEEL subcontracts with two Idaho universities to provide the mission-related academic courses, primarily at the graduate level.	Training of foreign nationals.

CHART I PART C Similar Program/No Exemption Requested					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
2	DOJ/ Immigration	Carrier Consultant Program	Illegal Immigration Reform and Immigration Responsibility Act of 1996 FY 97: \$2M	Provides basic and advanced training to international airlines that service the U.S. to identify fraudulent documents, smuggler operations, and other related illegal activities as well as changes in U.S. immigration laws and regulations.	Training of foreign nationals

CHART I PART C Similar Program/No Exemption Requested					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
3	DOJ/FBI	International Training	Freedom Support Act, support for Eastern European democracy legislation and world-wide funding agreements \$380K	Training at the FBI Academy, Quantico, International Law Enforcement Academy in Budapest, other regional sites. Liaison successes for the FBI and increases the effectiveness and efficiency of international police services to make them better partners with the FBI on operational matters.	Training of foreign nationals in U.S. and overseas.

CHART I PART C Similar Program/No Exemption Requested					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
4	DOT/Federal Aviation Admin.	A. Antiterrorism Training and Assistance Program	International Security and Development Cooperation Act of 1985, PL 99-83 FY 97: \$ 273,369	Training in principles and concepts of Airport Security Management within the unique environment of an international airport.	Training of foreign nationals
		B. Civil Aviation Security International Course	Authority: None cited FY 97: \$ 67,275	Training for foreign officials responsible for implementing aviation security programs and procedures in their country.	Training of foreign nationals

CHART I PART C Similar Program/No Exemption Requested					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
5	Federal Trade Commission	International Technical Assistance Program	Authority: 22 U.S.C. §§239(b), 2295b, 5812, 5931; Inter-Agency Agreement with the U.S. Agency for International Development. FY 97: \$1,007,371	Training designed to assist the governments of Central and Eastern Europe, Latin America and the Caribbean in developing antitrust and consumer protection legislation. Provided in conjunction with the Justice Department's Antitrust Division.	Participants are employees of foreign governments
6	General Services Admin.	Trail Boss Program	Authority: E.O. 13011, dated 7/16/97 FY 97: \$295,500	Trains senior Government professionals to acquire and implement major Information Technology systems.	Training of foreign nationals. Open to all Federal Agencies, international government employees, and State and local government employees.

CHART I PART C Similar Program/No Exemption Requested					
#	Agency	Federally Conducted Program	Authority/ FY 97	Description	Justification for Exemption
7	Inter-American Foundation	A. Field Research Fellowship Program at the Doctoral-Level for Caribbean, Latin American and U.S. Citizens	Authority: Agency directive FY 97: \$205,520	Supports dissertation field research in Latin American and Caribbean countries on IAF development strategies. Seventeen Fellows; enrolled doctoral students at U.S. universities.	Training of foreign nationals.
	Inter-American Foundation	B. Field Research Fellowship Program at the Master's Level for Caribbean, Latin American and U.S. Citizens	Authority: Agency directive FY 97: \$14,620	Supports Master's-level field research in Latin American and Caribbean countries on IAF development strategies.	Training foreign nationals
	Inter-American Foundation	C. U.S. Graduate Study Fellowship Program for Caribbean and Latin American Citizens Only	Authority: Agency directive FY 97: \$566,740	Supports graduate student at U.S. universities on IAF development strategies. Seventeen Fellows; enrolled graduate students at U.S. universities.	Training foreign nationals

CR
Executive Order

Sept. 28, 1998

Federally conducted educ. & training programs

Existing laws & regulations prohibit certain forms of discrimination in federally conducted educ. & training programs — Rehab Act; Title VII protection against emp. discrim (race, color, nat. origin, sex, religion)

Exec. order would expand prohibitions of discrimination on the basis of race, color, nat. origin, and sex to certain other federally conducted education and training programs & activities.

If federal law limits participation based on race, color, nat. origin, or sex, that is O.K.

If discrimination is due to the use of an affirmative action plan, that is O.K.

25th Anniv of Title IX

Exec. Memorandum — Agencies to better enforce Title IX

Apply Title IX to federally ~~conducted~~ ^{conducted} ed. programs

BR/ER: would want to do something about this in October.

- ① view of exemption is
- ② best way to get this done

EC: can be done in Oct.

Hav?: get a few folks in room & resolve it.

talked to Anita Hodgkiss from DoJ

2 or 3 areas of complexity — military is most difficult.

- ① Not sure a good reason for exemption for DoD
(aside from single sex classrooms).

EC to follow up w/ Anita.
(why military folks)

- ② Foreign nationals
(w/ national origin discrimination?)

Other Qs:

* → Do we want to include sexual orientation (?)
religion (?)

* Does this enf. process track what is currently
done (w/in agencies for admin. enforcement)

① Military Title VII exemptions (?)

② UCMJ

what does it cover (?)
Chapter
10 U.S.C. 47

why (?)

(~~are~~ principles diff.
~~are~~ btm Title VII
and Title)

educating
v.
employing



UCMJ:
10 U.S.C. 47

① Judge made exemption for military service officers

② In 1995: Draw Days, in a letter to HHS Gen Counsel (Harriet Rebo) made clear that DOJ would not support position that Public Health Service (PHS) officers are not covered by Title VII.

Several courts have found a "military exception" to Title VII, ~~and courts have split on whether~~ which excludes uniformed members of the armed forces from the protective reach of Title VII.

① Courts are split on whether this exception covers PHS officers. - 10th Cir (YES) ; D.C. Cir (NO)

Rationale for judge-made exemption.

Members of the armed forces may not be "employees" of the federal govt. under a common understanding of that term b/c ① they are unable to leave military service @ will; and ② are subject to military law as well as military discipline.

Don't want courts to second-guess military decisions

members of armed forces subject to UCMJ

See § 717 (a) of Title VII (42 U.S.C. 2000e-16 (a)) covers employment actions w/in military departments, executive agencies, the U.S. postal service and Postal Rate Commission, and competitive service positions of the leg. and judicial branches.

Judicially recognized exception to the coverage of § 717 for uniformed members of military departments.

EEOL Reg. 29 CFR 1614.103 (d)(1) incorporates this exemption for uniformed members of military departments.

En Solicitor General notified HHS that he would not advocate the position that PHS officers are ~~not~~ exempt from Title VII.