

**AMENDMENT TO H.R. 4310, AS REPORTED
OFFERED BY MR. COFFMAN OF COLORADO**

At the end of subtitle C of title III, add the following new section:

1 **SEC. 3 ____ . GUIDELINES AND PROCEDURES FOR USE OF CI-**
2 **VILIAN EMPLOYEES OR CONTRACTOR PER-**
3 **SONNEL TO PERFORM DEPARTMENT OF DE-**
4 **FENSE FUNCTIONS.**

5 (a) IMPLEMENTATION GUIDELINES AND PROCE-
6 DURES REQUIRED.—Subsection (a) of section 2463 of
7 title 10, United States Code, is amended—

8 (1) in paragraph (1), by striking the first sen-
9 tence and inserting the following: “The Under Sec-
10 retary of Defense for Personnel and Readiness shall
11 devise and implement guidelines and procedures to
12 implement this section.”; and

13 (2) in paragraph (2), by striking “to perform-
14 ance by Department of Defense civilian employees”
15 and inserting “to either performance by Department
16 of Defense civilian employees or performance by con-
17 tractor personnel”.

18 (b) CERTAIN FUNCTIONS.—Subsection (b) of such
19 section is amended to read as follows:

1 “(b) SPECIAL CONSIDERATION FOR CERTAIN FUNC-
2 TIONS.—The guidelines and procedures required under
3 subsection (a) shall provide for special consideration to be
4 given to using Department of Defense civilian employees
5 to perform any function that is performed by a contractor
6 if the function—

7 “(1) is closely associated with the performance
8 of an inherently governmental function; or

9 “(2) has been performed pursuant to a contract
10 awarded on a non-competitive basis.”.

11 (c) REPEAL OF EXCLUSION.—Such section is further
12 amended—

13 (1) by striking subsection (c); and

14 (2) by redesignating subsection (d) through (g)
15 as subsections (c) through (f), respectively.

16 (d) CROSS REFERENCE.—Paragraph (2) of sub-
17 section (d), as so redesignated, is amended by striking “in-
18 herently governmental or any function described in sub-
19 paragraph (A), (B), or (C) of subsection (b)(1)” and in-
20 serting “inherently governmental function”.

21 (e) DEFINITIONS.—Subsection (f) of such section, as
22 so redesignated, is amended—

23 (1) by striking paragraph (2); and

1 (2) by redesignating paragraph (3) as para-
2 graph (2).

