

**AMENDMENT TO H.R. 4310, AS REPORTED
OFFERED BY MS. HAYWORTH OF NEW YORK**

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

1 **SEC. 3 ____ . SENSE OF CONGRESS REGARDING THE PER-**
2 **FORMANCE OF COMMERCIALY-AVAILABLE**
3 **ACTIVITIES BY DEPARTMENT OF DEFENSE**
4 **CIVILIAN EMPLOYEES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) our Nation’s economic strength is charac-
8 terized by individual freedom and the competitive
9 enterprise system, and as such, the Federal Govern-
10 ment should not compete with its citizens and pri-
11 vate enterprise;

12 (2) in recognition of this policy, the Govern-
13 ment should rely on commercially available sources
14 to provide commercial products and services and
15 should not start or carry on any activity to provide
16 a commercial product or service if the product or
17 service can be procured more economically from a
18 commercial source;

1 (3) this policy conforms with Department of
2 Defense Total Force Management procedures aimed
3 at improving total manpower requirements, deter-
4 minations, and planning to facilitate decisions re-
5 garding which sector (military, civilian, or contractor
6 personnel) should perform each requirement; and

7 (4) the Department of Defense should not con-
8 vert the performance of any function from perform-
9 ance by a contractor to performance by Department
10 of Defense civilian employees unless the function is
11 inherently governmental in nature or the conversion
12 is necessary to comply with section 129a of title 10,
13 United States Code, as amended by this Act.

14 (b) DEFINITION OF INHERENTLY GOVERN-
15 MENTAL.—In this section, the term “inherently govern-
16 mental” has the meaning given that term in section 5(2)
17 of the Federal Activities Inventory Reform Act of 1998
18 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501
19 note).

