



## Hayworth Amendment (#34) as Modified to H.R. 1540 Creating a Moratorium on Insourcing of Commercial Activities

<http://www.gpo.gov/fdsys/pkg/CREC-2011-05-25/pdf/CREC-2011-05-25-pt1-PgH3436-5.pdf#page=166>

Page 429, after line 13, insert the following:

### **SEC. 965. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALY- AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) *Sense of Congress.*--It is the sense of Congress that--

(1) our Nation's economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source;

(3) this policy conforms with Department of Defense Total Force Management procedures aimed at improving total manpower requirements, determinations, and planning to facilitate decisions regarding which sector (military, civilian, or contractor personnel) should perform each requirement; and

(4) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature or the conversion is necessary to comply with section 129a of title 10, United States Code, as amended by this Act.

(b) *Definition of Inherently Governmental.*--In this section, the term "inherently governmental" has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2384; 31 U.S.C. 501 note).

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