

**AMENDMENT TO H.R. 4435**  
**OFFERED BY MS. BORDALLO OF GUAM**

At the end of title IX, add the following new section:

1 **SEC. 9\_\_ . PROHIBITION ON CONVERSION OF FUNCTIONS**  
2 **PERFORMED BY CIVILIAN OR CONTRACTOR**  
3 **PERSONNEL TO PERFORMANCE BY MILITARY**  
4 **PERSONNEL.**

5 Section 129a of title 10, United States Code, is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(g) PROHIBITION ON PERFORMANCE OF CERTAIN  
9 FUNCTIONS BY MILITARY PERSONNEL.—(1) Except as  
10 provided in paragraph (2), no functions performed by ci-  
11 vilian personnel or contractors may be converted to per-  
12 formance by military personnel unless—

13 “(A) there is a direct link between the functions  
14 to be performed and a military occupational spe-  
15 cialty; and

16 “(B) the conversion to performance by military  
17 personnel is cost effective, based on Department of  
18 Defense instruction 7041.04 (or any successor ad-  
19 ministrative regulation, directive, or policy).

1           “(2) Paragraph (1) shall not apply to the following  
2 functions:

3           “(A) Functions required by law or regulation to  
4 be performed by military personnel.

5           “(B) Functions related to—

6           “(i) missions involving operation risks and  
7 combatant status under the Law of War;

8           “(ii) specialized collective and individual  
9 training requiring military-unique knowledge  
10 and skills based on recent operational experi-  
11 ence;

12           “(iii) independent advice to senior civilian  
13 leadership in the Department of Defense requir-  
14 ing military-unique knowledge and skills based  
15 on recent operational experience; and

16           “(iv) command and control arrangements  
17 under chapter 47 of this title (the Uniform  
18 Code of Military Justice).”.

