

En Bloc Amendments to H.R. 4909

Thursday, April 27, 2016

Subcommittee on Readiness

En Bloc #2

Log #	Sponsor	Description
033	Ms. Bordallo	Clarifies when military personnel could be used for functions currently being performed by civilian personnel or contractors
035	Mr. Takai	Extends the cap on services contract spending
054R2	Ms. Duckworth	Requires a report on equipment purchased from foreign entities that could be manufactured domestically in depots or arsenals and authorizes a pilot program to adjust arsenal labor rates
144R1	Ms. Davis	Establishes a fully joint EOD program, with the Navy as executive agent for the Department of Defense to coordinate and integrate research, development, and procurement for EOD defense programs
187R1	Mr. Rogers	Technical correction to term/temp hires authority
202	Ms. Graham	Sense of Congress statement regarding the importance of Panama City, Florida, to the history and future of the Armed Forces
238	Mr. Russell	Provides that a federal employee may not be placed on administrative leave, or other paid non-duty status without charging leave, for more than 14 total days for reasons relating to misconduct or performance
239	Mr. Russell	Requires the head of an agency to make a permanent notation in an individual's personnel file if the individual resigns from government employment while the subject of a personnel investigation and an adverse finding against the individual is made as a result of the investigation
280	Mr. Miller	Sense of Congress on inclusion of storm water systems and components within the meaning of "wastewater system" under the DoD authority for conveyance of utility systems

AMENDMENT TO H.R. 4909
OFFERED BY MS. BORDALLO OF GUAM

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

1 **SEC. 9__ . GUIDELINES FOR 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) **GUIDELINES FOR 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).”.



AMENDMENT TO H.R. 4909
OFFERED BY MR. TAKAI OF HAWAII

At the appropriate place in title VIII, insert the following new section:

1 **SEC. 8 ____ . EXTENSION OF LIMITATION ON AGGREGATE**
2 **ANNUAL AMOUNT AVAILABLE FOR CON-**
3 **TRACT SERVICES.**

4 Section 808 of the National Defense Authorization
5 Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat.
6 1489), as most recently amended by section 813 of the
7 National Defense Authorization Act for Fiscal Year 2015
8 (Public Law 113-291; 128 Stat. 3429) is further amend-
9 ed—

10 (1) in subsections (a) and (b), by striking “or
11 2015” and inserting “2015, 2016, or 2017”;

12 (2) in subsection (c)(3), by striking “and 2015”
13 and inserting “2015, 2016, and 2017”;

14 (3) in subsection (d)(4), by striking “or 2015”
15 and inserting “2015, 2016, or 2017”; and

16 (4) in subsection (e), by striking “2015” and
17 inserting “2017”.



Log 034 R2

AMENDMENT TO H.R. 4909

OFFERED BY MS. DUCKWORTH OF ILLINOIS

At the appropriate place in title III, insert the following new section:

1 **SEC. 3 . REPORT ON EQUIPMENT PURCHASED FROM**
2 **FOREIGN ENTITIES AND AUTHORITY TO AD-**
3 **JUST ARMY ARSENAL LABOR RATES.**

4 (a) **REPORT REQUIRED.**—Not later than 30 days
5 after the date on which the budget of the President for
6 fiscal year 2018 is submitted to Congress pursuant to sec-
7 tion 1105 of title 31, United States Code, the Secretary
8 of Defense shall submit to the congressional defense com-
9 mittees a report on the equipment, weapons, weapons sys-
10 tems, components, subcomponents, and end-items pur-
11 chased from foreign entities that identifies those items
12 which could be manufactured in the military arsenals of
13 the United States or the military depots of the United
14 States to meet the goals of this section or section 2464
15 of title 10, United States Code, as well as a plan for mov-
16 ing that workload into such arsenals or depots.

17 (b) **ELEMENTS.**—The report under subsection (a)
18 shall include each of the following:

1 (1) A list of items identified in the report re-
2 quired under section 333 of the National Defense
3 Authorization Act for Fiscal Year 2016 (Public Law
4 114-92; 129 Stat. 792) and a list of any items pur-
5 chased from foreign manufacturers after the date of
6 the submission of such report that are—

7 (A) described in section 8302(a)(1) of title
8 41, United States Code, and purchased from a
9 foreign manufacturer by reason of an exception
10 under section 8302(a)(2)(A) or section
11 8302(a)(2)(B) of such title;

12 (B) described in section 2533b(a)(1) of
13 title 10, United States Code, and purchased
14 from a foreign manufacturer by reason of an
15 exception under section 2533b(b); and

16 (C) described in section 2534(a) of such
17 title and purchased from a foreign manufac-
18 turer by reason of a waiver exercised under
19 paragraph (1), (2), (4), or (5) of section
20 2534(d) of such title.

21 (2) An assessment of the skills required to
22 manufacture the items described in paragraph (1)
23 and a comparison of those skills with skills required
24 to meet the critical capabilities identified in the re-
25 port of the Army to Congress on Critical Manufac-

1 turing Capabilities and Capacities, dated August
2 2013, and the core logistics capabilities identified by
3 each military service pursuant to section 2464 of
4 title 10, United States Code, as of the date of the
5 enactment of this Act.

6 (3) An identification of the tooling, equipment,
7 and facilities upgrades necessary for a military arse-
8 nal or depot to manufacture items described in para-
9 graph (1).

10 (4) An identification of items described in para-
11 graph (1) most appropriate for transfer to military
12 arsenals or depots to meet the goals of this section
13 or the requirements of section 2464 of title 10,
14 United States Code.

15 (5) An explanation of the rationale for con-
16 tinuing to sole-source the manufacturing of items
17 described in paragraph (1) from a foreign source
18 rather than a military arsenal, depot, or other or-
19 ganic facility.

20 (6) Such other information the Secretary deter-
21 mines to be appropriate.

22 (c) AUTHORITY TO ADJUST LABOR RATES TO RE-
23 FLECT WORK PRODUCTION.—

24 (1) IN GENERAL.—Not later than March 1,
25 2017, the Secretary of Defense shall establish a two-

1 year pilot program for the purpose of permitting the
2 Army arsenals to adjust periodically, throughout the
3 year, their labor rates charged to customers based
4 upon changes in workload and other factors.

5 (2) BRIEFING.—Not later than May 1, 2019,
6 the Secretary of Defense shall provide to the Com-
7 mittees on Armed Services of the Senate and the
8 House of Representatives a briefing that assesses—

9 (A) each Army arsenal's changes in labor
10 rates throughout the previous year;

11 (B) the ability of each arsenal to meet the
12 costs of their working-capital funds; and

13 (C) the effect on arsenal workloads of
14 labor rate changes.



AMENDMENT TO H.R. 4909
OFFERED BY MRS. DAVIS OF CALIFORNIA

At the appropriate place in title III, insert the following:

1 **SEC. 3__ . EXPLOSIVE ORDNANCE DISPOSAL PROGRAM.**

2 (a) IN GENERAL.—Chapter 136 of title 10, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 2283. Explosive ordnance disposal program**

6 “(a) IN GENERAL.—The Secretary of Defense shall
7 carry out a program to be known as the ‘Explosive Ord-
8 nance Disposal Program’ (in this section referred to as
9 the ‘Program’) under which the Secretary shall ensure
10 close and continuous coordination between the military de-
11 partments on matters relating to explosive ordnance dis-
12 posal.

13 “(b) ROLES, RESPONSIBILITIES, AND AUTHORI-
14 TIES.—In carrying out the Program under subsection
15 (a)—

16 “(1) the Secretary of Defense shall—

17 “(A) assign responsibility for the
18 coordination and integration of explo-
19 sive ordnance disposal to a single of-

1 office or entity in the Office of the Sec-
2 retary of Defense;

3 “(B) designate the Secretary of
4 the Navy, or a designee of the Sec-
5 retary’s choice, as the executive agent
6 for the Department of Defense to co-
7 ordinate and integrate research, devel-
8 opment, test, and evaluation activities
9 and procurement activities of the mili-
10 tary departments with respect to ex-
11 plosive ordnance disposal; and

12 “(C) exercise oversight over ex-
13 plosive ordnance disposal through the
14 Defense Acquisition Board process;

15 “(2) the Secretary of each military depart-
16 ment shall assess the needs of the military de-
17 partment concerned with respect to explosive
18 ordnance disposal and may carry out research,
19 development, test, and evaluation activities and
20 procurement activities to address such needs;
21 and

22 “(c) ANNUAL BUDGET JUSTIFICATION DOCU-
23 MENTS.— (1) The Secretary of Defense shall submit to
24 Congress, as a part of the defense budget materials for
25 each fiscal year after fiscal year 2017, a consolidated

1 budget justification display, in classified and unclassified
2 form, that covers all activities of Department of Defense
3 relating to the Program.

4 “(2) The budget display under paragraph (1) for a
5 fiscal year shall include a single program element for each
6 of the following:

7 “(A) Research, development, test, and evalua-
8 tion.

9 “(B) Procurement.

10 “(C) Military construction.

11 “(d) MANAGEMENT REVIEW.—(1) The Secretary of
12 Defense, acting through the Office of the Secretary of De-
13 fense assigned responsibility for the coordination and inte-
14 gration of explosive ordnance disposal under subsection
15 (b)(1)(A), shall conduct a review of the management
16 structure of the Program, including—

17 “(A) research, development, test, and evalua-
18 tion;

19 “(B) procurement;

20 “(C) doctrine development;

21 “(D) policy;

22 “(E) training;

23 “(F) development of requirements;

24 “(G) readiness; and

25 “(H) risk assessment.

1 “(2) Not later than May 1, 2018, the Secretary shall
2 provide to the Committees on Armed Services of the Sen-
3 ate and the House of Representatives a briefing that in-
4 cludes—

5 “(A) the results of the review described in para-
6 graph (1); and

7 “(B) a description of any measures undertaken
8 to improve joint coordination and oversight of the
9 Program and ensure a coherent and effective ap-
10 proach to its management.

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘explosive ordnance’ means any
13 munition containing explosives, nuclear fission or fu-
14 sion materials, or biological or chemical agents, in-
15 cluding—

16 “(A) bombs and warheads;

17 “(B) guided and ballistic missiles;

18 “(C) artillery, mortar, rocket, and
19 small arms munitions;

20 “(D) mines, torpedoes, and depth
21 charges;

22 “(E) demolition charges;

23 “(F) pyrotechnics;

24 “(G) clusters and dispensers;

1 “(H) cartridge and propellant actu-
2 ated devices;

3 “(I) electro-explosive devices; and

4 “(J) clandestine and improvised explo-
5 sive devices.

6 “(2) The term ‘disposal’ means, with respect to
7 explosive ordnance, the detection, identification, field
8 evaluation, defeat, disablement, or rendering safe,
9 recovery and exploitation, and final disposition of
10 the ordnance.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by adding
13 at the end the following new item:

 “2283. Explosive ordnance disposal program.”.



Log. 187R1

AMENDMENT TO H.R. 4909

OFFERED BY MR. ROGERS OF ALABAMA

In section 1102(a), by striking “at any such facility, Base, or any other component of the Department of Defense under the internal merit promotion procedures of the applicable facility, Base, or component” and inserting “at (A) any such facility, Base, or any other component of the Department of Defense when such facility, Base, or component (as the case may be) is accepting applications from individuals within the facility, Base, or component’s workforce under merit promotion procedures, or (B) any agency when the agency is accepting applications from individuals outside its own workforce under merit promotion procedures of the applicable agency,”.



AMENDMENT TO H.R. 4909
OFFERED BY MS. GRAHAM OF FLORIDA

At the appropriate place in title X, insert the following:

1 **SEC. 10 ____ . SENSE OF CONGRESS REGARDING THE IMPOR-**
2 **TANCE OF PANAMA CITY, FLORIDA, TO THE**
3 **HISTORY AND FUTURE OF THE ARMED**
4 **FORCES.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) On December 6, 1941—one day before the
8 attack on Pearl Harbor—the War Department es-
9 tablished Tyndall Field as an Army Air Force gun-
10 nery school in Panama City, Florida.

11 (2) Tyndall Field was named in honor of native
12 Floridian Lieutenant Francis B. Tyndall, who re-
13 ceived the U.S. Air Force flying ace designation for
14 his service in the First World War.

15 (3) Tyndall Field became an important center
16 for aerial gunnery training during the Second World
17 War, hosting training missions using aircraft includ-
18 ing A-33, O-47, AT-6, Martin B-26 Marauders, and
19 B-17 bombers.

1 (4) On January 13, 1948, Tyndall Field be-
2 came Tyndall Air Force Base and was an active site
3 for air training and defense throughout the Cold
4 War.

5 (5) Tyndall AFB is now home to the First Air
6 Force as well as the 325th Fighter Wing Head-
7 quarters and their F-22 Raptors.

8 (6) The 325th Fighter Wing has been instru-
9 mental to national security at such crucial junctures
10 as the Cuban Missile Crisis, throughout the Cold
11 War, and more recently in intercepting unidentified
12 aircraft and supporting anti-smuggling efforts.

13 (7) On July 20, 1945, the Navy Mine Counter-
14 measure Station was established in Panama City.

15 (8) The Navy Mine Countermeasure Station de-
16 veloped into the Naval Support Activity Panama
17 City (NSAPC), which has faithfully carried out its
18 mission since its inception and continues to support
19 the crucial efforts and important research of tenant
20 command organizations such as the Naval Surface
21 Warfare Center: Panama City Division (NSWC
22 PCD) and the Navy Experimental Diving Unit
23 (NEDU).

24 (9) Research performed at NSWC PCD has
25 been integral to equipping the Navy with the per-

1 sonnel and technology necessary to maintaining its
2 status as the world's greatest and most techno-
3 logically advanced.

4 (10) NSWC PCD's newest facility, the Littoral
5 Warfare Research Facility, is one of the Navy's
6 major research, development, test, and evaluation
7 laboratories and where standards for weapons inte-
8 gration on Littoral Combat Ships are often devel-
9 oped.

10 (11) NEDU is a global hub of research, devel-
11 opment, and testing for undersea operations.

12 (12) During the Second World War, the Wain-
13 wright Shipyard in Panama City built over 100 ves-
14 sels for the war effort and employed over 15,000
15 people.

16 (13) Panama City's shipbuilding legacy con-
17 tinues as home to one of today's most prolific do-
18 mestic shipbuilders, Eastern Shipbuilding.

19 (14) The Department of Defense is the largest
20 employer in Panama City, where many of the resi-
21 dents and their relatives have proudly served in the
22 Armed Forces for generations.

23 (b) SENSE OF CONGRESS.—Congress—

24 (1) commends the longstanding dedication and
25 contribution to the Armed Forces by the people of

1 Panama City, both through the legacy of naval ship-
2 building and through their ongoing commitment to
3 support the mission of Panama City's military in-
4 stallations and the personnel assigned to them;

5 (2) honors the members of the Armed Forces
6 who have trained and served at the several military
7 installations in and around Panama City;

8 (3) recognizes the contribution of the industry
9 and workforce of Panama City to naval shipbuilding;
10 and

11 (4) encourages the recognition of the impor-
12 tance of Panama City to the history of the Armed
13 Forces by Congress, the Air Force, the Navy, and
14 the American people by honoring the contribution of
15 the people of Panama City to the defense of the
16 United States.



AMENDMENT TO H.R. 4909
OFFERED BY MR. RUSSELL OF OKLAHOMA

At the end of title XI, add the following:

1 **SEC. ____ . LIMITATION ON ADMINISTRATIVE LEAVE.**

2 (a) IN GENERAL.—Subchapter II of chapter 63 of
3 title 5, United States Code, is amended by adding at the
4 end the following:

5 **“§ 6330. Limitation on administrative leave**

6 “(a) IN GENERAL.—During any calendar year, an
7 employee may not be placed on administrative leave, or
8 any other paid non-duty status without charge to leave,
9 for more than 14 total days for reasons relating to mis-
10 conduct or performance. After an employee has been
11 placed on administrative leave for 14 days, the employing
12 agency shall return the employee to duty status, utilizing
13 telework if available, and assign the employee to duties
14 if such employee is not a threat to safety, the agency mis-
15 sion, or Government property.

16 **“(b) EXTENDED ADMINISTRATIVE LEAVE.—**

17 **“(1) IN GENERAL.—**If an agency finds that an
18 employee is a threat to safety, the agency mission,
19 or Government property and upon the expiration of
20 the 14-day period described in subsection (a), an

1 agency head may place the employee on extended ad-
2 ministrative leave for additional periods of not more
3 than 30 days each.

4 “(2) REPORT.—For any additional period of 30
5 days granted to the employee after the initial 30-day
6 extension, the agency head shall submit to the Com-
7 mittee on Oversight and Government Reform in the
8 House of Representatives, the agency’s authorizing
9 committees of jurisdiction of the House of Rep-
10 resentatives and the Senate, and the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate a report, not later than 5 business days after
13 granting the additional period, containing—

14 “(A) title, position, office or agency sub-
15 component, job series, pay grade, and salary of
16 the employee on administrative leave;

17 “(B) a description of the work duties of
18 the employee;

19 “(C) the reason the employee is on admin-
20 istrative leave;

21 “(D) an explanation as to why the em-
22 ployee is a threat to safety, the agency mission,
23 or Government property;

1 “(E) an explanation as to why the em-
2 ployee is not able to telework or be reassigned
3 to another position within the agency;

4 “(F) in the case of a pending related inves-
5 tigation of the employee—

6 “(i) the status of such investigation;
7 and

8 “(ii) the certification described in sub-
9 section (c)(1); and

10 “(G) in the case of a completed related in-
11 vestigation of the employee—

12 “(i) the results of such investigation;
13 and

14 “(ii) the reason that the employee re-
15 mains on administrative leave.

16 “(c) EXTENSION PENDING RELATED INVESTIGA-
17 TION.—

18 “(1) IN GENERAL.—If an employee is under a
19 related investigation by an investigative entity at the
20 time an additional period described under subsection
21 (b)(2) is granted and, in the opinion of the inves-
22 tigative entity, additional time is needed to complete
23 the investigation, such entity shall certify to the ap-
24 plicable agency that such additional time is needed

1 and include in the certification an estimate of the
2 length of such additional time.

3 “(2) LIMITATION.—The head of an agency may
4 not grant an additional period of administrative
5 leave described under subsection (b)(2) to an em-
6 ployee on or after the date that is 30 days after the
7 completion of a related investigation by an investiga-
8 tive entity.

9 “(d) DEFINITIONS.—In this section, the following
10 definitions apply:

11 “(1) INVESTIGATIVE ENTITY.—The term ‘inves-
12 tigative entity’ means an internal investigative unit
13 of the agency granting administrative leave, the Of-
14 fice of Inspector General, the Office of the Attorney
15 General, or the Office of Special Counsel.

16 “(2) RELATED INVESTIGATION.—The term ‘re-
17 lated investigation’ means an investigation that per-
18 tains to the underlying reasons an employee was
19 placed on administrative leave.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall begin to apply 90 days after the date
22 of enactment of this Act.

23 (c) RULES OF CONSTRUCTION.—Nothing in the
24 amendment made by subsection (a) shall be construed
25 to—

1 (1) supersede the provisions of chapter 75 of
2 title 5, United States Code; or

3 (2) limit the number of days that an employee
4 may be placed on administrative leave, or any other
5 paid non-duty status without charge to leave, for
6 reasons unrelated to misconduct or performance.

7 (d) CLERICAL AMENDMENT.—The table of sections
8 for subchapter II of chapter 63 of title 5, United States
9 Code, is amended by adding after the item relating to sec-
10 tion 6329 the following new item:

“6330. Limitation on administrative leave.”.



1 “(b) Prior to making a permanent notation in an em-
2 ployee’s official personnel record file under subsection (a),
3 the head of the agency shall—

4 “(1) notify the employee in writing within 5
5 days of the resolution of the investigation and pro-
6 vide such employee a copy of the adverse finding and
7 any supporting documentation;

8 “(2) provide the employee with a reasonable
9 time, but not less than 30 days, to respond in writ-
10 ing and to furnish affidavits and other documentary
11 evidence to show why the adverse finding was un-
12 founded (a summary of which shall be included in
13 any notation made to the employee’s personnel file
14 under subsection (d)); and

15 “(3) provide a written decision and the specific
16 reasons therefore to the employee at the earliest
17 practicable date.

18 “(c) An employee is entitled to appeal the decision
19 of the head of the agency to make a permanent notation
20 under subsection (a) to the Merit Systems Protection
21 Board under section 7701.

22 “(d)(1) If an employee files an appeal with the Merit
23 Systems Protection Board pursuant to subsection (c), the
24 agency head shall make a notation in the employee’s offi-
25 cial personnel record file indicating that an appeal dis-

1 putting the notation is pending not later than 2 weeks after
2 the date on which such appeal was filed.

3 “(2) If the head of the agency is the prevailing party
4 on appeal, not later than 2 weeks after the date that the
5 Board issues the appeal decision, the head of the agency
6 shall remove the notation made under paragraph (1) from
7 the employee’s official personnel record file.

8 “(3) If the employee is the prevailing party on appeal,
9 not later than 2 weeks after the date that the Board issues
10 the appeal decision, the head of the agency shall remove
11 the notation made under paragraph (1) and the notation
12 of an adverse finding made under subsection (a) from the
13 employee’s official personnel record file.

14 “(e) In this section, the term ‘personnel investigation’
15 includes—

16 “(1) an investigation by an Inspector General;
17 and

18 “(2) an adverse personnel action as a result of
19 performance, misconduct, or for such cause as will
20 promote the efficiency of the service under chapter
21 43 or chapter 75.”.

22 (b) APPLICATION.—The amendment made by sub-
23 section (a) shall apply to any employee described in section
24 3322 of title 5, United States Code, (as added by such

1 subsection) who leaves the service after the date of enact-
2 ment of this Act.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 of subchapter I of chapter 33 of title 5, United States
5 Code, is amended by inserting after the item relating to
6 section 3321 the following:

“3322. Voluntary separation before resolution of personnel investigation.”

7 **SEC. ____ . REVIEW OF OFFICIAL PERSONNEL FILE OF**
8 **FORMER FEDERAL EMPLOYEES BEFORE RE-**
9 **HIRING.**

10 (a) IN GENERAL.—Subchapter I of chapter 33 of title
11 5, United States Code, is amended by adding at the end
12 the following:

13 **“§ 3330e. Review of official personnel file of former**
14 **Federal employees before rehiring**

15 “(a) If a former Government employee is a candidate
16 for a position within the competitive service or the ex-
17 cepted service, prior to making any determination with re-
18 spect to the appointment or reinstatement of such em-
19 ployee to such position, the appointing authority shall re-
20 view and consider the information relating to such employ-
21 ee’s former period or periods of service in such employee’s
22 official personnel record file.

23 “(b) In subsection (a), the term ‘former Government
24 employee’ means an individual whose most recent position
25 with the Government prior to becoming a candidate as de-

1 scribed under subsection (a) was within the competitive
2 service or the excepted service.

3 “(c) The Office of Personnel Management shall pre-
4 scribe regulations to carry out the purpose of this sec-
5 tion.”.

6 (b) APPLICATION.—The amendment made by sub-
7 section (a) shall apply to any former Government em-
8 ployee (as described in section 3330e of title 5, United
9 States Code, as added by such subsection) appointed or
10 reinstated on or after the date that is 180 days after the
11 date of enactment of this Act.

12 (c) CLERICAL AMENDMENT.—The table of sections
13 of subchapter I of chapter 33 of title 5, United States
14 Code, is amended by adding at the end the following:

“3330e. Review of official personnel file of former Federal employees before re-
hiring.”.



Log 280

AMENDMENT TO H.R. 4909 OFFERED BY MR. MILLER OF FLORIDA

At the end of subtitle B of title XXVIII, add the following new section:

1 **SEC. 28___ . SENSE OF CONGRESS REGARDING INCLUSION**
2 **OF STORMWATER SYSTEMS AND COMPO-**
3 **NENTS WITHIN THE MEANING OF “WASTE-**
4 **WATER SYSTEM” UNDER THE DEPARTMENT**
5 **OF DEFENSE AUTHORITY FOR CONVEYANCE**
6 **OF UTILITY SYSTEMS.**

7 It is the sense of Congress that the reference to a
8 system for the collection or treatment of wastewater in the
9 definition of “utility system” in section 2688 of title 10,
10 United States Code, which authorizes the Department of
11 Defense to convey utility systems, includes stormwater
12 systems and components.

