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Revised

**AMENDMENT TO H.R. 5658, AS REPORTED
OFFERED BY MS. SCHAKOWSKY OF ILLINOIS**

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

1 **SEC. 824. PERFORMANCE BY PRIVATE SECURITY CONTRAC-**
2 **TORS OF INHERENTLY GOVERNMENTAL**
3 **FUNCTIONS IN AN AREA OF COMBAT OPER-**
4 **ATIONS.**

5 (a) **MODIFICATION OF REGULATIONS.**—Not later
6 than 60 days after the date of the enactment of this Act,
7 the regulations prescribed by the Secretary of Defense
8 pursuant to section 862(a) of the National Defense Au-
9 thorization Act for Fiscal Year 2008 (Public Law 110-
10 181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modi-
11 fied to ensure that private security contractors are not au-
12 thorized to perform inherently governmental functions in
13 an area of combat operations.

14 (b) **GUIDANCE.**—After the issuance of regulations to
15 implement the actions required by section 322 of this Act,
16 the Secretary of Defense shall issue supplementary guid-
17 ance to describe functions that should not be performed
18 by private security contractors because they constitute in-
19 herently governmental functions.

1 (c) PERIODIC REVIEW OF PERFORMANCE OF FUNC-
2 TIONS.—

3 (1) IN GENERAL.—The Secretary of Defense
4 shall, in coordination with the heads of other appro-
5 priate agencies, periodically review the performance
6 of private security functions in areas of combat op-
7 erations to ensure that such functions are authorized
8 and performed in a manner consistent with the re-
9 quirements of this section.

10 (2) REPORTS.—Not later than June 1 of each
11 of 2009, 2010, and 2011, the Secretary shall submit
12 to the congressional defense committees a report on
13 the results of the most recent review conducted
14 under paragraph (1).

