AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MS. JENKINS OF KANSAS

At the end of title XI, add the following:

SEC. 1107. PROHIBITION ON CONVERTING THE PERFORMANCE OF CERTAIN FUNCTIONS FROM CONTRACTOR PERFORMANCE TO PERFORMANCE BY FEDERAL EMPLOYEES.

(a) PROHIBITION.—Notwithstanding any other provision of law, except as provided under subsection (b), no Federal department or agency may implement or carry out a guideline, regulation, circular, policy, or other instrument to enable a Federal department or agency to convert to performance by Federal employees any function that, before the date of the enactment of this Act, was performed by contractor employees.

(b) EXCEPTIONS.—The prohibition in this section shall not apply to a function that is an inherently governmental function as that term is defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note).

(c) PUBLIC-PRIVATE COMPETITION REQUIRED.—Before any Federal department or agency may convert any
function from performance by a contractor to performance by a civilian employee of the department or agency, the department or agency shall conduct a public-private competition similar to a public-private competition under Office of Management and Budget Circular A-76 that examines the cost of performance of the function by civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by civilian employees will result in savings to the Government over the life of the contract. Upon completion of the competition, the Federal department or agency shall select the option that is determined pursuant to the competition to result in the most savings to the Government.