

**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:

1 **SEC. 1107. PROHIBITION ON CONVERTING THE PERFORM-**  
2 **ANCE OF CERTAIN FUNCTIONS FROM CON-**  
3 **TRACTOR PERFORMANCE TO PERFORMANCE**  
4 **BY FEDERAL EMPLOYEES.**

5 (a) PROHIBITION.—Notwithstanding any other provi-  
6 sion of law, except as provided under subsection (b), no  
7 Federal department or agency may implement or carry out  
8 a guideline, regulation, circular, policy, or other instru-  
9 ment to enable a Federal department or agency to convert  
10 to performance by Federal employees any function that,  
11 before the date of the enactment of this Act, was per-  
12 formed by contractor employees.

13 (b) EXCEPTIONS.— The prohibition in this section  
14 shall not apply to a function that is an inherently govern-  
15 mental function as that term is defined in section 5 of  
16 the Federal Activities Inventory Reform Act of 1998 (Pub-  
17 lic Law 105–270; 31 U.S.C. 501 note).

18 (c) PUBLIC-PRIVATE COMPETITION REQUIRED.—Be-  
19 fore any Federal department or agency may convert any

1 function from performance by a contractor to performance  
2 by a civilian employee of the department or agency, the  
3 department or agency shall conduct a public-private com-  
4 petition similar to a public-private competition under Of-  
5 fice of Management and Budget Circular A-76 that exam-  
6 ines the cost of performance of the function by civilian  
7 employees and the cost of performance of the function by  
8 one or more contractors to demonstrate whether con-  
9 verting to performance by civilian employees will result in  
10 savings to the Government over the life of the contract.  
11 Upon completion of the competition, the Federal depart-  
12 ment or agency shall select the option that is determined  
13 pursuant to the competition to result in the most savings  
14 to the Government.

