

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 1960  
OFFERED BY MR. BARR OF KENTUCKY**

Page 106, after line 8, insert the following:

1 **SEC. 324. 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—

15 (1) that is an inherently governmental function  
16 as that term is defined in section 5 of the Federal  
17 Activities Inventory Reform Act of 1998 (Public  
18 Law 105-270; 31 U.S.C. 501 note); or

1           (2) if head of the department or agency deter-  
2           mines and certifies to Congress in accordance with  
3           regulations promulgated by the Director of the Of-  
4           fice of Management and Budget that the Federal  
5           Government performance of the function is nec-  
6           essary for the national defense or homeland security.

7           (c) PUBLIC-PRIVATE COMPETITION REQUIRED.—Be-  
8           fore any Federal department or agency may convert any  
9           function from performance by a contractor to performance  
10          by a civilian employee of the department or agency, the  
11          department or agency shall conduct a public-private com-  
12          petition similar to a public-private competition under Of-  
13          fice of Management and Budget Circular A-76 that exam-  
14          ines the cost of performance of the function by civilian  
15          employees and the cost of performance of the function by  
16          one or more contractors to demonstrate whether con-  
17          verting to performance by civilian employees will result in  
18          savings to the Government over the life of the contract.  
19          Upon completion of the competition, the Federal depart-  
20          ment or agency shall select the option that is determined  
21          pursuant to the competition to result in the most savings  
22          to the Government.

