

108TH CONGRESS
2D SESSION

H. R. 5276

To require that a conversion to contractor performance of an activity or function of the Federal Government may not result in the loss of employment of any Federal worker with a severe disability employed in that activity or function.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2004

Mr. VAN HOLLEN (for himself, Mr. ALLEN, Mr. BACA, Ms. CARSON of Indiana, Mr. CONYERS, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DOGGETT, Mr. EVANS, Mr. FARR, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GORDON, Mr. GREEN of Texas, Ms. ROS-LEHTINEN, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. HONDA, Mrs. JONES of Ohio, Mr. KIND, Ms. LEE, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. TIERNEY, Ms. WATSON, Mr. WU, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To require that a conversion to contractor performance of an activity or function of the Federal Government may not result in the loss of employment of any Federal worker with a severe disability employed in that activity or function.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Disabled Federal Em-
3 ployees Protection Act”.

4 **SEC. 2. PROHIBITION ON TERMINATING EMPLOYMENT OF**
5 **FEDERAL WORKERS WITH DISABILITIES EM-**
6 **PLOYED IN ACTIVITY OR FUNCTION CON-**
7 **VERTED TO CONTRACTOR PERFORMANCE.**

8 (a) PROHIBITION.—In the case of a conversion to
9 contractor performance of any activity or function of an
10 executive agency under Office of Management and Budget
11 Circular A–76 or any other policy, directive, or regulation,
12 including any Most Efficient Organization plan, the head
13 of the executive agency may not terminate the employment
14 of any employee in that activity or function if—

15 (1) the employee is an individual with a dis-
16 ability (as defined in section 7(20)(A) of the Reha-
17 bilitation Act of 1973 (29 U.S.C. 705(20)(A)); and

18 (2) the employee was hired under a plan or pro-
19 gram designated for hiring individuals with such dis-
20 ability.

21 (b) EXCEPTION.—Subsection (a) shall not apply to
22 an activity or function that is planned to be changed to
23 performance by a qualified nonprofit agency for the blind
24 or by a qualified nonprofit agency for other severely handi-
25 capped persons in accordance with the Javits-Wagner-
26 O’Day Act (41 U.S.C. 46–48c), if each employee covered

1 by subsection (a) is offered another position with the Fed-
2 eral Government, or with the nonprofit agency that will
3 perform the activity or function, that is equivalent to the
4 position previously held by the employee before the change
5 to performance by the nonprofit agency.

