H. R. 3029

To reduce the size of the Federal workforce through attrition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2011

Mr. Mulvaney (for himself, Mr. Issa, Mr. Ross of Florida, Mr. Chaffetz, Mrs. Blackburn, Mr. Burton of Indiana, Mr. Fleming, Mr. Flores, Mr. Garrett, Mr. Gowdy, Mr. Graves of Georgia, Mr. Huelskamp, Mr. Sam Johnson of Texas, Mr. Landry, Mr. Ribble, Mr. Rokita, Mrs. Schmidt, Mr. Walsh of Illinois, Mr. Wilson of South Carolina, and Mr. Yoder) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To reduce the size of the Federal workforce through attrition, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Reducing the Size of the Federal Government Through Attrition Act of 2011”.

4 SEC. 2. REDUCTION IN FEDERAL WORKFORCE.

5 (a) DEFINITION.—For the purpose of this section—
(1) the term “total number of Federal employees” means the total number of Federal employees in all agencies;

(2) the term “Federal employee” means an employee as defined by section 2105 of title 5, United States Code; and

(3) the term “agency” means an Executive agency as defined by section 105 of title 5, United States Code, excluding the Government Accountability Office.

(b) LIMITATION.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall take appropriate measures to ensure that, effective beginning in fiscal year 2015, the total number of Federal employees (as determined under subsection (c)) shall not exceed 90 percent of the total number of Federal employees as of September 30, 2011 (as so determined).

(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget (in consultation with the Office of Personnel Management)—

(1) shall continuously monitor all agencies and make a determination, as of September 30, 2011, and the last day of each quarter of each fiscal year beginning thereafter, as to whether or not the total
number of Federal employees exceeds the maximum number allowable under subsection (b); and

(2) whenever a determination under paragraph (1) is made that the total number of Federal employees exceeds the maximum number allowable under subsection (b), shall provide written notice to that effect to the President and Congress within 14 days after the last day of the quarter to which such determination relates.

(d) COMPLIANCE.—Whenever, with respect to the quarter ending on September 30, 2014, or any subsequent quarter, the Office of Management and Budget provides written notice under subsection (c)(2) that the total number of Federal employees exceeds the maximum number allowable under subsection (b), no agency may thereafter appoint any employee to fill any vacancy within such agency until the Office of Management and Budget provides written notice to the President and Congress of a determination under subsection (c)(1) that the total number of Federal employees no longer exceeds the maximum number allowable under subsection (b). Any notice under the preceding sentence shall be provided within 14 days after the last day of the quarter to which the determination relates.

(e) WAIVER.—
(1) **EMERGENCIES.**—This section may be waived upon a determination by the President that—

(A) the existence of a state of war or other national security concern so requires; or

(B) the existence of an extraordinary emergency threatening life, health, public safety, property, or the environment so requires.

(2) **AGENCY EFFICIENCY OR CRITICAL MISSION.**—This section may be waived, with respect to a particular position or category of positions in an agency, upon a determination by the President that the efficiency of the agency or the performance of a critical agency mission so requires.

(f) **REPLACEMENT RATE.**—To the extent necessary to achieve the workforce reduction required by subsection (b), the Office of Management and Budget (in consultation with the Office of Personnel Management) shall take appropriate measures to ensure that agencies shall appoint no more than 1 employee for every 3 employees retiring or otherwise separating from Government service after the date of the enactment of this Act. This subsection shall cease to apply after September 30, 2014.
(g) COUNTING RULE.—For purposes of this Act, any determination of the number of employees in an agency shall be expressed on a full-time equivalent basis.

(h) LIMITATION ON PROCUREMENT OF SERVICE CONTRACTS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall take appropriate measures to ensure that there is no increase in the procurement of service contracts by reason of the enactment of this Act, except in cases in which a cost comparison demonstrates that such contracts would be to the financial advantage of the Government.

(i) REGULATIONS.—Any regulations necessary to carry out this Act may be prescribed by the President or his designee.