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

DECEMBER 19, 2011
Additional sponsors: Mr. Duncan of South Carolina, Mrs. Ellmers, Mr. Labrador, Mr. DesJarlais, Mr. Scott of South Carolina, Mr. Mack, Mrs. Bono Mack, Mr. Southerland, Mr. McHenry, Mr. Bilbray, Mr. McClintock, Mr. Guinta, Mr. Harris, Mr. Kelly, Mr. Parenthold, Mr. Jordan, Mr. Stutzman, Mr. Gohmert, Ms. Buerkle, and Mr. Amash

DECEMBER 19, 2011
Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]
To reduce the size of the Federal workforce through attrition, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. REDUCTION IN FEDERAL WORKFORCE.

(a) DEFINITION.—For the purpose of this section—

(1) the term “total number of Federal employ-
ees” means the total number of Federal employees
in all agencies;

(2) the term “Federal employee” means an em-
ployee 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 Account-
ability Office.

(b) LIMITATION.—The President, through the Office
of Management and Budget (in consultation with the Of-
face of Personnel Management), shall take appropriate
measures to ensure that, effective beginning in fiscal year
2015, the total number of Federal employees (as deter-
mined 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 deter-
mination 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 ap-
point no more than 1 employee for every 3 employees retir-
ing 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 Man-
agement 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.

(h) REDUCTION IN PROCUREMENT OF SERVICE CON-
TRACTS.—The President, through the Office of Management
and Budget and subject to subsection (e), shall take appro-
priate measures to ensure that there is a reduction in the
amount expended for the procurement of service contracts
in each fiscal year occurring after the date of the enactment
of this Act equal to the reduction in the amount expended
for the Federal workforce in each such fiscal year caused
by reason of the enactment of this Act.

(i) Report.—The Office of Management and Budget
shall submit a report to Congress detailing the effect of the
requirements under subsection (b) on programs, activities,
and services, including those provided to the general popu-
lation. In such a report, the Office of Management and
Budget shall pay special attention to any reductions that
will harm national security or endanger life, public health,
public safety, property, or the environment. Each report
shall be submitted annually, with the first report provided
within 30 days after the date of enactment of this Act.

(j) Regulations.—Any regulations necessary to
carry out this Act may be prescribed by the President or
his designee.
A BILL

[Report No. 112-334]

H. R. 3029

112TH CONGRESS
1ST SESSION

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