S. 1476

To reduce the size of the Federal workforce and Federal employee costs relating to pay, bonuses, and travel expenses.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2011

Mr. HATCH (for himself and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To reduce the size of the Federal workforce and Federal employee costs relating to pay, bonuses, and travel expenses.

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 “Federal Workforce Re-
duction and Reform Act of 2011”.

SEC. 2. FREEZE ON PAY AND Bonuses OF Federal EM-
ployees.

(a) Extension of Pay Freeze for Federal Em-
ployees to 3 Years.—Section 147 of the Continuing
Appropriations Act, 2011 (Public Law 111–242) is amended—

(1) in subsection (b)(1), by striking “December 31, 2012” and inserting “December 31, 2014”; and

(2) in subsection (c), by striking “December 31, 2012” and inserting “December 31, 2014”.

(b) 3-YEAR FREEZE ON BONUSES.—

(1) DEFINITIONS.—In this subsection—

(A) the term “agency” has the meaning given under section 4501(1) of title 5, United States Code; and

(B) the term “employee” has the meaning given under section 4501(2) of title 5, United States Code.

(2) FREEZE ON BONUSES.—Notwithstanding any other provision of law, during each of fiscal years 2012, 2013, and 2014, no agency may pay any bonus (including any recruitment or retention bonus) or any cash award (including any performance-based cash award under section 4505a of title 5, United States Code, or any similar provision of law) to any employee.

SEC. 3. REDUCTION IN FEDERAL WORKFORCE.

(a) DEFINITIONS.—In this section—
(1) the term “agency” means an Executive agency as defined under section 105 of title 5, United States Code, excluding the Government Accountability Office;

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

(3) the term “total number of Federal employees” means the total number of Federal employees in all agencies.

(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 2022, the total number of Federal employees shall not exceed 85 percent of the total number of Federal employees on September 30, 2011.

(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, 2021, 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.
(c) WAIVER.—This section may be waived upon a determination by the President that—

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

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

(f) COUNTING RULE.—For purposes of this section, any determination of the number of employees in an agency shall be expressed on a full-time equivalent basis.

(g) 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 section, except in cases in which a cost comparison demonstrates that such contracts would be to the financial advantage of the Government.

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

SEC. 4. REDUCTION IN CONTRACT EMPLOYEES.

(a) DEFINITIONS.—In this section, the term “agency” means an Executive agency as defined under 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 2022, the total number of contract employees shall not exceed 85 percent of the total number of contract employees on September 30, 2011.

(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 contract employees exceeds the maximum number allowable under subsection (b); and

(2) whenever a determination under paragraph (1) is made that the total number of contract 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, 2021, or any subsequent quarter, the Office of Management and Budget provides written notice under subsection (c)(2) that the total number of contract 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 contract 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.—This section may be waived upon a determination by the President that—

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

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

(f) COUNTING RULE.—For purposes of this section, any determination of the number of contact employees shall be expressed on a full-time equivalent basis.
(g) REGULATIONS.—Any regulations necessary to carry out this section may be prescribed by the President or his designee.

SEC. 5. LIMITATION OF GOVERNMENT TRAVEL COSTS.

(a) DEFINITION.—In this section, the term “agency”—

(1) has the meaning given under section 5701(1) of title 5, United States Code; and

(2) does not include the Department of Defense.

(b) LIMITATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount which is paid or reimbursed by an agency under subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses; mileage allowances for official travel by Federal employees) may not—

(A) for each of fiscal years 2012 and 2013, exceed 50 percent of the total amount so paid or reimbursed by such agency for fiscal year 2011; and

(B) for fiscal year 2014, exceed 25 percent of the total amount so paid or reimbursed by such agency for fiscal year 2011.
(2) EXCEPTIONS.—For purposes of carrying out paragraph (1), there shall not be taken into account the amounts paid or reimbursed for—

(A) any subsistence or travel expenses for threatened law enforcement personnel, as described in section 5706a of title 5, United States Code; or

(B) any other expenses for which an exception is established under paragraph (3) for reasons relating to national security or public safety.

(3) REGULATIONS.—Any regulations necessary to carry out this subsection shall, in consultation with the Director of the Office of Management and Budget, be prescribed by the same respective authorities as are responsible for prescribing regulations under section 5707 of title 5, United States Code.

(c) RESERVE TRAVEL AMOUNT.—

(1) DEFINITION.—In this subsection, the term “reserve travel amount” means an amount equal to 10 percent of the total amount of appropriations made available to an agency in any fiscal year for purposes of payment or reimbursement by that agency under subchapter I of chapter 57 of title 5,
United States Code (relating to travel and subsistence expenses; mileage allowances for official travel by Federal employees).

(2) REQUIREMENT.—For each of fiscal years 2012 through 2014, each agency shall have a reserve travel amount available for expenditure or obligation on September 1 of each such fiscal year for purposes of payment or reimbursement by that agency under subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses; mileage allowances for official travel by Federal employees).