To reduce the total number of civil service employees in the executive branch of the Government through attrition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2013

Mrs. LUMMIS (for herself and Mr. MULVANEY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To reduce the total number of civil service employees in the executive branch of the Government through attrition, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Workforce Reduction Through Attrition Act”.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(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;

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

(4) the term “quarter” means a period of 3 calendar months ending on March 31, June 30, September 30, or December 31; and

(5) the term “baseline quarter” means the quarter in which occurs the date of the enactment of this Act.

SEC. 3. WORKFORCE LIMITS AND REDUCTIONS.

(a) IN GENERAL.—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 with respect to each quarter beginning after the date of the enactment of this Act, the total number of Federal employees determined for such quarter does not exceed the applicable maximum for such quarter.

(b) APPLICABLE MAXIMUM.—For purposes of this Act, the “applicable maximum” for a quarter is—
(1) in the case of a quarter before the target-attainment quarter, the number equal to—

(A) the total number of Federal employees determined for the baseline quarter, reduced by

(B) \( \frac{2}{3} \) of the number of Federal employees separating from agencies during the period—

(i) beginning on the first day following the baseline quarter; and

(ii) ending on the last day of the quarter to which the applicable maximum is being applied; and

(2) in the case of the target-attainment quarter and any subsequent quarter, the number equal to 90 percent of the total number of Federal employees as of September 30, 2012.

(e) TARGET-ATTAINMENT QUARTER.—For purposes of this Act, the term “target-attainment quarter” means the earlier of—

(1) the first quarter (subsequent to the baseline quarter) for which the total number of Federal employees does not exceed 90 percent of the total number of Federal employees as of September 30, 2012; or

(2) the quarter ending on September 30, 2015.

(d) METHOD FOR ACHIEVING COMPLIANCE.—
(1) IN GENERAL.—Except as provided in paragraph (2), any reductions necessary in order to achieve compliance with subsection (a) shall be made through attrition.

(2) EXCEPTION.—If, for any quarter, the total number of Federal employees exceeds the applicable maximum for such quarter, then, until the first succeeding quarter for which such total number is determined not to exceed the applicable maximum for such succeeding quarter, reductions shall be made through both attrition and a freeze on appointments.

(e) COUNTING RULES.—For purposes of this Act—

(1) any determination of the total number of Federal employees or the number of Federal employees separating from agencies shall be made—

(A) on a full-time equivalent basis; and

(B) under section 4; and

(2) any determination of the total number of Federal employees for a quarter shall be made as of such date or otherwise on such basis as the Office of Management of Budget (in consultation with the Office of Personnel Management) considers to be representative and feasible.

(f) WAIVER AUTHORITY.—The President may waive any of the preceding provisions of this section, with re-
spect to an individual appointment, upon a determination by the President that such appointment is necessary due to—

(1) a state of war or for reasons of national security; or

(2) an extraordinary emergency threatening life, health, safety, or property.

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

SEC. 4. MONITORING AND NOTIFICATION.

The Office of Management and Budget (in consultation with the Office of Personnel Management) shall—

(1) continuously monitor all agencies and, for each quarter to which the requirements of section 3(a) apply, determine whether or not such requirements have been met; and

(2) not later than 14 days after the end of each quarter described in paragraph (1), submit to the
President and each House of Congress, a written determination as to whether or not the requirements of section 3(a) have been met.

SEC. 5. REGULATIONS.

Any regulations necessary to carry out this Act may be prescribed by the President or his designee.