

113TH CONGRESS  
1ST SESSION

# H. R. 824

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

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## 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

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## A BILL

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

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Workforce Re-

5       duction Through Attrition Act”.

6       **SEC. 2. DEFINITIONS.**

7       For purposes of this Act—

8               (1) the term “total number of Federal employ-

9       ees” means the total number of Federal employees

10       in all agencies;

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

4           (3) the term “agency” means an executive  
5           agency as defined by section 105 of title 5, United  
6           States Code, excluding the Government Account-  
7           ability Office;

8           (4) the term “quarter” means a period of 3 cal-  
9           endar months ending on March 31, June 30, Sep-  
10          tember 30, or December 31; and

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

14 **SEC. 3. WORKFORCE LIMITS AND REDUCTIONS.**

15          (a) IN GENERAL.—The President, through the Office  
16          of Management and Budget (in consultation with the Of-  
17          fice of Personnel Management), shall take appropriate  
18          measures to ensure that, effective with respect to each  
19          quarter beginning after the date of the enactment of this  
20          Act, the total number of Federal employees determined  
21          for such quarter does not exceed the applicable maximum  
22          for such quarter.

23          (b) APPLICABLE MAXIMUM.—For purposes of this  
24          Act, the “applicable maximum” for a quarter is—

1 (1) in the case of a quarter before the target-  
2 attainment quarter, the number equal to—

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

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

7 (i) beginning on the first day fol-  
8 lowing the baseline quarter; and

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

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

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

19 (1) the first quarter (subsequent to the baseline  
20 quarter) for which the total number of Federal em-  
21 ployees does not exceed 90 percent of the total num-  
22 ber of Federal employees as of September 30, 2012;  
23 or

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

25 (d) METHOD FOR ACHIEVING COMPLIANCE.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), any reductions necessary in order to  
3           achieve compliance with subsection (a) shall be made  
4           through attrition.

5           (2) EXCEPTION.—If, for any quarter, the total  
6           number of Federal employees exceeds the applicable  
7           maximum for such quarter, then, until the first suc-  
8           ceeding quarter for which such total number is de-  
9           termined not to exceed the applicable maximum for  
10          such succeeding quarter, reductions shall be made  
11          through both attrition and a freeze on appointments.

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

13           (1) any determination of the total number of  
14          Federal employees or the number of Federal employ-  
15          ees separating from agencies shall be made—

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

17                   (B) under section 4; and

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

24          (f) WAIVER AUTHORITY.—The President may waive  
25          any of the preceding provisions of this section, with re-

1 spect to an individual appointment, upon a determination  
2 by the President that such appointment is necessary due  
3 to—

4           (1) a state of war or for reasons of national se-  
5           curity; or

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

8           (g) **LIMITATION ON PROCUREMENT OF SERVICE**  
9 **CONTRACTS.**—The President, through the Office of Man-  
10 agement and Budget (in consultation with the Office of  
11 Personnel Management), shall take appropriate measures  
12 to ensure that there is no increase in the procurement of  
13 service contracts by reason of the enactment of this Act,  
14 except in cases in which a cost comparison demonstrates  
15 that such contracts would be to the financial advantage  
16 of the Government.

17 **SEC. 4. MONITORING AND NOTIFICATION.**

18           The Office of Management and Budget (in consulta-  
19 tion with the Office of Personnel Management) shall—

20           (1) continuously monitor all agencies and, for  
21           each quarter to which the requirements of section  
22           3(a) apply, determine whether or not such require-  
23           ments have been met; and

24           (2) not later than 14 days after the end of each  
25           quarter described in paragraph (1), submit to the

1       President and each House of Congress, a written de-  
2       termination as to whether or not the requirements of  
3       section 3(a) have been met.

4 **SEC. 5. REGULATIONS.**

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

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