

Union Calendar No. 225

112TH CONGRESS
1ST SESSION

H. R. 3029

[Report No. 112-334]

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. FARENTHOLD, 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*]

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 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 “Reducing the Size of
5 the Federal Government Through Attrition Act of 2011”.

6 **SEC. 2. REDUCTION IN FEDERAL WORKFORCE.**

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

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

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

14 (3) the term “agency” means an Executive
15 agency as defined by section 105 of title 5, United
16 States Code, excluding the Government Account-
17 ability Office.

18 (b) LIMITATION.—The President, through the Office
19 of Management and Budget (in consultation with the Of-
20 fice of Personnel Management), shall take appropriate
21 measures to ensure that, effective beginning in fiscal year
22 2015, the total number of Federal employees (as deter-
23 mined under subsection (c)) shall not exceed 90 percent
24 of the total number of Federal employees as of September
25 30, 2011 (as so determined).

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

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

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

17 (d) COMPLIANCE.—Whenever, with respect to the
18 quarter ending on September 30, 2014, or any subsequent
19 quarter, the Office of Management and Budget provides
20 written notice under subsection (c)(2) that the total num-
21 ber of Federal employees exceeds the maximum number
22 allowable under subsection (b), no agency may thereafter
23 appoint any employee to fill any vacancy within such agen-
24 cy until the Office of Management and Budget provides
25 written notice to the President and Congress of a deter-

1 mination under subsection (c)(1) that the total number
2 of Federal employees no longer exceeds the maximum
3 number allowable under subsection (b). Any notice under
4 the preceding sentence shall be provided within 14 days
5 after the last day of the quarter to which the determina-
6 tion relates.

7 (e) WAIVER.—

8 (1) EMERGENCIES.—This section may be
9 waived upon a determination by the President
10 that—

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

13 (B) the existence of an extraordinary
14 emergency threatening life, health, public safe-
15 ty, property, or the environment so requires.

16 (2) AGENCY EFFICIENCY OR CRITICAL MIS-
17 SION.—This section may be waived, with respect to
18 a particular position or category of positions in an
19 agency, upon a determination by the President that
20 the efficiency of the agency or the performance of a
21 critical agency mission so requires.

22 (f) REPLACEMENT RATE.—To the extent necessary
23 to achieve the workforce reduction required by subsection
24 (b), the Office of Management and Budget (in consulta-
25 tion with the Office of Personnel Management) shall take

1 appropriate measures to ensure that agencies shall ap-
2 point no more than 1 employee for every 3 employees retir-
3 ing or otherwise separating from Government service after
4 the date of the enactment of this Act. This subsection
5 shall cease to apply after September 30, 2014.

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

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

18 (h) *REDUCTION IN PROCUREMENT OF SERVICE CON-*
19 *TRACTS.*—*The President, through the Office of Management*
20 *and Budget and subject to subsection (e), shall take appro-*
21 *priate measures to ensure that there is a reduction in the*
22 *amount expended for the procurement of service contracts*
23 *in each fiscal year occurring after the date of the enactment*
24 *of this Act equal to the reduction in the amount expended*

1 *for the Federal workforce in each such fiscal year caused*
2 *by reason of the enactment of this Act.*

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

13 (†) (j) *REGULATIONS.—Any regulations necessary to*
14 *carry out this Act may be prescribed by the President or*
15 *his designee.*

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