

112TH CONGRESS  
1ST SESSION

# S. 1611

To reduce the size of the Federal workforce through attrition, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2011

Mr. JOHNSON of Wisconsin (for himself, Ms. AYOTTE, Mr. PAUL, and Mr. JOHANNIS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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;

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

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           (b) LIMITATION.—The President, through the Office  
9           of Management and Budget (in consultation with the Of-  
10          fice of Personnel Management), shall take appropriate  
11          measures to ensure that, effective beginning in fiscal year  
12          2015, the total number of Federal employees (as deter-  
13          mined under subsection (c)) shall not exceed 90 percent  
14          of the total number of Federal employees as of September  
15          30, 2011 (as so determined).

16          (c) MONITORING AND NOTIFICATION.—The Office of  
17          Management and Budget (in consultation with the Office  
18          of Personnel Management)—

19                 (1) shall continuously monitor all agencies and  
20                 make a determination, as of September 30, 2011,  
21                 and the last day of each quarter of each fiscal year  
22                 beginning thereafter, as to whether or not the total  
23                 number of Federal employees exceeds the maximum  
24                 number allowable under subsection (b); and

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

8           (d) COMPLIANCE.—Whenever, with respect to the  
9           quarter ending on September 30, 2014, or any subsequent  
10          quarter, the Office of Management and Budget provides  
11          written notice under subsection (c)(2) that the total num-  
12          ber of Federal employees exceeds the maximum number  
13          allowable under subsection (b), no agency may thereafter  
14          appoint any employee to fill any vacancy within such agen-  
15          cy until the Office of Management and Budget provides  
16          written notice to the President and Congress of a deter-  
17          mination under subsection (c)(1) that the total number  
18          of Federal employees no longer exceeds the maximum  
19          number allowable under subsection (b). Any notice under  
20          the preceding sentence shall be provided within 14 days  
21          after the last day of the quarter to which the determina-  
22          tion relates.

23          (e) WAIVER.—

1           (1) EMERGENCIES.—This section may be  
2           waived upon a determination by the President  
3           that—

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

6                   (B) the existence of an extraordinary  
7                   emergency threatening life, health, public safe-  
8                   ty, property, or the environment so requires.

9           (2) AGENCY EFFICIENCY OR CRITICAL MIS-  
10           SION.—This section may be waived, with respect to  
11           a particular position or category of positions in an  
12           agency, upon a determination by the President that  
13           the efficiency of the agency or the performance of a  
14           critical agency mission so requires.

15           (f) REPLACEMENT RATE.—To the extent necessary  
16           to achieve the workforce reduction required by subsection  
17           (b), the Office of Management and Budget (in consulta-  
18           tion with the Office of Personnel Management) shall take  
19           appropriate measures to ensure that agencies shall ap-  
20           point no more than 1 employee for every 3 employees retir-  
21           ing or otherwise separating from Government service after  
22           the date of the enactment of this Act. This subsection  
23           shall cease to apply after September 30, 2014.

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

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

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