

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3029
OFFERED BY MR. LYNCH OF MASSACHUSETTS**

Strike all after the enacting clause and insert the following:

1 SEC. 1. FINDINGS.

2 Congress finds the following:

3 (1) The Budget Control Act of 2011 includes
4 substantial cuts to discretionary spending for fiscal
5 years 2012 through 2021.

6 (2) Federal agency managers will be faced with
7 difficult decisions on how best to accomplish their
8 missions with fewer resources.

9 (3) Capping the number of Federal employee
10 positions able to be filled at each Federal agency, by
11 arbitrarily setting an attrition replacement rate and
12 without regard to the impact on particular programs
13 or services, severely limits the ability of agency
14 heads to manage their budgets.

15 SEC. 2. DEFINITIONS.

16 In this Act—

1 (1) the term “agency” means an Executive
2 agency as defined by section 105 of title 5, United
3 States Code; and

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

7 **SEC. 3. PROHIBITION OF CERTAIN PERSONNEL MANAGE-**
8 **MENT LIMITATIONS.**

9 (a) **IN GENERAL.**—In addition to the requirements
10 in law with respect to the management of Federal employ-
11 ees, in each fiscal year Federal employees shall be man-
12 aged by each agency in a manner that is consistent with
13 the following factors:

14 (1) The workload required to carry out the
15 functions and activities of that agency.

16 (2) The funds made available to that agency for
17 that fiscal year.

18 (b) **PROHIBITION ON LIMITATIONS.**—Notwith-
19 standing any other provision of law—

20 (1) the management of Federal employees in
21 any fiscal year shall not be subject to any limitation
22 on the number of full-time equivalent positions or
23 the maximum number of Federal employees; and

1 (2) an agency may not be required to make a
2 reduction in the number of full-time equivalent posi-
3 tions, unless that reduction is—

4 (A) necessary due to a reduction in funds
5 available to the agency; or

6 (B) required under a statute that—

7 (i) is enacted after the date of enact-
8 ment of this Act; and

9 (ii) specifically refers to this section

10 **SEC. 4. EMPLOYEE NUMBERS, SKILLS, AND QUALIFICA-**
11 **TIONS.**

12 In each fiscal year, the head of each agency shall en-
13 sure that there are employed during that fiscal year Fed-
14 eral employees in the number and with the combination
15 of skills and qualifications that are necessary to carry out
16 the functions within the applicable budget activity for
17 which funds are provided for such fiscal year.

18 **SEC. 5. REPORTS.**

19 (a) **IN GENERAL.**—Not later than February 1 of each
20 year, the Director of the Office of Management and Budg-
21 et shall submit to the Committee on Oversight and Gov-
22 ernment Reform of the House of Representatives and the
23 Committee on Homeland Security and Governmental Af-
24 fairs of the Senate a report on the management of the
25 Federal workforce.

1 (b) CONTENTS.—Each report submitted under this
2 section shall include a statement by the Director of the
3 Office of Management and Budget with respect to the pre-
4 ceding fiscal year—

5 (1) on the compliance of agencies (including the
6 Office of Management and Budget) with sections 3
7 and 4; and

8 (2) that identifies any agency that was not in
9 compliance with sections 3 and 4.

10 **SEC. 6. EFFECTIVE DATE.**

11 This Act shall apply to fiscal year 2012 and each fis-
12 cal year thereafter.

