

111TH CONGRESS
2^D SESSION

H. R. 5348

To amend title 5, United States Code, to reduce the number of civil service positions within the executive branch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2010

Mrs. LUMMIS (for herself, Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. PENCE, Mr. POSEY, Mr. NEUGEBAUER, Mr. PITTS, Mr. HUNTER, Mr. FRANKS of Arizona, Mr. CAMPBELL, Mr. LUETKEMEYER, Mr. AKIN, Ms. FALLIN, and Mr. GINGREY of Georgia) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to reduce the number of civil service positions within the executive branch, 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 Act of 2010".

6 **SEC. 2. REDUCING THE NUMBER OF FEDERAL EMPLOYEES.**

7 Section 3101 of title 5, United States Code, is
8 amended—

1 (1) by striking “Each Executive agency” and
2 inserting “(a) IN GENERAL.—Subject to subsection
3 (b), each Executive agency”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(b) REDUCTION IN NUMBER OF EMPLOYEES.—

7 “(1) HIRING FREEZE.—Except as provided in
8 paragraph (2), during fiscal year 2011 and each suc-
9 ceeding fiscal year for which the Director of the Of-
10 fice of Management and Budget (in such manner as
11 the Director determines to be appropriate) projects
12 a Federal budget deficit, the head of an Executive
13 agency may not appoint any individual to a position
14 in the agency.

15 “(2) PERMITTING APPOINTMENTS FROM FED-
16 ERAL WORKFORCE HIRING POOL.—

17 “(A) ESTABLISHMENT OF POOL.—The
18 President shall establish a Federal workforce
19 hiring pool consisting of positions which may be
20 allocated among all Executive agencies.

21 “(B) PROCEDURES.—The head of an Ex-
22 ecutive agency may appoint an individual to a
23 position in the agency if—

24 “(i) there is a position available in the
25 Federal workforce hiring pool;

1 “(ii) the head of the Executive agency
2 submits a request to the President for the
3 allocation of a position in the Federal
4 workforce hiring pool to the agency for
5 purposes of making an appointment; and

6 “(iii) the President approves the re-
7 quest.

8 “(C) PROCESS AND CRITERIA FOR APPROV-
9 ING REQUESTS.—The President shall promul-
10 gate regulations—

11 “(i) setting forth the process by which
12 the head of an Executive agency may make
13 a request under this subsection; and

14 “(ii) setting forth the criteria by
15 which the President shall determine on a
16 competitive basis whether to approve a re-
17 quest by the head of an Executive agency
18 under this subsection.

19 “(D) NUMBER OF POSITIONS IN POOL.—

20 “(i) INITIAL NUMBER.—As of the first
21 day of fiscal year 2011, the number of po-
22 sitions in the Federal workforce hiring pool
23 shall equal zero.

24 “(ii) CHANGES TO INITIAL NUM-
25 BER.—After the first day of fiscal year

1 2011, the number of positions in the Fed-
2 eral workforce hiring pool—

3 “(I) shall increase by .50 for
4 each full-time-equivalent position in
5 any Executive agency which subse-
6 quently becomes vacant; and

7 “(II) shall decrease by 1.0 for
8 each request for a full-time equivalent
9 position which is approved by the
10 President under this subsection.

11 “(3) WAIVER IN CASE OF EMERGENCY OR NEED
12 TO PROTECT NATIONAL SECURITY.—The President
13 may waive this subsection with respect to the hiring
14 of an employee for a position upon a determination
15 by the President that—

16 “(A) the existence of a state of war or
17 other national security concern so requires; or

18 “(B) the existence of an extraordinary
19 emergency threatening life, health, safety, or
20 property so requires.

21 “(4) ACTION THROUGH OPM.—The President
22 shall carry out this subsection through the Director
23 of the Office of Personnel Management, who shall
24 consult with the Director of the Office of Manage-
25 ment and Budget.

1 “(5) REPORTS TO CONGRESS.—

2 “(A) IN GENERAL.—Not later than 90
3 days after the end of each quarter of a fiscal
4 year, the President shall provide Congress with
5 a report containing a list of each appointment
6 approved by the President under this subsection
7 during the quarter, broken down by executive
8 agency.

9 “(B) INFORMATION INCLUDED.—The list
10 contained in a report provided to Congress
11 under subparagraph (A) shall include a descrip-
12 tion of the position associated with each ap-
13 proved appointment, but shall not provide any
14 information that may be used to identify the in-
15 dividual appointed to the position.

16 “(C) PUBLIC DISSEMINATION.—The Presi-
17 dent shall make each report provided to Con-
18 gress under subparagraph (A) available to the
19 public by posting the report on the official pub-
20 lic website of the Executive Office of the Presi-
21 dent in a searchable, sortable, and download-
22 able manner.

23 “(6) EXCLUSION OF CERTAIN EXECUTIVE
24 AGENCIES.—This subsection does not apply to—

25 “(A) the Department of Defense;

1 “(B) the Department of Homeland Secu-
2 rity; or

3 “(C) the Department of Veterans’ Af-
4 fairs.”.

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