

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3747

To provide for a reduction and limitation on the total number of Federal employees, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Mr. HATCH 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 provide for a reduction and limitation on the total number of Federal employees, 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 “Reduce and Cap the  
5 Federal Workforce Act of 2010”.

6 **SEC. 2. REDUCTION AND LIMITATION ON THE TOTAL NUM-**  
7 **BER OF FEDERAL EMPLOYEES.**

8 (a) DEFINITION.—In this Act—

9 (1) the term “agency”—

1 (A) means an executive agency as defined  
 2 under section 105 of title 5, United States  
 3 Code; and

4 (B) shall not include—

5 (i) the Executive Office of the Presi-  
 6 dent;

7 (ii) the Central Intelligence Agency;

8 (iii) the Federal Bureau of Investiga-  
 9 tion; or

10 (iv) the Secret Service; and

11 (2) the term “employee”—

12 (A) means an employee of any agency; and

13 (B) shall not include any employee—

14 (i) employed by a Federal entity de-  
 15 scribed under paragraph (1)(B); or

16 (ii) designated by the Director of Na-  
 17 tional Intelligence for exclusion for pur-  
 18 poses of national security.

19 (b) AGENCIES OTHER THAN THE DEPARTMENT OF  
 20 DEFENSE AND THE DEPARTMENT OF HOMELAND SECU-  
 21 RITY.—

22 (1) DETERMINATION OF NUMBER OF EMPLOY-  
 23 EES.—Not later than 90 days after the date of en-  
 24 actment of this Act, the head of each agency (other  
 25 than the Department of Defense and the Depart-

1 ment of Homeland Security) shall collaborate with  
2 the Director of the Office of Management and Budg-  
3 et and determine—

4 (A) the number of full-time employees em-  
5 ployed in that agency on February 16, 2009;  
6 and

7 (B) the number of full-time employees em-  
8 ployed in that agency at the end of that 90-day  
9 period.

10 (2) REDUCTIONS BY ATTRITION.—If the num-  
11 ber of full-time employees employed in an agency de-  
12 termined under paragraph (1)(A) is less than the  
13 number of full-time employees employed in that  
14 agency on the date occurring 90 days after the date  
15 of enactment of this Act, the head of that agency  
16 shall ensure that no individual is appointed as a full-  
17 time employee in that agency until the number of  
18 full-time employees employed in that agency is re-  
19 duced by attrition to that number determined under  
20 paragraph (1)(A).

21 (3) OFFSET IN NUMBER OF EMPLOYEES.—

22 (A) IN GENERAL.—After an agency has  
23 reached the number of full-time employees to be  
24 in compliance with paragraph (2), the head of  
25 that agency shall ensure that the number of

1 full-time employees in that agency is offset by  
2 a reduction of 1 full-time employee at that  
3 agency for each individual who is appointed as  
4 a full-time employee in any agency.

5 (B) OFFSET IF REDUCTIONS UNNECES-  
6 SARY.—If the number of full-time employees  
7 employed in an agency determined under para-  
8 graph (1)(A) is more than the number of full-  
9 time employees employed in that agency on the  
10 date occurring 90 days after the date of enact-  
11 ment of this Act, the head of that agency shall  
12 ensure that the number of full-time employees  
13 in that agency is offset by a reduction of 1 full-  
14 time employee at that agency for each indi-  
15 vidual who is appointed as a full-time employee  
16 in any agency.

17 (c) DEPARTMENT OF DEFENSE AND THE DEPART-  
18 MENT OF HOMELAND SECURITY.—

19 (1) DETERMINATION OF NUMBER OF EMPLOY-  
20 EES.—Not later than 90 days after the date of en-  
21 actment of this Act, the Secretary of Defense and  
22 the Secretary of Homeland Security shall collaborate  
23 with the Director of the Office of Management and  
24 Budget and determine the number of full-time em-  
25 ployees employed in the Department of Defense and

1 the Department of Homeland Security at the end of  
2 that 90-day period.

3 (2) OFFSET IN NUMBER OF EMPLOYEES.—  
4 After the 90-day period described under paragraph  
5 (1), the Secretary of Defense and the Secretary of  
6 Homeland Security shall ensure that the number of  
7 full-time employees in the Department of Defense  
8 and the Department of Homeland Security deter-  
9 mined under paragraph (1) is offset by a reduction  
10 of 1 full-time employee at the applicable department  
11 for each individual who is appointed as a full-time  
12 employee in that department.

13 (d) INFORMATION ON TOTAL EMPLOYEES.—

14 (1) IN GENERAL.—Except as provided under  
15 paragraph (2), the Director of the Office of Manage-  
16 ment and Budget shall—

17 (A) publicly disclose—

18 (i) the total number of Federal em-  
19 ployees;

20 (ii) the number of Federal employees  
21 in each agency; and

22 (iii) the annual rate of pay by title of  
23 each Federal employee at each agency; and

1           (B) update the information described  
2           under subparagraph (A) not less than once a  
3           year.

4           (2) NATIONAL SECURITY EXCEPTION.—The Di-  
5           rector of National Intelligence may exclude any em-  
6           ployee from information to be disclosed under para-  
7           graph (1) for purposes of national security.

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