

117TH CONGRESS  
2D SESSION

# S. 4910

To amend title 5, United States Code, to require the Office of Personnel Management to annually collect data relating to the Federal workforce, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2022

Mr. LANKFORD 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 amend title 5, United States Code, to require the Office of Personnel Management to annually collect data relating to the Federal workforce, 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 Human Cap-  
5 ital Transparency Act”.

6 **SEC. 2. BLENDED FEDERAL WORKFORCE.**

7 (a) IN GENERAL.—Section 1103(c) of title 5, United  
8 States Code, is amended—

9 (1) in paragraph (1)—

1 (A) by striking “(c)(1)” and inserting  
2 “(c)(1)(A)”; and

3 (B) by adding at the end the following:

4 “(B)(i) The Office of Personnel Management shall  
5 collect from Executive agencies, other than elements of the  
6 intelligence community (as defined in section 3(4) of the  
7 National Security Act of 1947 (50 U.S.C. 3003(4))), on  
8 at least an annual basis the following:

9 “(I) The total number of persons employed di-  
10 rectly by the Executive agency.

11 “(II) The total number of prime contractor em-  
12 ployees and subcontractor employees, as those terms  
13 are defined in section 8701 of title 41, issued cre-  
14 dentials allowing access to Executive agency prop-  
15 erty or computer systems.

16 “(III) The total number of employees of Fed-  
17 eral grant and cooperative agreement recipients, as  
18 those legal instruments are described in sections  
19 6304 and 6305 of title 31, respectively, who are  
20 issued credentials allowing access to Executive agen-  
21 cy property or computer systems.

22 “(IV) A total count of the workforce of the Ex-  
23 ecutive agency, including employees, prime con-  
24 tractor employees, subcontractor employees, grantee  
25 employees, and cooperative agreement employees.

1       “(ii) The Office of Personnel Management shall com-  
2 pile the data collected under clause (i) and issue, and post  
3 on its website, an annual report containing the data.”; and

4               (2) in paragraph (2), by striking “paragraph  
5 (1)” and inserting “paragraph (1)(A)”.

6       (b) SENSE OF CONGRESS ON EFFECTIVE AND EFFI-  
7 CIENT MANAGEMENT OF THE BLENDED FEDERAL WORK-  
8 FORCE.—

9               (1) DEFINITION.—In this subsection, the term  
10 “Executive agency” has the meaning given the term  
11 in section 105 of title 5, United States Code.

12              (2) FINDINGS.—Congress finds the following:

13                   (A) The implementation of Federal laws  
14 and the competent administration of Federal  
15 programs require skilled and capable personnel.

16                   (B) Executive agencies depend on a blend-  
17 ed workforce that includes Federal employees,  
18 employees of prime contractors and subcontractors  
19 performing services to Executive agencies,  
20 and employees of State or local governments,  
21 nonprofit organizations, or institutions of high-  
22 er education performing services to Executive  
23 agencies under the terms of grants and cooper-  
24 ative agreements (referred to in this subsection  
25 as “grantees”), all of whom make essential con-

1           tributions to achieving the missions of the Fed-  
2           eral Government in service to the people of the  
3           United States.

4           (C) Approximately 2,000,000 Federal em-  
5           ployees help to execute the laws of the United  
6           States, supplemented by an unknown number,  
7           estimated to exceed 5,000,000, of employees of  
8           prime contractors, subcontractors, and grantees  
9           providing services to Executive agencies.

10          (D) Policymakers, Executive agencies, and  
11          observers have often focused on individual com-  
12          ponents of the blended workforce, such as em-  
13          ployees, without considering all components or  
14          considering the entire blended workforce and  
15          how all 3 components can work most effectively  
16          together.

17          (E) Executive agencies inhibit their own  
18          workforce planning and risk making decisions  
19          that may reduce the overall efficiency and cost  
20          effectiveness of the blended workforce by focus-  
21          ing on only 1 component in isolation.

22          (F) Establishing artificial limits on  
23          headcounts or full-time equivalent positions for  
24          Federal employees, administrators, and mana-  
25          gerial employees of Executive agencies may dis-

1 courage the employment of interns or entry-  
2 level employees to build a balanced employment  
3 pipeline and may inadvertently encourage man-  
4 agers to shift work to contractors and grantees  
5 for the purpose of complying with such numer-  
6 ical limits, even if those decisions are not justi-  
7 fied by an approach to improve the efficiency or  
8 cost effectiveness of the Executive agency's  
9 work.

10 (G) The Government Accountability Office  
11 has identified strategic human capital manage-  
12 ment as a high-risk area for the Federal Gov-  
13 ernment, adding that critical skills gaps “im-  
14 pede the government from cost-effectively serv-  
15 ing the public and achieving results”.

16 (3) SENSE OF CONGRESS.—It is the sense of  
17 Congress that Executive agencies should—

18 (A) manage the entire Federal blended  
19 workforce, including employees, contractors,  
20 and grantees, using a comprehensive and holis-  
21 tic approach to advance their missions as effec-  
22 tively and cost efficiently as possible, within ap-  
23 propriated budgets and without using artificial  
24 numerical limits on headcounts or full-time-  
25 equivalent positions; and

1                   (B) conduct a holistic review of their  
2                   blended workforce and develop a comprehensive  
3                   plan to ensure an efficient and cost-effective  
4                   blended workforce.

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