

CONGRESS SHOULD REMOVE NON-ESSENTIAL AGENCIES AND BUREAUS

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On October 1, 2025, the federal government entered a “[shutdown](#)” due to a lapse in appropriations. This caused much consternation in Washington, DC, home to the largest number of federal agencies and bureaucrats. As with previous shutdowns, there has been interest in how much of the federal apparatus is affected.

Legislators should reconsider the size and scope of the federal government in light of the distinction between essential and non-essential work outlined below.

Maintaining Functions & Retaining Employees

Some programs and bureaus are fully funded outside of regular appropriations, meaning they can continue operating during a shutdown. Other federal functions are maintained based on a [handful of factors](#), including:

- If “a statute or court order expressly authorizes or requires an agency to obligate funds in advance of appropriations.”
- If “suspension of that subject function would prevent or significantly damage the execution of the other lawfully continuing functions.”
- If “the subject function addresses emergency circumstances such that the suspension of the function would imminently threaten the safety of human life or the protection of property.”
- If “the subject function is necessary to discharge the President's Constitutional duties and powers.”

Federal agencies produce [shutdown plans](#) to identify which activities are essential based on the above criteria, and in turn which workers are essential or non-essential to perform those duties.

Different presidential administrations produce different shutdown plans. However, the Trump and Biden Administration plans have many similarities.

The tables below compare shutdown contingency plans of the Trump Administration and the Biden Administration with respect to shares of federal employees deemed essential by both administrations.

Federal Agencies with more than 65% of Employees Deemed Essential by Both Administrations

Agency	Percent Essential Employees Retained	
	Trump	Biden
Department of Homeland Security	95%	89%
Department of Justice	89%	84%
Department of Transportation	77%	67%
Department of Veterans Affairs	97%	96%
Office of Personnel Management	90%	80%
Small Business Administration	77%	80%
United States Army Corps of Engineers	97%	95%
Social Security Administration	88%	86%

In addition to the high-retention agencies above, all non-civilian military personnel on active duty continue to report during a funding lapse.

Federal Agencies with fewer than 30% of Employees Deemed Essential by Both Administrations

Agency	Percent Essential Employees Retained	
	Trump	Biden
Department of Commerce	19%	16%
Department of Education	13%	11%
Department of Housing and Urban Development	29%	20%
Department of Labor	24%	27%
Environmental Protection Agency	11%	12%
Federal Communications Commission	19%	16%
National Aeronautics and Space Administration	17%	7%
National Science Foundation	27%	24%
Securities and Exchange Commission	9%	8%

There are also published plans for many bureaus nested within agencies. For example, while both administrations retain most employees in the US Department of Health and Human Services (HHS) during a shutdown, there is significant variance between HHS Operating Divisions. The table below lists HHS Operating Divisions that have retention levels below 30 percent in both administrations.

HHS Operating Divisions with fewer than 30% of Employees Deemed Essential by Both Administrations

Operating Division	Percent Essential Employees Retained	
	Trump	Biden
Administration for Community Living	18%	12%
Agency for Healthcare Research and Quality	10%	13%
National Institutes of Health	25%	23%
Substance Abuse and Mental Health Services Administration	13%	16%

Congress Should Streamline Non-Essential Federal Activity

The federal government is unmanageably large.

- The [Federal Program Inventory](#) lists 2,623 discrete programs. In turn, these programs are operated by a maze of hundreds of agencies and bureaus, many of which Congress has not reauthorized [in decades](#) (if ever).
- While final fiscal year 2025 budgetary numbers are not yet available, based on the [most recent data](#), federal spending was likely greater than \$7 trillion and the deficit close to \$2 trillion.
- The [gross national debt](#) is on pace to breach the \$38 trillion mark before the end of the 2025 calendar year. The combined unfunded liabilities for [Social Security](#) and [Medicare](#) are more than twice as large as the debt.
- The Legislative Branch, tasked with authorizing and overseeing the federal government (along with addressing concerns from more than 340 million constituents) accounts for less than 1% of federal civilian employment and roughly 0.1% of all federal spending.
 - The immense effort required by Congress to pass appropriations for the entire bloated federal government makes it more difficult to do so in a timely fashion, increasing the likelihood of shutdowns.

An unwillingness to prioritize essential federal responsibilities not only threatens to move the government over the [fiscal red line](#), but also leads to the degradation of governance as a whole. The general sense that there is no meaningful limit on federal activity breeds a political culture that encourages [lobbyists](#) and [state officials](#) to curry favor with Congress in exchange for taxpayer-funded handouts.

There is a correlation between whether an agency or bureau has a low level of employees deemed essential and whether said agency or bureau's functions are wasteful or could be better managed by civil society or [state and local governments](#).

For example, the US Department of Education has utterly failed in its stated mission of improving educational outcomes, and has instead caused a flourishing of non-teaching bureaucrats at all levels of government. Education is not an essential area of federal activity (as demonstrated by the Biden Administration only deeming 11% of its employees essential). Congress should eliminate the department, as President Trump has directed by Executive Order, and return educational prerogatives to the states.

It should go without saying that shutdown plans ought not be the sole determining factor regarding whether to continue or phase out an area of federal activity. Some wasteful bureaus and programs are unaffected by federal shutdowns because their funding does not flow from annual appropriations. Nearly 40% of the federal workforce (more than 861,000 employees) at major agencies are financed by autopilot “mandatory” funding or multi-year appropriations. Rather, shutdown plans provide Members of Congress with another perspective on the federal government when deliberating appropriations and reauthorizations.

Congress should soberly consider how many federal bureaus and programs are truly essential, and how many primarily exist for political patronage or out of a desire to have Washington elites micromanage aspects of American life. Taxpayer dollars should then be prioritized to match those determinations.

Removing non-essential and wasteful parts of the federal government would reduce deficits, focus attention on core responsibilities, and improve the nation’s democratic health. Congress should begin this work as soon as possible.