

AMENDMENT TO H.R. 2810
OFFERED BY MR. CALVERT OF CALIFORNIA

At the appropriate place in title XI, insert the following:

1 **SEC. ____ . LIMITATION ON NUMBER OF EMPLOYEES IN THE**
2 **DEPARTMENT OF DEFENSE.**

3 (a) **LIMITATION ON FTEs.—**

4 (1) **IN GENERAL.—**Notwithstanding the re-
5 quirements of section 129 of title 10, United States
6 Code, and consistent with the requirements of sub-
7 section (d), in each of fiscal years 2024 through
8 2028, the number of full-time equivalent civilian po-
9 sitions in the Department of Defense may not be
10 greater than 85 percent of the number of such posi-
11 tions at the Department as of September 30, 2018,
12 as determined by the Director of the Office of Per-
13 sonnel Management.

14 (2) **SES.—**Of the positions permitted pursuant
15 to paragraph (1) for fiscal years 2024 through 2028
16 at the Department of Defense, not more than 1,000
17 may be career appointee (as defined in section
18 3132(a)(4) of title 5, United States Code) positions
19 within the Senior Executive Service.

1 (b) VOLUNTARY REDUCTIONS.—To achieve the re-
2 ductions in personnel required by subsection (a), the Sec-
3 retary of Defense may exercise the authority provided
4 for—

5 (1) voluntary separation incentive payments
6 (subchapter II of chapter 35 of title 5, United
7 States Code); and

8 (2) voluntary early retirement payments (sec-
9 tions 8336(d)(2)(D) and 8414(b)(1)(B) of such
10 title).

11 (c) INVOLUNTARY REDUCTIONS.—

12 (1) IN GENERAL.—Beginning on October 1,
13 2018, if voluntary reductions are inadequate to
14 achieve the limitations provided in subsection (a),
15 the Secretary of Defense shall separate employees
16 using involuntary measures, including reductions in
17 force.

18 (2) RIF APPLICATION.—Notwithstanding any
19 other provision of law, rule, or regulation, when ap-
20 plying retention factors with respect to any employee
21 during any reduction in force under paragraph (1),
22 the Secretary of Defense shall assign greater weight
23 to the performance factor over the other factors if
24 such employee has a summary rating level of “fully
25 successful” or better.

1 (d) ADJUSTMENT OF LIMIT.—

2 (1) DETERMINATION.—As soon as practicable
3 after the start of each of fiscal years 2024 through
4 2028, the Secretary of Defense shall determine the
5 difference (if any), expressed as a percentage, be-
6 tween the permanent active duty end strength min-
7 imum levels in effect under section 691(b) of title
8 10, United States Code, for the current fiscal year
9 and the preceding fiscal year.

10 (2) ADJUSTMENT.—On the date that the deter-
11 mination is made under paragraph (1), the Sec-
12 retary shall adjust the limitations provided under
13 subsection (a) with respect to the number of total
14 full-time equivalent positions and Senior Executive
15 Service positions by a percentage equal to the per-
16 centage determined under paragraph (1).

17 (3) ACHIEVEMENT OF ADJUSTMENT.—After
18 any adjustment under paragraph (2), in order to
19 achieve the adjusted limitation for the applicable fis-
20 cal year, the Secretary (as the case may be)—

21 (A) may hire individuals to occupy full-
22 time equivalent positions; or

23 (B) shall separate employees occupying
24 such positions using the involuntary procedures
25 provided under subsection (c).

1 (4) LIMITATION ON ADJUSTMENT.—No adjust-
2 ment may be made under this subsection that would
3 result in the number of full-time equivalent positions
4 and Senior Executive Service positions to be greater
5 than the limitations on the number of such positions
6 provided under subsection (a).

7 (e) REPORTS.—

8 (1) SECRETARY OF DEFENSE.—The Secretary
9 of Defense—

10 (A) shall include a report in the Sec-
11 retary's annual budget request for each of fiscal
12 years 2020 through 2028 on the progress and
13 impact of the requirements of this Act; and

14 (B) may, in addition to the report required
15 under subparagraph (A), report to Congress on
16 the impact of such requirements at any time
17 throughout any of such fiscal years.

18 (2) GAO.—Not later than 3 years after the
19 date of the enactment of this Act, the Administrator
20 of General Services shall submit to Congress a re-
21 port examining the progress and impact of the re-
22 quirements of this Act.

