

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 1735  
OFFERED BY MR. CALVERT OF CALIFORNIA**

At the end of title XI (page 534, after line 23), add the following new section:

1 **SEC. 1106. 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 2022 through  
8 2026, 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, 2016,  
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 2022 through 2026  
16 at the Department of Defense, not more than 1,000  
17 may be career appointee (as defined in section

1       3132(a)(4) of title 5, United States Code) positions  
2       within the Senior Executive Service.

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

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

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

13       (c) INVOLUNTARY REDUCTIONS.—

14            (1) IN GENERAL.—Beginning on October 1,  
15       2016, if voluntary reductions are inadequate to  
16       achieve the limitations provided in subsection (a),  
17       the Secretary of Defense shall separate employees  
18       using involuntary measures, including reductions in  
19       force.

20            (2) RIF APPLICATION.—Notwithstanding any  
21       other provision of law, rule, or regulation, when ap-  
22       plying retention factors with respect to any employee  
23       during any reduction in force under paragraph (1),  
24       the Secretary of Defense shall assign greater weight  
25       to the performance factor over the other factors if

1 such employee has a summary rating level of “fully  
2 successful” or better.

3 (d) ADJUSTMENT OF LIMIT.—

4 (1) DETERMINATION.—As soon as practicable  
5 after the start of each of fiscal years 2022 through  
6 2026, the Secretary of Defense shall determine the  
7 difference (if any), expressed as a percentage, be-  
8 tween the permanent active duty end strength min-  
9 imum levels in effect under section 691(b) of title  
10 10, United States Code, for the current fiscal year  
11 and the preceding fiscal year.

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

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

23 (A) may hire individuals to occupy full-  
24 time equivalent positions; or

1           (B) shall separate employees occupying  
2           such positions using the involuntary procedures  
3           provided under subsection (c).

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

10          (e) REPORTS.—

11           (1) SECRETARY OF DEFENSE.—The Secretary  
12           of Defense—

13           (A) shall include a report in the Sec-  
14           retary’s annual budget request for each of fiscal  
15           years 2018 through 2026 on the progress and  
16           impact of the requirements of this Act; and

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

21           (2) GAO.—Not later than 3 years after the  
22           date of the enactment of this Act, the Administrator  
23           of General Services shall submit to Congress a re-

- 1 port examining the progress and impact of the re-
- 2 quirements of this section.

