

116TH CONGRESS
1ST SESSION

H. R. 248

To provide for a limitation on the number of civilian employees at the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2019

Mr. CALVERT (for himself, Mr. LAMALFA, and Mr. NUNES) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide for a limitation on the number of civilian employees at the Department of Defense, 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 “Rebalance for an Ef-
5 fective Defense Uniformed and Civilian Employees Act”
6 or the “REDUCE Act”.

7 **SEC. 2. LIMITATION ON NUMBER OF EMPLOYEES IN THE**
8 **DEPARTMENT OF DEFENSE.**

9 (a) LIMITATION ON FTEs.—

1 (1) IN GENERAL.—Notwithstanding the re-
2 quirements of section 129 of title 10, United States
3 Code, and consistent with the requirements of sub-
4 section (d), in each of fiscal years 2025 through
5 2029, the number of full-time equivalent civilian po-
6 sitions in the Department of Defense may not be
7 greater than 85 percent of the number of such posi-
8 tions at the Department as of September 30, 2019,
9 as determined by the Director of the Office of Per-
10 sonnel Management.

11 (2) SES.—Of the positions permitted pursuant
12 to paragraph (1) for fiscal years 2025 through 2029
13 at the Department of Defense, not more than 1,000
14 may be career appointee (as defined in section
15 3132(a)(4) of title 5, United States Code) positions
16 within the Senior Executive Service.

17 (b) VOLUNTARY REDUCTIONS.—To achieve the re-
18 ductions in personnel required by subsection (a), the Sec-
19 retary of Defense may exercise the authority provided
20 for—

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

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

4 (c) INVOLUNTARY REDUCTIONS.—

5 (1) IN GENERAL.—Beginning on October 1,
6 2020, if voluntary reductions are inadequate to
7 achieve the limitations provided in subsection (a),
8 the Secretary of Defense shall separate employees
9 using involuntary measures, including reductions in
10 force.

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

19 (d) ADJUSTMENT OF LIMIT.—

20 (1) DETERMINATION.—As soon as practicable
21 after the start of each of fiscal years 2025 through
22 2029, the Secretary of Defense shall determine the
23 difference (if any), expressed as a percentage, be-
24 tween the permanent active duty end strength min-
25 imum levels in effect under section 691(b) of title

1 10, United States Code, for the current fiscal year
2 and the preceding fiscal year.

3 (2) ADJUSTMENT.—On the date that the deter-
4 mination is made under paragraph (1), the Sec-
5 retary shall adjust the limitations provided under
6 subsection (a) with respect to the number of total
7 full-time equivalent positions and Senior Executive
8 Service positions by a percentage equal to the per-
9 centage determined under paragraph (1).

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

14 (A) may hire individuals to occupy full-
15 time equivalent positions; or

16 (B) shall separate employees occupying
17 such positions using the involuntary procedures
18 provided under subsection (c).

19 (4) LIMITATION ON ADJUSTMENT.—No adjust-
20 ment may be made under this subsection that would
21 result in the number of full-time equivalent positions
22 and Senior Executive Service positions to be greater
23 than the limitations on the number of such positions
24 provided under subsection (a).

25 (e) REPORTS.—

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

3 (A) shall include a report in the Sec-
4 retary’s annual budget request for each of fiscal
5 years 2021 through 2029 on the progress and
6 impact of the requirements of this Act; and

7 (B) may, in addition to the report required
8 under subparagraph (A), report to Congress on
9 the impact of such requirements at any time
10 throughout any of such fiscal years.

11 (2) GAO.—Not later than 3 years after the
12 date of the enactment of this Act, the Administrator
13 of General Services shall submit to Congress a re-
14 port examining the progress and impact of the re-
15 quirements of this Act.

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