

**REVISIONS TO DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL
MANAGEMENT CONSTRAINTS (SEC. 932)**

The House bill contained a provision (sec. 932) that would amend section 129 of title 10, United States Code, which prohibits the management of the Department of Defense civilian workforce on the basis of arbitrary ceilings and constraints, to ensure that manpower requirements are established on the basis of the total force management policy developed in accordance with section 129a of title 10, as amended.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

**SEC. 932. REVISIONS TO DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL
MANAGEMENT CONSTRAINTS.**

Section 129 of title 10, United States Code, is amended—

- (1) in subsection (a)—
 - (A) by inserting after “(1)” the following: “the total force management policies and procedures established under section 129a of this title, (2)”;
 - (B) by striking “department and (2)” and inserting “department, and (3)”;
- (2) in subsection (d), by striking “within that budget activity for which funds are provided for that fiscal year.” and inserting “within that budget activity as determined under the total force management policies and procedures established under section 129a of this title.”; and
- (3) in subsection (e), by striking the sentence beginning with “With respect to”.

**TITLE 10 - ARMED FORCES
SUBTITLE A - GENERAL MILITARY LAW
PART I - ORGANIZATION AND GENERAL MILITARY POWERS
CHAPTER 3 - GENERAL POWERS AND FUNCTIONS**

§ 129. Prohibition of certain civilian personnel management constraints

- (a) The civilian personnel of the Department of Defense shall be managed each fiscal year solely on the basis of and consistent with
 - (1) the total force management policies and procedures established under section 129a of this title,
 - (2) the workload required to carry out the functions and activities of the department, and
 - (23) the funds made available to the department for such fiscal year. The management of such personnel in any fiscal year shall not be subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees. The Secretary of Defense and the Secretaries of the military departments may not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary

due to a reduction in funds available to the Department or is required under a law that is enacted after February 10, 1996, and that refers specifically to this subsection.

- (b) The number of, and the amount of funds available to be paid to, indirectly funded Government employees of the Department of Defense may not be—
- (1) subject to any constraint or limitation on the number of such personnel who may be employed on the last day of a fiscal year;
 - (2) managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees; or
 - (3) controlled under any policy of the Secretary of a military department for control of civilian manpower resources.
- (c) In this section, the term “indirectly funded Government employees” means civilian employees of the Department of Defense—
- (1) who are employed by industrial-type activities, the Major Range and Test Facility Base, or commercial-type activities described in section 2208 of this title; and
 - (2) whose salaries and benefits are funded from sources other than appropriated funds.
- (d) With respect to each budget activity within an appropriation for a fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions ~~within that budget activity for which funds are provided for that fiscal year within that budget activity as determined under the total force management policies and procedures established under section 129a of this title.~~
- (e) Subsections (a), (b), and (c) apply to the Major Range and Test Facility Base (MRTFB) at the installation level. ~~With respect to the MRTFB structure, the term “funds made available” includes both direct appropriated funds and funds provided by MRTFB customers.~~
- (f)
- (1) Not later than February 1 of each year, the Secretary of each military department and the head of each Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the management of the civilian workforce under the jurisdiction of that official.
 - (2) Each report of an official under paragraph (1) shall contain the following:
 - (A) The official’s certification
 - (i) that the civilian workforce under the jurisdiction of the official is not subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, and
 - (ii) that, during the 12 months preceding the date on which the report is due, such workforce has not been subject to any such constraint or limitation.
 - (B) A description of how the civilian workforce is managed.
 - (C) A detailed description of the analytical tools used to determine civilian workforce requirements during the 12-month period referred to in subparagraph (A).