10 U.S. Code § 129a. General policy for total force management

(a) Policies and Procedures.—
The Secretary of Defense shall establish policies and procedures for determining the most appropriate and cost efficient mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

(b) Risk Mitigation Over Cost.—
In establishing the policies and procedures under subsection (a), the Secretary shall clearly provide that attainment of a Department of Defense workforce sufficiently sized and comprised of the appropriate mix of personnel necessary to carry out the mission of the Department and the core mission areas of the armed forces takes precedence over cost.

(c) Delegation of Responsibilities.—The Secretary shall delegate responsibility for implementation of the policies and procedures established under subsection (a) as follows:

(1)
The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for guidance to implement such policies and procedures.

(2)
The Secretaries of the military departments and the heads of the Defense Agencies shall have overall responsibility for the requirements determination, planning, programming, and budgeting for such policies and procedures.

(3)
The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for ensuring that the defense acquisition system, as defined in section 2545 of this title, is consistent with such policies and procedures and with implementation pursuant to paragraph (1).

(4)
The Under Secretary of Defense (Comptroller) shall be responsible for ensuring that the budget for the Department of Defense is consistent with such policies and procedures. The Under Secretary shall notify the congressional defense committees of any deviations from such policies and procedures that are recommended in the budget.
(d)**USE OF PLAN, INVENTORY, AND LIST.**—The policies and procedures established by the Secretary under subsection (a) shall specifically require the Department of Defense to use the following when making determinations regarding the appropriate workforce mix necessary to perform its mission:

(1) The inventory of contracts for services required by section 2330a(c) of this title.


(e)**CONSIDERATIONS IN CONVERTING PERFORMANCE OF FUNCTIONS.**—If conversion of functions to performance by either Department of Defense civilian personnel or contractor personnel is considered, the Under Secretary of Defense for Personnel and Readiness shall ensure compliance with—

(1) section 2463 of this title (relating to guidelines and procedures for use of civilian employees to perform Department of Defense functions); and

(2) section 2461 of this title (relating to public-private competition required before conversion to contractor performance).

(f)**CONSTRUCTION WITH OTHER REQUIREMENTS.**—Nothing in this title may be construed as authorizing—

(1) a military department or Defense Agency to directly convert a function to contractor performance without complying with section 2461 of this title;

(2) the use of contractor personnel for functions that are inherently governmental even if there is a military or civilian personnel shortfall in the Department of Defense;

(3) restrictions on the use by a military department or Defense Agency of contractor personnel to perform functions closely associated with inherently governmental functions, provided that—

(A) there are adequate resources to maintain sufficient capabilities within the Department in the functional area being considered for performance by contractor personnel; and

(B) there is adequate Government oversight of contractor personnel performing such functions;
the establishment of numerical goals or budgetary savings targets for the
conversion of functions to performance by either Department of
Defense civilian personnel or for conversion to performance
by contractor personnel; or

the imposition of a civilian hiring freeze that may inhibit the implementation
of the policies and procedures established under subsection (a).

(g) PERFORMANCE OF CIVILIAN FUNCTIONS BY MILITARY PERSONNEL.—

(1) Functions performed by civilian personnel should not be performed by
military personnel except—

(A) if the Secretary of the military department concerned determines in writing
based on mission requirements that the performance of such functions by
military personnel is cost-effective, taking into account the fully-
burdened costs of the civilian, military, and contractor workforces, including
the impact of the performance of such functions on military career
progression or when required by military necessity; or

(B) if the performance of such functions by military personnel is required to
address critical staffing needs resulting from a reduction in personnel or
budgetary resources by reason of an Act of Congress, in which case such
functions may not be performed by military personnel for a period in excess
of one year.

(2) In determining the workforce mix between civilian and military personnel,
the Secretary of a military department shall reserve military personnel for
the performance of the functions that, in the estimation of the Secretary, are
required to be performed by military personnel in order to achieve national
defense goals or in order to enable the proper functioning of the
military department. In making workforce decisions, the Secretary shall
account for the relative budgetary impact of military versus civilian
personnel in determining the functions required to be performed by military
personnel.

Stat. 1715; amended Pub. L. 112–81, div. A, title IX, § 931(a), Dec. 31,