SEC. 514. TRANSFORMATION OF THE MILITARY TECHNICIAN PROGRAM.

(a) RESERVE COMPONENT TECHNICIAN PROGRAM.—Chapter 1007 of title 10, United States Code, is amended by adding after section 10215 the following new section:

"**§ 10215a. Reserve Component Technician Program**

"Within each of the Army Reserve, the Air Force Reserve, and the National Guard, there is a Reserve Component Technician Program. Each Reserve Component Technician Program shall consist of military technicians (dual status) (as defined in section 10216 of this title) and non-dual status technicians and technicians (as defined in section 10217 of this title). The Secretary of the Army and the Secretary of the Air Force shall implement policies to manage the Program within their respective departments.".

(b) MILITARY TECHNICIANS (DUAL STATUS)—Section 10216 of such title is amended—

(1) by striking subsections (b) and (c) and inserting the following:

"(b) PRIORITY MANAGEMENT OF THE RESERVE COMPONENT TECHNICIAN PROGRAM.—(1) As a basis for making the annual request to Congress pursuant to section 115(d) of this title for authorization of end strengths for the Reserve Component Technician Program of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for the Reserve Component Technician Program in the following priority units and organizations:

"(A) Units of the Selected Reserve whose primary mission is to participate in combat and the integral supporting elements thereof except for those units and organizations reported in subparagraph (C).

"(B) Units of the Selected Reserve that are not intended to deploy or rotate through a deployment cycle but can be made available to deploy as needed.

"(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians (dual status) in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

"(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to achieve a programmed manning level in the Reserve Component Technician Program that is not less than 90 percent of the programmed manpower structure for those units and organizations authorized Reserve Component Technician Program for that fiscal year.

"(3) Military technician (dual status) authorizations and personnel shall be exempt from any requirement for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.

"(c) INFORMATION REQUIRED TO BE SUBMITTED WITH ANNUAL END STRENGTH AUTHORIZATION REQUEST.—(1) The Secretary of Defense shall include as part of the budget justification documents submitted to Congress with the budget of the Department of Defense for any fiscal year the following information with respect to the end strengths for military technicians (dual status) requested in that budget pursuant to section 115(c) of this title, shown separately for each of the Army and Air Force reserve components:

"(A) The number of Reserve Component Technician Program personnel authorized in the priority units and organizations specified in subsection (b)(1).

"(B) The number of Reserve Component Technician Program personnel assigned in the priority units and organizations specified in subsection (b)(1).

"(C) The number of Reserve Component Technician Program personnel authorized in other than priority units and organizations specified in subsection (b)(1).

"(D) The number of Reserve Component Technician Program personnel assigned in other than priority units and organizations specified in subsection (b)(1).

"(2)(A) If the budget submitted to Congress for any fiscal year requests authorization for that fiscal year under section 115(c) of this title of a military technician (dual status) end strength for a reserve component of the Army or Air Force in a number that constitutes a reduction from the end strength minimum established by law for that reserve component for the fiscal year during which the budget is submitted, the Secretary of Defense shall submit to the congressional defense committees with that budget a justification providing the basis for that requested reduction in technician end strength.

"(B) Any justification submitted under subparagraph (A) shall clearly delineate the specific force structure reductions forming the basis for such requested technician reduction (and the numbers related to those reductions).";

(2) in subsection (d)—

(A) by striking "(1)"; and

(B) by striking "maintain membership in—" and all that follows and inserting "maintain membership in the Selected Reserve.";

(3) in subsection (e)(1), by striking "who is no longer a member of the Selected Reserve" and inserting "who serves in a position designated by the Secretary concerned to be filled only by a military technician (dual status) and who is no longer a member of the Selected Reserve"; and

(4) in subsection (e)(2), by striking "military standards" and inserting "military retention standards".

(c) NON-DUAL STATUS TECHNICIANS.—Section 10217 of such title is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "military technician" and inserting "Reserve Component Technician Program";

(B) in paragraph (1), by striking "a technician" and inserting "an employee of the Department of Defense";

(C) by striking "or" at the end of paragraph (2);

(D) by striking the period at the end of paragraph (3) and inserting "; or"; and

(E) by adding at the end the following new paragraph:

"(4) is an employee of the Army Reserve's Reserve Component Technician Program, serving in a position designated by the Secretary to be filled only by a non-dual status technician who—

"(A) was hired without a requirement to maintain membership in the Selected Reserve;

"(B) has ceased to be a member of the Selected Reserve; or

"(C) has been assigned to a non-dual status technician position from one designated by the Secretary concerned to be filled only by a military technician (dual status).";

(2) in subsection (c)—

(A) by striking "PERMANENT";

(B) in paragraph (1)—

(i) by striking "(1)" and all that follows through "may not exceed 90." and inserting "(1)(A) The total number of non-dual status technicians employed—

"(i) by the Army Reserve during a fiscal year may not exceed 60 percent of the total end strength authorizations appropriated for the Reserve Component Technician Program for that fiscal year; and

"(ii) by the Air Force Reserve during a fiscal year may not exceed 10 percent of the total end strength authorizations appropriated for the Reserve Component Technician Program for that fiscal year."; and

(ii) by designating the sentence beginning "If at any time" as subparagraph (B) and in that subparagraph by striking 'in the preceding sentence" and inserting "in subparagraph (A)"; and

(C) in paragraph (2), by striking "1,950" and inserting "15 percent of the total end strength authorization for the Reserve Component Technician Program for that fiscal year"; and

(3) by adding at the end the following new subsections:

"(e) SEPARATE CATEGORY OF EMPLOYEES.—Non-dual status technicians shall be authorized and accounted for as a separate category of civilian employees.

"(f) REDUCTION IN FORCE.—Non-dual status technician authorizations and personnel shall be exempt from any requirement for reductions in Department of Defense civilian personnel and shall only be removed as part of military force reductions.

"(g) TECHNICIANS.—(1) For the purpose of this section and any other provision in law, a

technician is a civilian employee of the Department of Defense, hired after February 10, 1996, who is no longer a member of the Selected Reserve, who is serving in a Reserve Component Technician Program position, designated by the Secretary concerned for fill only by a military technician (dual status).

"(2) Subject to section 10216(e) of this title, a technician may be retained in the Reserve Component Technician Program for up to 12 months following the individual's loss of membership in the Selected Reserve.".

(d) CONDITIONS FOR RETENTION AND MANDATORY RETIREMENT—Section 10218 is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by striking clause (ii) and inserting the following:

"(ii) apply for a Reserve Component Technician Program or other civil service position that is not designated by the Secretary concerned as one to be filled only by a military technician (dual status).”; and

(B) in subparagraph (B), by striking "the technician—" and all that follows and inserting "the individual shall be separated not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age.”; and

(2) in subsection (b), by striking paragraph (3).

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10215 the following new item:

"10215a. Reserve Component Technician Program.".

Section-by-Section Analysis

This proposal would expand the conditions of employment for dual status technicians;

emulate authorities in Title 32, United States Code, by authorizing the Secretary of the military department to establish non-dual status positions in the Army Reserve; change the accounting of non-dual status technicians to a percentage of the total technician program; replace the military technician authorizations linked to tiered readiness reporting with military technician authorizations aligned to deploying and non-deploying entities; among other administrative changes.

Broadening the conditions of employment for military technicians in statute provides the Secretary of the military department greater flexibilities to implement a program which supports the needs of the Service and Component. Broad flexibilities in statute do not necessitate a change to Service policy but promotes flexibilities.

The major paradigm is this proposal capitalizes upon the National Guard technician management model which designates positions as dual status or non-dual status. Title 32 defines the National Guard technician program. The ability to directly recruit and fill non-dual status technician positions is contained in Title 32, but is not included in Title 10. Title 32 provides the authority to establish a position-based status (non-dual status technician (NDST) and dual status military technician) management approach. Creating this paradigm requires several changes to legislation such as removing the prohibition of favorable personnel actions for the NDST positions but retaining that same restriction for the dual status military technician who loses military status and becomes a NDST in a position requiring dual status. The establishment of a position-based management tool is written as an authority for the Secretary of the Army only.

The other major change in this proposal seeks to remove the designation of a specific number of non-dual status technicians in the workforce and replace it with a percentage of the overall workforce. The specific number of non-dual status technicians historically represents a control of those technicians occupying a dual status position. In conjunction with the paragraph above, the use of non-dual status positions creates a new dimension to the overall workforce. The designation of non-dual status positions by the Service Secretary should contain sufficient flexibilities to increase the overall readiness of the Reserve Component.

The annual budget report requires an accounting of military technicians and authorizations by the organizations' tiered readiness level, which is obsolete. The proposed budget report would account for technicians authorizations/assignments affiliated with units that participate in combat and the integral supporting elements thereof (operating force units) and by units not intended to deploy or rotate through a deployment cycle but can be made available to deploy as needed (generating force).

Numerous administrative changes include a proposal to establish a technician program with definitive language in the forefront of the other three sections of law and then incorporating that language throughout. The proposed modification to section 10216(e) of title 10 seeks to clarify the standards for removing dual status technicians from the program.

Budget Implications: This proposal is "no cost". The Air Force Reserve and the Army Reserve are the only two components that have military technicians (MILTECHS). The proposal seeks program management flexibilities within the current authorizations for the Army Reserve and

National Guard. It indirectly affects the Air Force, i.e. definition changes, but will not affect the day to day management of the MILTECH program. The appropriate is Operation and Maintenance – Army Reserve; MDEP: ARFT; budget activity: 01. The number of technicians authorized by the FY11 NDAA is 8990 in the Army Reserve; 28,810 in the Army National Guard; 22,452 in the Air National Guard; and 10,003 in the Air Force Reserve.

RESOURCE REQUIREMENTS ($MILLIONS)								
Service	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**Appropriation**	**Budget Activity**	**Dash-1 Line Item**
Army	2771	2846	2921	2988	3043	OMNG/OMAR	1 & 4	
AF	2094.3	2205.5	2258.7	2322.4	2386.2	O&M	01	011A
Total	0	0	0	0	0			

NUMBER OF PERSONNEL AFFECTED								
Service	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**Appropriation**	**Budget Activity**	**Dash-1 Line Item**
Army	28,708	29,465	30,100	30,571	30,571			
AF	10,300	10,300	10,300	10,300	10,300			
Total								

Changes to Existing Law: This proposal would add a new section to chapter 1007 of title 10, United States Code, and amend sections 10216, 10217, and 10218 of title 10, as follows:

§ 10215a. Reserve Component Technician Program

Within each of the Army Reserve, the Air Force Reserve, and the National Guard, there is a Reserve Component Technician Program. Each Reserve Component Technician Program shall consist of military technicians (dual status) (as defined in section 10216 of this title), and non-dual status technicians and technicians (as defined in section 10217 of this title). The Secretary of the Army and the Secretary of the Air Force shall implement policies to manage the Program within their respective departments.

§ 10216. Military technicians (dual status)

(a) IN GENERAL.—(1) For purposes of this section and any other provision of law, a military technician (dual status) is a Federal civilian employee who—

(A) is employed under section 3101 of title 5 or section 709(b) of title 32;

(B) is required as a condition of that employment to maintain membership in the Selected Reserve; and

(C) is assigned to a civilian position as a technician in the organizing, administering, instructing, or training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve or the armed forces.

(2) Military technicians (dual status) shall be authorized and accounted for as a separate category of civilian employees.

(3) A military technician (dual status) who is employed under section 3101 of title 5 may perform the following additional duties to the extent that the performance of those duties does not interfere with the performance of the primary duties described in paragraph (1):

(A) Supporting operations or missions assigned in whole or in part to the technician's unit.

(B) Supporting operations or missions performed or to be performed by—

(i) a unit composed of elements from more than one component of the technician's armed force; or

(ii) a joint forces unit that includes—

(I) one or more units of the technician's component; or

(II) a member of the technician's component whose reserve component assignment is in a position in an element of the joint forces unit.

(C) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of—

(i) active-duty members of the armed forces;

(ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

(iii) Department of Defense contractor personnel; or

(iv) Department of Defense civilian employees.

~~(b) PRIORITY FOR MANAGEMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) As a basis for making the annual request to Congress pursuant to section 115(c) of this title for authorization of end strengths for military technicians (dual status) of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for military technicians (dual status) in the following high-priority units and organizations:~~

~~(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.~~

~~(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.~~

~~(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians (dual status) in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.~~

~~(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to achieve a programmed manning level for military technicians (dual status) that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians (dual status) for that fiscal year.~~

~~(3) Military technician (dual status) authorizations and personnel shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.~~

(b) PRIORITY MANAGEMENT OF THE RESERVE COMPONENT TECHNICIAN PROGRAM.—(1) As a basis for making the annual request to Congress pursuant to section 115(d) of this title for authorization of end strengths for the Reserve Component Technician Program of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for the Reserve Component Technician Program in the following priority units and organizations:

(A) Units of the Selected Reserve whose primary mission is to participte in combat and the integral supporting elements thereof except for those units and organizations reported in subparagraph (C).

(B) Units of the Selected Reserve that are not intended to deploy or rotate through a deployment cycle but can be made available to deploy as needed.

(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians (dual status) in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to achieve a programmed manning level in the Reserve Component Technician Program that is not less than 90 percent of the programmed manpower structure for those units and organizations authorized Reserve Component Technician Program for that fiscal year.

(3) Military technician (dual status) authorizations and personnel shall be exempt from any requirement for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.

~~(c) INFORMATION REQUIRED TO BE SUBMITTED WITH ANNUAL END STRENGTH AUTHORIZATION REQUEST.—(1) The Secretary of Defense shall include as part of the budget justification documents submitted to Congress with the budget of the Department of Defense for any fiscal year the following information with respect to the end strengths for military technicians (dual status) requested in that budget pursuant to section 115(c) of this title, shown separately for each of the Army and Air Force reserve components:~~

~~(A) The number of military technicians (dual status) in the high priority units and organizations specified in subsection (b)(1).~~

~~(B) The number of technicians other than military technicians (dual status) in the high priority units and organizations specified in subsection (b)(1).~~

~~(C) The number of military technicians (dual status) in other than high priority units and organizations specified in subsection (b)(1).~~

~~(D) The number of technicians other than military technicians (dual status) in other than high priority units and organizations specified in subsection (b)(1).~~

~~(2)(A) If the budget submitted to Congress for any fiscal year requests authorization for that fiscal year under section 115(c) of this title of a military technician (dual status) end strength for a reserve component of the Army or Air Force in a number that constitutes a reduction from the end strength minimum established by law for that reserve component for the fiscal year during which the budget is submitted, the Secretary of Defense shall submit to the congressional defense committees with that budget a justification providing the basis for that requested reduction in technician end strength.~~

~~(B) Any justification submitted under subparagraph (A) shall clearly delineate the specific force structure reductions forming the basis for such requested technician reduction (and the numbers related to those reductions).~~

(c) INFORMATION REQUIRED TO BE SUBMITTED WITH ANNUAL END STRENGTH AUTHORIZATION REQUEST.—(1) The Secretary of Defense shall include as part of the budget justification documents submitted to Congress with the budget of the Department of Defense for any fiscal year the following information with respect to the end strengths for military technicians (dual status) requested in that budget pursuant to section 115(c) of this title, shown separately for each of the Army and Air Force reserve components:

(A) The number of Reserve Component Technician Program personnel authorized in the priority units and organizations specified in subsection (b)(1).

(B) The number of Reserve Component Technician Program personnel assigned in the priority units and organizations specified in subsection (b)(1).

(C) The number of Reserve Component Technician Program personnel authorized in other than priority units and organizations specified in subsection (b)(1).

(D) The number of Reserve Component Technician Program personnel assigned in other than priority units and organizations specified in subsection (b)(1).

(2)(A) If the budget submitted to Congress for any fiscal year requests authorization for that fiscal year under section 115(c) of this title of a military technician (dual status) end strength for a reserve component of the Army or Air Force in a number that constitutes a reduction from the end strength minimum established by law for that reserve component for the fiscal year during which the budget is submitted, the Secretary of Defense shall submit to the congressional defense committees with that budget a justification providing the basis for that requested reduction in technician end strength.

(B) Any justification submitted under subparagraph (A) shall clearly delineate the specific force structure reductions forming the basis for such requested technician reduction (and the numbers related to those reductions).

(d) UNIT MEMBERSHIP REQUIREMENT.— ~~(1)~~ Unless specifically exempted by law, each individual who is hired as a military technician (dual status) after December 1, 1995, shall be required as a condition of that employment to ~~maintain membership in—~~ maintain membership in the Selected Reserve.

~~(A) the unit of the Selected Reserve by which the individual is employed as a military technician; or~~

~~(B) a unit of the Selected Reserve that the individual is employed as a military technician to support.~~

~~(2) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Army Reserve in an area other than Army Reserve troop program units.~~

(e) DUAL STATUS REQUIREMENT.—(1) Funds appropriated for the Department of Defense may not (except as provided in paragraph (2)) be used for compensation as a military technician of any individual hired as a military technician (dual status) after February 10, 1996, ~~who is no longer a member of the Selected Reserve~~who serves in a position designated by the Secreatary concerned to be filled only by a military technician (dual status) and who is no longer a member of the Selected Reserve.

(2) Except as otherwise provided by law, the Secretary concerned may pay compensation described in paragraph (1) to an individual described in that paragraph who is no longer a member of the Selected Reserve for a period up to 12 months following the individual's loss of membership in the Selected Reserve if the Secretary determines that such loss of membership was not due to the failure of that individual to meet military retention standards.

(f) DEFERRAL OF MANDATORY SEPARATION.—The Secretary of the Army and the Secretary of the Air Force shall implement personnel policies so as to allow a military technician (dual status) who continues to meet the requirements of this section for dual status to continue to serve beyond a mandatory removal date for officers, and any applicable maximum years of service limitation, until the military technician (dual status) reaches age 60 and attains eligibility for an unreduced annuity (as defined in section 10218(c) of this title).

(g) RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS DUE TO COMBAT-RELATED DISABILITY.—(1) Notwithstanding subsection (d) of this section or subsections (a)(3) and (b) of section 10218 of this title, if a military technician (dual status) loses such dual status as the result of a combat-related disability (as defined in section 1413a of this title), the person may be retained as a non-dual status technician so long as--

(A) the combat-related disability does not prevent the person from performing the non-dual status functions or position; and

(B) the person, while a non-dual status technician, is not disqualified from performing the non-dual status functions or position because of performance, medical, or other reasons.

(2) A person so retained shall be removed not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age.

(3) Persons retained under the authority of this subsection do not count against the limitations of section 10217(c) of this title.

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§ 10217. Non-dual status technicians

(a) DEFINITION.—For the purposes of this section and any other provision of law, a non-dual status technician is a civilian employee of the Department of Defense serving in a ~~military technician~~Reserve Component Technician Program position who—

(1) was hired as ~~a technician~~ an employee of the Department of Defense before November 18, 1997, under any of the authorities specified in subsection (b) and as of that date is not a member of the Selected Reserve or after such date has ceased to be a member of the Selected Reserve;

(2) is employed under section 709 of title 32 in a position designated under subsection (c) of that section and when hired was not required to maintain membership in the Selected Reserve; ~~or~~

(3) is hired as a temporary employee pursuant to the exception for temporary employment provided by subsection (d) and subject to the terms and conditions of such subsection~~.~~; or

(4) is an employee of the Army Reserve's Reserve Component Technician Program, serving in a position designated by the Secretary to be filled only by a non-dual status technician who—

(A) was hired without a requirement to maintain membership in the Selected Reserve;

(B) has ceased to be a member of the Selected Reserve; or

(C) has been assigned to a non-dual status technician position from one designated by the Secretary concerned to be filled only by a military technician (dual status).

(b) EMPLOYMENT AUTHORITIES.—The authorities referred to in subsection (a) are the following:

(1) Section 10216 of this title.

(2) Section 709 of title 32.

(3) The requirements referred to in section 8401 of title 5.

(4) Section 8016 of the Department of Defense Appropriations Act, 1996 (Public Law 104-61; 109 Stat. 654), and any comparable provision of law enacted on an annual basis in the Department of Defense Appropriations Acts for fiscal years 1984 through 1995.

(5) Any memorandum of agreement between the Department of Defense and the Office of Personnel Management providing for the hiring of military technicians.

(c) ~~PERMANENT~~ LIMITATIONS ON NUMBER.~~—(1) The total number of non-dual status technicians employed by the Army Reserve may not exceed 595 and by the Air Force Reserve may not exceed 90.~~ (1)(A)The total number of non-dual status technicians employed—

(i) by the Army Reserve during a fiscal year may not exceed 60 percent of the total end strength authorizations appropriated for the Reserve Component Technician Program for that fiscal year; and

(ii) by the Air Force Reserve during a fiscal year may not exceed 10 percent of the total end strength authorizations appropriated for the Reserve Component Technician Program for that fiscal year.

(B)If at any time the number of non-dual status technicians employed by the Army Reserve and Air Force Reserve exceeds the number specified in the limitation ~~in the preceding sentence~~ in subparagraph (A), the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.

(2) The total number of non-dual status technicians employed by the National Guard may not exceed ~~1,950~~ 15 percent of the total end strength authorization for the Reserve Component Technician Program for that fiscal year. If at any time the number of non-dual status technicians employed by the National Guard exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.

(3) An individual employed as a non-dual status technician as described in subsection (a)(3) shall not be consider a non-dual status technician for purposes of paragraphs (1) and (2).

(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.— (1) Notwithstanding section 10218 of this title, the Secretary of the Army or the Secretary of the Air Force may employ, for a period not to exceed two years, a person to fill a vacancy created by the mobilization of a military technician (dual status) occupying a position under section 10216 of this title.

(2) The duration of the temporary employment of a person in a military technician position under this subsection may not exceed the shorter of the following:

(A) The period of mobilization of the military technician (dual status) whose vacancy is being filled by the temporary employee.

(B) Two years.

(3) No person may be hired under the authority of this subsection after the end of the 2-year period beginning on the date of the enactment of this subsection.

(e) SEPARATE CATEGORY OF EMPLOYEES.—Non-dual status technicians shall be authorized and accounted for as a separate category of civilian employees.

(f) REDUCTION IN FORCE.—Non-dual status technician authorizations and personnel shall be exempt from any requirement for reductions in Department of Defense civilian personnel and shall only be removed as part of military force reductions.

(g) TECHNICIANS.—(1) For the purpose of this section and any other provision in law, a technician is a civilian employee of the Department of Defense, hired after February 10, 1996, who is no longer a member of the Selected Reserve, who is serving in a Reserve Component Technician Program position, designated by the Secretary concerned for fill only by a military technician (dual status).

(2) Subject to section 10216(e) of this title, a technician may be retained in the Reserve Component Technician Program for up to 12 months following the individual's loss of membership in the Selected Reserve.

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§ 10218. Army and Air Force Reserve technicians: conditions for retention; mandatory retirement under civil service laws

(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Army Reserve or the Air Force Reserve as a military technician (dual status) who after October 5, 1999, loses dual status is subject to paragraph (2) or (3), as the case may be.

(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity and is age 60 or older at that time, the technician shall be separated not later than 30 days after the date on which dual status is lost.

(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity or is under age 60 at that time, the technician shall be offered the opportunity to—

(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

(ii) ~~apply for a civil service position that is not a technician postion.~~apply for a Reserve Component Technician Program or other civil service position that is not

designated by the Secretary concerned as one to be filled only by a military technician (dual status).

(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, ~~the technician--~~

~~(i) shall not be permitted, after October 5, 2000, to apply for any voluntary personnel action; and~~

~~(ii) shall be separated or retired--~~

~~(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age; and~~

~~(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.~~ the individual shall be separated no later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age.

(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

(A) being separated from the Selected Reserve; or

(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on October 5, 1999, is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is eligible for an unreduced annuity and is age 60 or older shall be separated not later than April 5, 2000.

(2)(A) An individual who on October 5, 1999, is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is not eligible for an unreduced annuity or is under age 60 shall be offered the opportunity to—

(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

(ii) apply for a civil service position that is not a technician position.

(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician--

(i) shall not be permitted, after October 5, 2000, to apply for any voluntary personnel action; and

(ii) shall be separated or retired—

(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on October 5, 1999, is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age; and

(II) in the case of a technician first hired as a technician after February 10, 1996, and who on October 5, 1999, is a non-dual status technician, not later than one year after the date on which dual status is lost.

~~(3) An individual employed by the Army Reserve or the Air Force Reserve as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, during the period beginning on October 5, 1999, and ending on April 5, 2000, is not appointed to such a position,~~

~~shall for reduction-in-force purposes be in a separate competitive category from employees who are military technicians (dual status).~~

(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term "voluntary personnel action", with respect to a non-dual status technician, means any of the following:

(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).