SEC. ___. AUTHORITY FOR INCREASE IN NUMBER OF AIR FORCE RESERVE MILITARY TECHNICIANS (DUAL STATUS) WHO MAY BE ASSIGNED TO POSITIONS OUTSIDE AIR FORCE RESERVE UNIT PROGRAM.

Section 10216(d)(3) of title 10, United States Code, is amended by striking "except that" and all that follows and inserting "except that the number of such technicians assigned outside of the Air Force Reserve unit program at the same time during any fiscal year may not exceed 2 percent of the authorized end strength for military technicians (dual status) for the Air Force Reserve for that fiscal year.".

Section-by-Section Analysis

Current law, section 10216 of title 10, United States Code, governs dual-status technicians and restricts the assignment of technicians hired after December 1, 1995, to a unit of the Selected Reserve by which the individual is employed as a military technician or a unit of the Selected Reserve that the individual is employed as a military technician to support. Prior to the National Defense Authorization Act for Fiscal Year 2011 (FY11 NDAA), a strict interpretation of the law precluded the option of assigning military technicians anywhere outside of the reserve unit program. However, 10 U.S.C. 10216(d)(2), provided the Army Reserve an exemption to the statute's "unit of the Selected Reserve" membership requirement and allowed them to assign Reservists to positions outside of the unit program. The FY11 NDAA afforded the same to the Air Force Reserve, however with limitations of no more than 50 military technicians outside the unit program.

Like the Army Reserve, the Air Force Reserve has a requirement to have military technicians assigned to positions outside the unit program to be better support the Air Force Reserve and prepare those selected for greater leadership roles. Some of these technicians are assigned to the Air Staff with most assigned to the Air Force Reserve Headquarters and three Numbered Air Forces (NAFs) responsible for organizing, administering, instructing, and training of the Selected Reserve. With OSD revising the definition of unit, which will subsequently incorporate the NAFs as a unit designee, some relief will be provided, but the limitations still imposes barriers to developing a more robust group from which leaders may be selected.

There are two full-time support programs that bring unique and differing perspectives to the organizing, administering, instructing, and training of the Selected Reserve – both of which are relevant in the development of our service component. The dual-status technician program, commonly referred to as the Air Reserve Technician Program (ART), is the largest of these full-time support programs with approximately 10,800 authorized positions. Consistent with the Department of Defense Instruction (DoDI 1205.18), the Reserve Components must have the ability to develop enlisted and officer senior leaders with the knowledge and depth to "supply support to the RCs [Reserve Components], Armed forces on active duty, members of foreign military forces, DoD contractor personnel, and DoD civilian employees." The Reserve

Components have a responsibility to "[e]nsure FTS [Full-time Support] personnel are provided career opportunities applicable to the category of employment for promotion, career progression, retention, education, and professional development . . ." We are constrained in meeting this intent if ARTs are restricted to unit programs.

Transitioning an ART into the Active Guard Reserve (AGR) Program to complete force development programs and career broadening opportunities, creates concerns with the importance of maintaining diversity in our force development, the placement of their civilian career on-hold, and the associated costs with each program. On average, an annual cost for an ART officer is approximately $130,656 while the same type of individual in an AGR status costs approximately $172,900. Thus, considering the current austere budget environment, permitting the utilization of ART personnel in career broadening opportunities vice transitioning them to an AGR status permits significant savings. Additionally, legal impediments in the transitions between the two FTS programs only allows for short periods of time outside the ART program causing potential setbacks in follow-on assignments under force development.

Recognizing the significant cost savings, the AFR has previously used ART personnel outside the unit program in a variety of positions for force development and career broadening. Upon implementation of the FY11 NDAA, the AFR determined it had significantly greater than 50 ARTs currently assigned outside the unit program executing the CAFR's strategic vision. An AFR study has been initiated to designate the appropriate status of development position above the unit level. Those identified for ART authorizations will be used to provide qualified technicians the opportunity to serve in HHQ positions; a necessity to obtain exposure/experience to enhance professional development. Increasing the ART force development opportunities allows greater ability to develop more diversified AFR senior leaders for the future.

Accordingly, the Department of Defense (DoD) requests this technical change to amend paragraph (3) of section 10216(d) of title 10 to permit the Air Force Reserve to assign no more than 2 percent of the Air Force Reserve's dual status technician program end strength outside of the unit program.

Budget Implications: Dual-status military technicians are full time Federal civil service employees serving in a position that requires an active Reserve assignment. The subject positions are already funded with no additional funding requirements.

However, if there are budgetary impacts, the AFR Comptroller has verified the concerns will be addressed with appropriations identified in the table below:

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2014	**FY 2015**	**FY 2016**	**FY 2017**	**FY 2018**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
United States Air Force Reserve	2.2	2.2	2.3	2.4	2.5	Operation & Maintenance, Air Force Reserve	01	11A	59398F
Total	2.2	2.2	2.3	2.4	2.5	--	--	--	--

* Military Technician pay will not change due to assignment (within or outside the unit program)

Changes to Existing Law: This proposal would amend section 10216 of title 10, United States Code, as follows:

§ 10216. Military technicians (dual status).

(a) * * *

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(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—

(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.

(3) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Air Force Reserve in an area other than the Air Force Reserve unit program, except that ~~not more than 50~~ the number of such technicians ~~may be~~ assigned outside of the Air Force Reserve unit program at the same time during any fiscal year may not exceed 2 percent of the authorized end strength for military technicians (dual status) for the Air Force Reserve for that fiscal year.

(e) ***

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