

115TH CONGRESS
1ST SESSION

S. 1097

To postpone the deadline for the completion of the conversion of certain military technician (dual status) positions to positions of civilian employment by the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2017

Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To postpone the deadline for the completion of the conversion of certain military technician (dual status) positions to positions of civilian employment by the Federal Government, 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 “Armed Forces Reserve
5 and National Guard Dual-Status Review and Moderniza-
6 tion Act”.

1 **SEC. 2. POSTPONEMENT OF DEADLINE FOR COMPLETION**
2 **OF CONVERSION OF CERTAIN MILITARY**
3 **TECHNICIAN (DUAL STATUS) POSITIONS TO**
4 **POSITIONS OF CIVILIAN EMPLOYMENT BY**
5 **THE FEDERAL GOVERNMENT.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) A September 2013 study conducted by a
9 federally funded research and development center
10 found that 21 percent of the military technician
11 (dual status) positions are administrative in na-
12 ture—the largest category as a percentage of mili-
13 tary technician (dual status) positions. The study
14 recommends investigation on whether “some Dual
15 Status MilTech positions supporting general admin-
16 istration functions could be converted to Title 5
17 Federal civilian full-time support positions without
18 compromising unit readiness”. The study further
19 recommends investigation on whether “it is more ap-
20 propriate to use military full-time support for other
21 reasons (such as currency in military operations and
22 training and augmentation)”.

23 (2) Section 1053 of the National Defense Au-
24 thorization Act for Fiscal Year 2016 directs the con-
25 version of not fewer than 20 percent of all military
26 technician positions to positions of Federal civilian

1 employment under title 5, United States Code, by
2 January 1, 2017. Section 1084 of the National De-
3 fense Authorization Act for Fiscal Year 2017 ex-
4 tends the deadline for that conversion from January
5 1, 2017, to October 1, 2017.

6 (3) The Department of Defense submitted a re-
7 port on the management of military technicians in
8 December 2016 that finds that 12.6 percent of the
9 military technician (dual status) positions were ad-
10 ministrative in nature, and recommended a conver-
11 sion of 4.8 percent of such positions to positions of
12 Federal civilian employment.

13 (4) The Chief of the National Guard Bureau
14 testified before Congress in April 2017 that a con-
15 version of 20 percent of military technician (dual
16 status) positions to positions of Federal civilian em-
17 ployment would degrade readiness, but that a lower
18 number could be converted with minimal impact.
19 The Chief of the National Guard Bureau also testi-
20 fied that the Department of Defense had not con-
21 ducted an analysis of the associated costs and bene-
22 fits of a conversion of 20 percent of military techni-
23 cian (dual status) positions to positions of Federal
24 civilian employment.

1 (b) POSTPONEMENT OF DEADLINE FOR COMPLETION
 2 OF CONVERSION.—Notwithstanding the deadline other-
 3 wise specified in paragraph (1) of section 1053(a) of the
 4 National Defense Authorization Act for Fiscal Year 2016
 5 (10 U.S.C. 113 note) for the completion of the conversion
 6 of military technician positions as described in that sub-
 7 section, the deadline for the completion of such conversion
 8 shall be 180 days after the date on which the Secretary
 9 of Defense transmits to Congress under paragraph (6) of
 10 subsection (c) the report of the working group required
 11 by paragraph (5) of that subsection.

12 (c) WORKING GROUP ON FULL TIME SUPPORT OF
 13 THE RESERVE COMPONENTS.—

14 (1) IN GENERAL.—There shall be established in
 15 the Department of Defense a working group to be
 16 known as the “Working Group on Full Time Sup-
 17 port of the Reserve Components” (in this subsection
 18 referred to as the “working group”).

19 (2) CO-CHAIRS.—The co-chairs of the working
 20 group shall be the following:

21 (A) The Director of the Army National
 22 Guard.

23 (B) The Director of the Air National
 24 Guard.

25 (C) The Chief of the Army Reserve.

1 (D) The Chief of the Air Force Reserve.

2 (3) MEMBERS.—The members of the working
3 group shall include the co-chairs of the working
4 group and such other personnel of the Department
5 of Defense as the Secretary shall appoint from
6 among organizations and elements of the Depart-
7 ment with an interest in full time support of the re-
8 serve components of the Armed Forces, including
9 the National Guard Bureau and the Adjutants Gen-
10 eral of the States.

11 (4) DUTIES.—The working group shall under-
12 take a comprehensive review of full time support of
13 the reserve components of the Armed Forces, includ-
14 ing the following:

15 (A) An identification of the missions, pur-
16 poses, and objectives of military technicians
17 (dual status) in support of an operational re-
18 serve force.

19 (B) A review of the posture of current
20 military technician (dual status) positions, and
21 of their current role in meeting the objectives
22 identified pursuant to subparagraph (A).

23 (C) An analysis of potential restructurings
24 of the workforce of military technicians (dual
25 status) in order to identify a restructuring that

1 fully aligns military technician (dual status) po-
2 sitions with objectives for full time support of
3 the reserve components.

4 (D) An identification of the military tech-
5 nician (dual status) positions whose conversion
6 to positions of Federal civilian employment
7 under title 5, United States Code, would best
8 ensure the achievement of objectives for full
9 time support of the reserve components.

10 (E) An assessment of the impact on the
11 readiness of the National Guard for domestic
12 operations of the conversion of positions identi-
13 fied pursuant to subparagraph (D) as described
14 in that subparagraph.

15 (F) An assessment of costs and potential
16 savings associated with the conversion of posi-
17 tions identified pursuant to subparagraph (D)
18 as described in that subparagraph.

19 (5) REPORT TO SECRETARY OF DEFENSE.—Not
20 later than 180 days after the date of the enactment
21 of this Act, the working group shall submit to the
22 Secretary of Defense a report on the comprehensive
23 review undertaken pursuant to paragraph (4). The
24 report shall include the following:

1 (A) A comprehensive description of the re-
2 view and the results of the review.

3 (B) The percentage of military technician
4 (dual status) positions whose conversion to posi-
5 tions of Federal civilian employment under title
6 5, United States Code, would best ensure the
7 achievement of objectives for full time support
8 of the reserve components of the Armed Forces
9 as an operational reserve.

10 (C) A transition plan for implementing a
11 new force structure for full time support of the
12 reserve components, including for the conver-
13 sion of positions as described in subparagraph
14 (B) which mitigates any risks to readiness iden-
15 tified pursuant to paragraph (4)(E).

16 (D) Recommendations for the reform of
17 personnel management policy for military tech-
18 nician (dual status) positions that address—

19 (i) the eligibility of military techni-
20 cians (dual status) for civilian retirement
21 upon retirement from the Armed Forces;
22 and

23 (ii) the process for appealing employ-
24 ment decisions.

(E) Recommendations for reforms of compensation and benefits policies for military technician (dual status) positions in order to provide military technicians (dual status) with parity in compensation and benefits with other Federal civilian employees of the Department of Defense under title 5, United States Code.

(6) TRANSMITTAL OF REPORT TO CONGRESS.—

The Secretary shall transmit to the congressional defense committees the report of the working group under paragraph (5), together with such discussion and recommendations in connection with the report as the Secretary considers appropriate. The Secretary shall publish the report, and any such discussions and recommendations, in the Federal Register at the time of transmittal.

(7) CONGRESSIONAL DEFENSE COMMITTEES

DEFINED.—In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

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