

(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of paragraph (1) shall<sup>1</sup> an individual employed in such position under section 3101 of title 5 or section 1601 of this title.

(Added Pub. L. 105–85, div. A, title V, §523(a)(1), Nov. 18, 1997, 111 Stat. 1736; amended Pub. L. 106–65, div. A, title V, §523, Oct. 5, 1999, 113 Stat. 598; Pub. L. 106–398, §1 [[div. A], title IV, §414(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–94; Pub. L. 107–314, div. A, title IV, §414(d), Dec. 2, 2002, 116 Stat. 2527; Pub. L. 108–136, div. A, title IV, §415, Nov. 24, 2003, 117 Stat. 1453; Pub. L. 111–383, div. A, title V, §513, title X, §1075(b)(53), Jan. 7, 2011, 124 Stat. 4210, 4372; Pub. L. 112–239, div. A, title X, §1076(e)(7), (f)(45), Jan. 2, 2013, 126 Stat. 1951, 1955; Pub. L. 114–92, div. A, title X, §1053(b)(1), Nov. 25, 2015, 129 Stat. 981; Pub. L. 114–328, div. A, title X, §1084(b), Dec. 23, 2016, 130 Stat. 2421.)

#### REFERENCES IN TEXT

Section 8016 of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 654), referred to in subsec. (b)(4), was set out as a note under section 10101 of this title prior to repeal by Pub. L. 105–85, div. A, title V, §522(e), Nov. 18, 1997, 111 Stat. 1735.

#### AMENDMENTS

2016—Subsec. (e). Pub. L. 114–328 amended subsec. (e) generally. Prior to amendment, subsec. (e) related to phased-in termination of non-dual status positions.

2015—Subsec. (e). Pub. L. 114–92 added subsec. (e).

2013—Subsec. (c)(3). Pub. L. 112–239, §1076(f)(45), substituted “considered” for “consider”.

Subsec. (d)(3). Pub. L. 112–239, §1076(e)(7), substituted “after January 6, 2013” for “after the end of the 2-year period beginning on the date of the enactment of this subsection”.

2011—Subsec. (a)(3). Pub. L. 111–383, §513(a)(1), added par. (3).

Subsec. (c)(1). Pub. L. 111–383, §1075(b)(53), substituted “The” for “Effective October 1, 2007, the” and struck out “after the preceding sentence takes effect” after “If at any time”.

Subsec. (c)(3). Pub. L. 111–383, §513(b), added par. (3).

Subsec. (d). Pub. L. 111–383, §513(a)(2), added subsec. (d).

2003—Subsec. (c)(1). Pub. L. 108–136 substituted “may not exceed 595 and by the Air Force Reserve may not exceed 90” for “and Air Force Reserve may not exceed 175”.

2002—Subsec. (c)(2). Pub. L. 107–314 substituted “The total number” for “Effective October 1, 2002, the total number” in first sentence and struck out “after the preceding sentence takes effect” after “If at any time” in second sentence.

2000—Subsec. (c)(2). Pub. L. 106–398 substituted “October 1, 2002” for “October 1, 2001”.

1999—Pub. L. 106–65, §523(b), struck out “military” after “status” in section catchline.

Subsec. (a). Pub. L. 106–65, §523(a)(1)(A), struck out “military” after “non-dual status” in introductory provisions.

Subsec. (a)(1), (2). Pub. L. 106–65, §523(a)(1)(B), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) was hired as a military technician before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under any of the authorities specified in subsection (c); and

“(2) as of the date of the enactment of that Act is not a member of the Selected Reserve or after such date ceased to be a member of the Selected Reserve.”

<sup>1</sup> So in original. The word “be” probably should appear.

Subsec. (c). Pub. L. 106–65, §523(a)(2), added subsec. (c).

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title V, §525, Oct. 5, 1999, 113 Stat. 600, provided that: “The amendments made by sections 523 and 524 [amending this section and section 709 of Title 32, National Guard] shall take effect 180 days after the date of the receipt by Congress of the plan required by section 523(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1737) [set out below] [plan received by Congress from Under Secretary of Defense, Personnel and Readiness on Sept. 21, 1999, see Cong. Rec., vol. 145, pt. 15, 21975, Ex. Comm. 4276] or a report by the Secretary of Defense providing an alternative proposal to the plan required by that section.”

#### PLAN FOR FULL UTILIZATION OF MILITARY TECHNICIANS (DUAL STATUS)

Pub. L. 105–85, div. A, title V, §523(d), (e), Nov. 18, 1997, 111 Stat. 1737, provided that:

“(d) PLAN FOR FULL UTILIZATION OF MILITARY TECHNICIANS (DUAL STATUS).—(1) Not later than 180 days after the date of the enactment of this Act [Nov. 18, 1997], the Secretary of Defense shall submit to Congress a plan for ensuring that, on and after September 30, 2007, all military technician positions are held only by military technicians (dual status).

“(2) The plan shall provide for achieving, by September 30, 2002, a 50 percent reduction, by conversion of positions or otherwise, in the number of non-dual status military technicians that are holding military technicians positions, as compared with the number of non-dual status technicians that held military technician positions as of September 30, 1997, as specified in the report under subsection (c) [111 Stat. 1737].

“(3) Among the alternative actions to be considered in developing the plan, the Secretary shall consider the feasibility and cost of each of the following:

“(A) Eliminating or consolidating technician functions and positions.

“(B) Contracting with private sector sources for the performance of functions performed by military technicians.

“(C) Converting non-dual status military technician positions to military technician (dual status) positions or to positions in the competitive service or, in the case of positions of the Army National Guard of the United States or the Air National Guard of the United States, to positions of State employment.

“(D) Use of incentives to facilitate attainment of the objectives specified for the plan in paragraphs (1) and (2).

“(4) The Secretary shall submit with the plan any recommendations for legislation that the Secretary considers necessary to carry out the plan.

“(e) DEFINITIONS FOR CATEGORIES OF MILITARY TECHNICIANS.—In this section [enacting this section]:

“(1) The term ‘non-dual status military technician’ has the meaning given that term in section 10217 of title 10, United States Code, as added by subsection (a).

“(2) The term ‘military technician (dual status)’ has the meaning given the term in section 10216(a) of such title.”

#### § 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 un-

reduced 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 may 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 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.

(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).

(Added Pub. L. 106-65, div. A, title V, § 522(a)(1), Oct. 5, 1999, 113 Stat. 595; amended Pub. L. 106-398, § 1 [[div. A], title V, § 525(a), title X, § 1087(a)(20)], Oct. 30, 2000, 114 Stat. 1654, 1654A-108, 1654A-291; Pub. L. 112-81, div. A, title V, § 514(b), Dec. 31, 2011, 125 Stat. 1394.)

#### AMENDMENTS

2011—Subsec. (a)(3)(A)(i). Pub. L. 112-81 substituted “if qualified may be appointed” for “if qualified be appointed”.

2000—Subsec. (a)(1). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(20)(A)], substituted “October 5, 1999,” for “the date of the enactment of this section”.

Subsec. (a)(2). Pub. L. 106-398, § 1 [[div. A], title V, § 525(a)(1)(A)], inserted “and is age 60 or older at that time” after “unreduced annuity”.

Subsec. (a)(3)(A). Pub. L. 106-398, § 1 [[div. A], title V, § 525(a)(1)(B)], inserted “or is under age 60 at that time” after “unreduced annuity” in introductory provisions.

Subsec. (a)(3)(B)(i). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(20)(B)], substituted “October 5, 2000” for “the end of the one-year period beginning on the date of the enactment of this subsection”.

Subsec. (a)(3)(B)(ii)(I). Pub. L. 106-398, § 1 [[div. A], title V, § 525(a)(1)(C)], inserted “and becoming 60 years of age” after “unreduced annuity”.

Subsec. (b)(1). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(20)(A), (C)], substituted “October 5, 1999,” for “the date of the enactment of this section” and “April 5, 2000” for “six months after the date of the enactment of this section”.

Pub. L. 106-398, § 1 [[div. A], title V, § 525(a)(2)(A)], inserted “and is age 60 or older” after “unreduced annuity”.

Subsec. (b)(2)(A). Pub. L. 106-398, §1 [[div. A], title X, §1087(a)(20)(A)], substituted “October 5, 1999,” for “the date of the enactment of this section” in introductory provisions.

Pub. L. 106-398, §1 [[div. A], title V, §525(a)(2)(B)], inserted “or is under age 60” after “unreduced annuity” in introductory provisions.

Subsec. (b)(2)(B)(i). Pub. L. 106-398, §1 [[div. A], title X, §1087(a)(20)(B)], substituted “October 5, 2000” for “the end of the one-year period beginning on the date of the enactment of this subsection”.

Subsec. (b)(2)(B)(ii). Pub. L. 106-398, §1 [[div. A], title X, §1087(a)(20)(A)], substituted “October 5, 1999,” for “the date of the enactment of this section” in subcls. (I) and (II).

Subsec. (b)(2)(B)(ii)(I). Pub. L. 106-398, §1 [[div. A], title V, §525(a)(2)(C)], inserted “and becoming 60 years of age” after “unreduced annuity”.

Subsec. (b)(3). Pub. L. 106-398, §1 [[div. A], title X, §1087(a)(20)(D)], substituted “during the period beginning on October 5, 1999, and ending on April 5, 2000,” for “within six months of the date of the enactment of this section”.

#### TRANSITION PROVISION

Pub. L. 106-398, §1 [[div. A], title V, §525(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-109, as amended by Pub. L. 107-107, div. A, title X, §1048(f)(1), Dec. 28, 2001, 115 Stat. 1228, provided that:

“(1) An individual who before the date of the enactment of this Act [Oct. 30, 2000] was involuntarily separated or retired from employment as an Army Reserve or Air Force Reserve technician under section 10218 of title 10, United States Code, and who would not have been so separated if the provisions of subsections (a) and (b) of that section, as amended by subsection (a), had been in effect at the time of such separation may, with the approval of the Secretary concerned, be reinstated to the technician status held by that individual immediately before that separation. The effective date of any such reinstatement is the date the employee resumes technician status.

“(2) The authority under paragraph (1) applies only to reinstatement for which an application is received by the Secretary concerned before the end of the one-year period beginning on the date of the enactment of this Act [Oct. 30, 2000].”

#### TEMPORARY PROVISION FOR EXTENSION OF TIME FOR SEPARATION OR RETIREMENT

Pub. L. 106-65, div. A, title V, §522(a)(3), Oct. 5, 1999, 113 Stat. 597, provided that: “During the six-month period beginning on the date of the enactment of this Act [Oct. 5, 1999], the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10218 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting ‘six months’ for ‘30 days’.”

### § 10219. Suicide prevention and resilience program

(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish and carry out a program to provide members of the National Guard and Reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide, including provision of such training at Yellow Ribbon Reintegration Program events and activities authorized under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).

(b) SUICIDE PREVENTION TRAINING.—Under the program, the Secretary shall provide members of the National Guard and Reserves with training in suicide prevention. Such training may include—

(1) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

(2) examining the influence of military culture on risk and protective factors for suicide; and

(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

(c) COMMUNITY RESPONSE TRAINING.—Under the program, the Secretary shall provide the families and communities of members of the National Guard and Reserves with training in responses to suicide that promote individual and community healing. Such training may include—

(1) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

(2) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

(3) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

(4) managing resources to assist key community and military service providers in helping the families, friends, and fellow servicemembers of a suicide victim through the processes of grieving and healing.

(d) COMMUNITY TRAINING ASSISTANCE.—The program shall include the provision of assistance with such training to the local communities of those servicemembers and families, to be provided in coordination with local community programs.

(e) COLLABORATION.—In carrying out the program, the Secretary shall collect and analyze “lessons learned” and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

(f) OUTREACH FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS.—(1) Upon the request of an adjutant general of a State, the Secretary may share with the adjutant general the contact information of members described in paragraph (2) who reside in such State in order for the adjutant general to include such members in suicide prevention efforts conducted under this section.

(2) Members described in this paragraph are—  
(A) members of the Individual Ready Reserve; and

(B) members of a reserve component who are individual mobilization augmentees.

(g) TERMINATION.—The program under this section shall terminate on October 1, 2018.

(Added Pub. L. 112-239, div. A, title V, §581(a)(1), Jan. 2, 2013, 126 Stat. 1764; amended Pub. L. 113-66, div. A, title V, §511(a), Dec. 26, 2013, 127 Stat. 751; Pub. L. 114-328, div. A, title V, §565, Dec. 23, 2016, 130 Stat. 2138.)

#### REFERENCES IN TEXT

Section 582 of the National Defense Authorization Act for Fiscal Year 2008, referred to in subsec. (a), is section 582 of Pub. L. 110-181, which is set out as a note under section 10101 of this title.

#### AMENDMENTS

2016—Subsec. (g). Pub. L. 114-328 substituted “October 1, 2018” for “October 1, 2017”.