



WHITE PAPER

National Guard Bureau Legislative Proposal 291 Dual-Status Technician Conversions and Phase-Out

History, Current Status, and Implications
for the Full-Time Support Workforce

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August 2026

Executive Summary

National Guard Bureau Legislative Proposal 291 (LP-291) would end the Title 32 Dual-Status Military Technician program as it has existed since 1969. The proposal converts the technician workforce to an end state of approximately 89 percent Active Guard and Reserve (AGR) and 11 percent Title 5 civilian, with full implementation targeted for 1 October 2038.¹³

The Department of Defense developed LP-291 and the Office of Management and Budget approved it. DoD transmitted the proposal to Congress in May 2026. It is not an association proposal. The House passed its version of the Fiscal Year 2027 National Defense Authorization Act on 22 July 2026. The Senate has not acted. Conference reconciliation is the next step.^{13,16}

This paper serves three purposes. First, it documents the history that produced LP-291, so members understand this is not a sudden action. Second, it explains what conversion means for an individual technician, with the analysis broken out by years of service, because the calculation

changes sharply with tenure. Third, it addresses a concern raised within the membership regarding the national association position. That concern deserves a factual answer.

The central finding is this. LP-291 as written requires the consent of both the Governor and the individual Service Member before any conversion occurs. No technician is forced out of technician status. At the same time, three material questions remain unresolved heading into conference: control grade availability, retirement credit mechanics, and appropriated funding for the increased end strength. Members are right to press on those points.¹³

KEY FACTS

- **Consent is required.** No conversion occurs without the consent of the Governor and the consent of the individual Service Member.
- **This is not an association proposal.** The Department of Defense developed LP-291 and the Office of Management and Budget approved it.
- **Full implementation is 1 October 2038.** The proposal describes a ten-year conversion period. This is not an immediate action.
- **Three questions remain unresolved.** Control grade availability, retirement credit mechanics, and appropriated funding for the increased end strength.
- **The association position is not final.** The formal resolution is pending a membership floor vote.

1. Background: Origin of the Technician Program

1.1 The National Guard Technicians Act of 1968

Congress passed the National Guard Technicians Act, Public Law 90-486, on 13 August 1968. The program took effect on 1 January 1969. Before that date, technicians were state employees. The Act converted them to federal civilian employees and created a category with no clean parallel elsewhere in federal service.^{1,3}

The Act created the dual-status technician: a federal civilian employee required to maintain military membership in a National Guard unit as a condition of employment. Authority is codified at 32 U.S.C. 709. The Act designated the Adjutants General of each state to employ and administer the workforce, which preserved the state character of the Guard while giving technicians federal pay, benefits, and retirement.^{2,3}

1.2 The structural problem

The design flaw is built into the statute. A technician carries Title 5 employment rules and Title 32 military membership requirements at the same time. Loss of military membership means loss of the civilian job. Promotion, assignment, medical status, and retention decisions on the military

side directly threaten civilian employment on the other. Every reform effort of the last decade has been an attempt to resolve that tension.

2. How the Proposal Reached Its Current Status

2.1 The 2016 conversion fight

November 2015. Section 1053 of the FY16 NDAA, Public Law 114-92, directs conversion of at least 20 percent of dual-status technicians in administrative and office occupations to Title 5, plus conversion of all non-dual-status technicians as they attrite. Deadline is 1 January 2017.⁴

2016. The National Governors Association, NGAUS, and AGAUS object. Governors argue that conversion reduces the personnel available for Governor-directed emergency response and disrupts Guard operations.⁵

December 2016. A DoD report on the management of military technicians finds that only 12.6 percent of dual-status positions are administrative in nature and recommends converting 4.8 percent, not 20 percent.⁶

December 2016. The FY17 NDAA delays the conversion deadline from 1 January 2017 to 1 October 2017.^{5,7}

April 2017. The Chief of the National Guard Bureau testifies that a 20 percent conversion would degrade readiness, and that DoD had not analyzed the associated costs and benefits.⁶

2017. NGB issues implementation guidance. States convert all remaining non-dual-status positions and a set number of dual-status positions to Title 5. State Human Resources Offices run town halls and publish benefit and appeal-rights guidance.^{7,8}

2017. The FY17 NDAA directs a feasibility and advisability study on realigning Air National Guard technicians to AGR.¹⁸

FY2019–FY2020. The Air National Guard begins voluntarily realigning dual-status technician positions to AGR. In FY2020, the second year of the effort, ANG realigned 12.4 percent of the technician workforce, or 2,344 positions, targeting duty positions with recruiting and retention difficulty. Technician-to-AGR conversion has therefore been underway on a voluntary basis for years.¹⁸

2019. The Senate-reported FY20 NDAA (S. 1790, Sec. 413) includes language that would prohibit under any circumstances the coercion of a military technician into conversion. This paper does not assert a blanket statutory prohibition on mandatory conversion. The enacted text should be confirmed against Public Law 116-92 before it is relied upon in debate.⁹

2.2 The labor and legal backdrop

18 May 2023. The Supreme Court decides *Ohio Adjutant General's Department v. Federal Labor Relations Authority*. A state Guard acts as a federal agency when it supervises dual-status technicians, so technicians retain federal collective bargaining rights.¹⁰

2024. AFGE, which represents roughly 32,000 technicians nationwide, blocks a House NDAA amendment that would have stripped those workplace protections.¹¹

2025. The FY26 NDAA as reported by the Senate Armed Services Committee authorizes 22,294 dual-status technicians for the Army National Guard and 10,744 for the Air National Guard.¹²

2.3 LP-291 enters the legislative process

15 May 2026. DoD submits Legislative Proposal 291 to Congress following OMB approval. The proposal converts Guard military technicians to AGR or Title 5 civilian roles over a ten-year period, targeting 89 percent AGR and 11 percent Title 5, with full implementation on 1 October 2038.¹³

Late May 2026. NGB, the states, territories, and the District of Columbia engage Congress to establish champions on the House and Senate Armed Services Committees. AGAUS builds congressional support.¹³

4 June 2026. EANGUS President CMSgt Josh Baker sends two letters supporting LP-291, one to the House and Senate Armed Services Committees and a companion letter to the Senate.^{14,15}

6 June 2026. EANGUS announces its support publicly, citing retention in cyber operations, aviation, intelligence, logistics, and homeland defense.¹⁴

Early June 2026. The House Armed Services Committee adopts an amendment by Representative Joe Wilson of South Carolina that includes LP-291. The Senate Armed Services Committee takes up a similar amendment during its markup.¹³

10 June 2026. NGAUS surveys its members, then announces support with caveats. NGAUS reports that it was not included in developing the proposal or in planning its rollout.¹³

15 June 2026. HASC reports H.R. 8800. SASC reports S. 4784 the same day.¹⁶

30 June 2026. The House rule for H.R. 8800 fails, 198 to 224.¹⁶

21 July 2026. A new rule passes, 214 to 211.¹⁶

22 July 2026. The House passes H.R. 8800, as amended, 216 to 212.^{16,17}

Current. The Senate has not passed S. 4784. Conference reconciliation is the next step. The EANGUS formal resolution, submitted by West Virginia, is pending a membership floor vote at the 2026 national conference.^{15,16}

3. What LP-291 Does

The Secretary of Defense retains conversion authority under the proposal. Conversion requires the consent of the Governor and the consent of the individual Service Member. The target end state is 89 percent AGR and 11 percent Title 5 civilian, with full implementation on 1 October 2038. Technicians nearing retirement eligibility may remain in technician status under a delayed-conversion option of up to ten years.^{13,15}

Converted positions carry pay, benefits, and retirement entitlements comparable to those of active-duty counterparts. The three available paths differ substantially in their financial and legal consequences.¹³

Path	Share of workforce	FERS treatment under current rules	Employment protections
Remain a technician	Temporary. Up to ten years under delayed conversion.	Continues while in technician status.	Title 32 excepted service. Appeals run through the Adjutant General.
Convert to AGR	Approximately 89 percent	Creditable service stops when the member leaves the civilian rolls. LP-291 does not settle this.	Military administrative process. No civilian employment protections.
Convert to Title 5	Approximately 11 percent	Continues without interruption.	Competitive service. Full MSPB rights and collective bargaining.

Caution. LP-291 does not resolve how FERS creditable service is treated at conversion. The column above reflects how federal civilian service is normally treated today, not a determination made by the proposal. NGAUS lists retirement implications among the unresolved issues. Treat that column as a planning assumption, not as settled policy.¹³

4. What It Means for an Individual Technician

Years of service is the single largest variable. A member early in the program and a member deep into a civilian annuity face fundamentally different calculations. The table below compares the two cases most commonly raised by members.

This section is analysis, not documented policy. It applies current federal retirement and personnel rules to the conversion paths LP-291 describes. LP-291 itself does not resolve retirement credit, so no member should treat this comparison as a forecast of what the final law will do. AGR program characteristics referenced below are governed by AR 135-18, NGR 600-5, and ANGI 36-101.

Factor	Member at 8 years	Member at 16 years
Delayed-conversion option	Likely does not apply. The option targets technicians nearing retirement eligibility.	Likely applies. Up to ten additional years in technician status.
FERS exposure	Low. Eight years produces a modest deferred annuity. Freezing it costs less.	High. Sixteen years of creditable service and a maturing high-3 are at stake.

Factor	Member at 8 years	Member at 16 years
AGR upside	Strong. Full runway to a 20-year active federal service retirement that pays immediately.	Situational. Depends on age, prior active service, and point count.
Control grade risk	Lower. Mid-grade members compete for a wider band of AGR authorizations.	Higher. Senior grades are tightly controlled in the AGR structure.
Lowest-risk path	AGR or Title 5, based on career goals. Both are viable.	Delayed conversion, then Title 5 if a billet exists.

4.1 The member at eight years

- Time works in their favor. Implementation runs to 2038. This member has years of visibility before any decision point arrives.¹³
- They likely do not qualify for the delayed-conversion option, which targets members nearing retirement eligibility. At eight years, this is a real choice rather than a hold-in-place.¹⁵
- FERS exposure is small. Eight years of creditable service produces a modest deferred annuity. Freezing it costs far less than freezing sixteen or twenty years.
- AGR upside is significant. Converting at eight years leaves a full runway to a twenty-year active federal service retirement, which pays immediately rather than at age 60. Add untaxed BAH and BAS, TRICARE in place of FEHB premiums, and full commissary and exchange access.
- AGR costs are equally real. Mandatory removal dates, retention control points, continuous height, weight, and fitness standards, and assignability. Technicians generally stay put. AGR Soldiers and Airmen move.
- Title 5 is the middle path. FERS service continues unbroken and the member retains civilian employment protections while serving as a traditional Soldier or Airman.¹⁰

4.2 The member at sixteen years

- The delayed-conversion option likely applies and likely covers the runway to a FERS-eligible retirement.¹⁵
- Walking away from sixteen years of FERS carries a real cost. The break-even point depends on age, minimum retirement age, military points already banked, and high-3 salary.
- Control grade availability is the larger risk at this level. A senior technician may find no AGR authorization at their current grade.¹³
- No member at this stage should decide anything without a FERS estimate and a non-regular retirement estimate reviewed side by side.

5. Addressing Membership Concerns About the National Position

Some members have questioned whether the national association acted in the interest of the technician workforce when it endorsed LP-291. That is a fair question. It deserves an answer built on the documented record rather than on secondhand accounts. The record supports the following points.

5.1 What the record supports

1. EANGUS did not create LP-291. The Department of Defense developed the proposal and the Office of Management and Budget approved it. DoD transmitted it to Congress in May 2026.¹³
2. EANGUS was not the only association to support it. NGAUS surveyed its members and also announced support, with caveats. NGAUS reported that it was not consulted during development of the proposal.¹³
3. The proposal was already advancing. HASC adopted the amendment carrying LP-291 in the same window as the association letters. Congressional momentum came from NGB, AGAUS, and the states.¹³
4. The proposal preserves individual consent. Conversion requires the consent of both the Governor and the individual Service Member, and includes the delayed-conversion option for members near retirement.^{13,15}
5. The association position is not final. The formal resolution, submitted by West Virginia, is pending a membership floor vote. Members retain a vote on the position.¹⁵

5.2 What is a fair criticism

The following concerns are legitimate and remain unresolved. Members are right to raise them.

- Association leadership announced support before the membership voted on a resolution. That sequencing is worth debating on its merits.^{14,15}
- Control grades are unresolved. Senior technicians may have no AGR billet to convert into.¹³
- Retirement credit mechanics are unresolved. How FERS creditable service is treated at the point of conversion is the single largest financial question facing the workforce.¹³
- Funding is unresolved. AGR authorizations are currently funded at roughly 50 to 60 percent of validated full-time requirements. Converting positions on paper does not create funded billets.¹³
- Collective bargaining rights confirmed by the Supreme Court in 2023 do not carry over into AGR status.^{10,11}

5.3 What the record does not support

The record does not support the claim that EANGUS originated LP-291 or served as the driving force behind it. The proposal came from the Department of Defense. The record also does not support the claim that technicians will be moved out of technician status against their will. The consent requirement is in the text of the proposal.¹³

Both points should be stated plainly to the membership. Members may still disagree with the association position on the merits. That is a separate argument, and a legitimate one.

6. Open Issues Heading Into Conference

- Consent language. Confirm that the Governor and individual consent requirements survive conference intact.
- Retirement credit. Confirm how FERS creditable service is treated at the point of conversion.
- Control grades. Confirm that AGR grade authorizations expand to absorb senior technicians.
- End strength funding. Confirm that appropriations follow the authorization.
- Delayed-conversion eligibility. Confirm the definition of nearing retirement eligibility and the exact length of the option.

7. Recommended Member Actions

6. Pull your FERS service computation date and your military points statement. Know both numbers before forming an opinion.
7. Request a FERS annuity estimate at your current years of service and at your projected milestones.
8. Request a non-regular retirement estimate based on your current point count.
9. Contact your State Human Resources Office retirement counselor and your Retirement Services Officer. No member should decide off a briefing slide.
10. If you are in a bargaining unit, engage your union representative. AFGE has a direct stake in the outcome.
11. Track the conference report. The final text, not the House or Senate version, determines what happens.

EANGKY will publish an update to the membership once the conference report is released.

8. What Can Be Verified and What Cannot

Most of the frustration around LP-291 comes from partial information. Members hear one accurate fact, fill the gaps with assumption, and arrive at a conclusion the record does not support. This section separates what is documented today from what nobody can answer yet, including the National Guard Bureau.

Question members are asking	Status
Has LP-291 become law?	No. The House passed H.R. 8800 on 22 July 2026. The Senate has not passed S. 4784. Conference has not reconciled the two.
Who wrote LP-291?	Documented. The Department of Defense developed it and OMB approved it. It was submitted to Congress around 15 May 2026.
Can I be forced to convert?	Documented. The proposal requires the consent of the Governor and the consent of the individual Service Member.
When would this reach me?	Documented. A ten-year conversion period with full implementation targeted for 1 October 2038.
What happens to my FERS?	Not yet knowable. LP-291 does not resolve how retirement credit is treated at conversion.
Will there be an AGR billet at my grade?	Not yet knowable. Control grade authorizations are an open issue.
Will the billets actually be funded?	Not yet knowable. AGR authorizations are currently funded at roughly 50 to 60 percent of validated full-time requirements.
Which specific positions convert?	Not yet knowable. No position-level conversion list exists.
Is the EANGUS position final?	No. The formal resolution is pending a membership floor vote.

8.1 What in this paper is analysis rather than documented fact

The following material is reasoning applied to current rules. It is clearly useful for planning. It is not evidence of what the final law will do, and it should not be quoted as such.

- All of Section 4, including the eight-year and sixteen-year comparison. This applies existing federal retirement and personnel rules to the paths LP-291 describes.
- The FERS treatment column in Section 3. LP-291 does not settle retirement credit.¹³
- The characterization of control grade risk as higher for senior technicians. The underlying issue is documented. The distribution of that risk by grade is inference.
- The statement that AGR conversion removes civilian employment protections. This follows from the nature of AGR status, not from language in LP-291.

8.2 What no one can answer yet

These questions are open because the governing text does not exist. Anyone offering a confident answer is speculating.

- The final conference text. The House and Senate versions must still be reconciled.¹⁶
- How FERS creditable service is treated at the point of conversion.¹³
- Whether AGR control grade authorizations expand enough to absorb senior technicians.¹³
- Whether appropriations follow the authorized end strength increase.¹³
- The precise definition of nearing retirement eligibility for the delayed-conversion option.¹⁵
- Which specific positions in Kentucky convert, and in what sequence.

8.3 How to check this paper yourself

Every source in this paper is public. Members who want to verify a claim rather than take it secondhand should start here.

- **Bill text and status.** Track H.R. 8800 and S. 4784 directly. Committee reports, amendments, and floor votes are posted here. <https://www.congress.gov/bill/119th-congress/house-bill/8800>
- **Nonpartisan status summaries.** The Congressional Research Service publishes a running account of FY27 NDAA legislative activity. <https://www.congress.gov/crs-product/IN12704>
- **The NGAUS reporting this paper relies on.** The 10 June 2026 Washington Report is the source for most LP-291 specifics, including the unresolved issues. <https://www.ngaus.org/newsroom/legislative-change-dual-status-technician-program>
- **The EANGUS position and letters.** Both 4 June 2026 letters are posted in full, along with the LP-291 status entry. <https://eangus.org/legislative/>
- **The statute itself.** Read 32 U.S.C. 709, the authority that created and governs the technician program. <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title32-section709&num=0&edition=prelim>
- **Your own record.** Your State Human Resources Office can produce your FERS service computation date, and your Retirement Services Officer can produce your military points statement. No public document answers what conversion means for you individually. Those two numbers do.

If a member disagrees with this paper after reading the underlying sources, that is a legitimate disagreement and worth hearing. If a member disagrees without reading them, the productive next step is to read them.

Notes

Sources are numbered as a reference list and cited by number throughout the paper, so the numbers do not run in order of first appearance. Legal sources follow Bluebook form. All other sources follow Chicago notes style. Links were verified on 2 August 2026.

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Prepared by SFC Michael Smith, President, The Enlisted Association of the National Guard of Kentucky. This paper is informational. It is not legal, financial, or retirement advice. Members should consult their State Human Resources Office and Retirement Services Officer before making any career decision.