

Limitation on obligation of funds pending submission of classified justification material

The House bill contained a provision (sec. 354) that would limit the obligation of funds authorized to be appropriated for the Office of the Secretary of Defense for budget activity four, line 270, until classified justification material is provided to Congress.

Senate amendment contained no similar provision.

The House recesses.

Study on distribution of hemostatic agents

The House bill contained a provision (sec. 356) that would require the Secretary of Defense to submit a report on the distribution of hemostatic agents to service members serving in Iraq and Afghanistan.

The Senate amendment contained no similar provision.

The House recesses.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the armed forces as of September 30, 2010: Army, 547,400; Navy, 328,800; Marine Corps, 202,100; and Air Force, 331,700.

The Senate bill contained an identical provision (sec. 401).

The agreement includes a provision that would authorize an active-duty end strength for the Army of 562,400.

The conferees remain concerned about the stress on all of the services, but most particularly the Army and the Marine Corps. To help ease this stress, the conferees support the President's request for increased active-duty end strengths for all components, totaling over 55,000 more active-duty service members than authorized in 2009. After passage of the House and the Senate bills, the administration submitted a budget amendment to Congress that proposed additional Army active-duty end strength of 15,000, funded out of 2010 overseas contingency operation funds. In light of the budget amendment, and the continued stress on the Army, the conferees believe the Army should be authorized the additional end strength requested by the President.

End strength levels for the active forces for fiscal year 2010 are set forth in the following table:

Service	FY 2009 authorized	FY 2010		Change from	
		Request	Recommendation	FY 2010 request	FY 2009 authorized
Army	532,400	562,400	562,400	0	30,000
Navy	326,323	328,800	328,800	0	2,477
Marine Corps	194,000	202,100	202,100	0	8,100
Air Force	317,050	331,700	331,700	0	14,650
DOD Total	1,369,773	1,425,000	1,425,000	0	55,227

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would establish the following minimum end strengths for active-duty personnel as of September 30, 2010: Army, 547,400; Navy, 328,800; Marine Corps, 202,100; and Air Force 331,700.

The Senate amendment contained no similar provision.

The Senate recesses.

Minimum end strength levels for active forces are set forth in the following table:

Service	FY 2009 authorized	FY 2010 Recommendation	Change from FY 2009
Army	532,400	547,400	15,000
Navy	325,300	328,800	3,500
Marine Corps	194,000	202,100	8,100
Air Force	317,050	331,700	14,650
DOD Total	1,368,750	1,410,000	41,250

Additional authority for increases of Army active-duty end strengths for fiscal years 2011 and 2012 (sec. 403)

The House bill contained a provision (sec. 403) that would authorize the Secretary of Defense to increase the Army's active-duty end strength by 30,000 over the fiscal year 2010 level during fiscal years 2011 and 2012 provided the Secretary included the cost of such increases in the annual budget request for those fiscal years.

The Senate amendment contained a provision (sec. 402) that would authorize the Secretary of Defense to increase the active-duty end strength of the Army by 30,000 over the fiscal year 2010 level during fiscal year 2010 provided that the Secretary funded the increase through Department of Defense reserve funds or an emergency supplemental, and in fiscal years 2011 and 2012 provided the Secretary included the costs of such increases in the annual budget request for those fiscal years.

The Senate recesses.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on active duty in support of the reserves as of September 30, 2010: the Army National Guard of the United States, 358,200; the Army Reserve, 205,000; the Navy Reserve, 65,500; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,700; the Air Force Reserve, 69,500; and the Coast Guard Reserve, 10,000.

The Senate amendment contained a similar provision (sec. 411).

The Senate recesses.

End strength levels for the Selected Reserve are set forth in the following table:

Service	FY 2009 au- thorized	FY 2010		Change from	
		Request	Conferee rec- ommendation	FY 2010 re- quest	FY 2009 au- thorized
Army National Guard	352,600	358,200	358,200	0	5,600
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	66,700	65,500	65,500	0	-1,200
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,756	106,700	106,700	0	-56
Air Force Reserve	67,400	69,500	69,500	0	2,100
DOD Total	838,056	844,500	844,500	0	6,444
Coast Guard Reserve	10,000	10,000	10,000	0	0

End strengths for Reserves on active duty in support of the Reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on active duty in support of the reserve components as of September 30, 2010: the Army National Guard of the United States, 32,060; the Army Reserve, 16,261; the Navy Reserve, 10,818; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,555; and the Air Force Reserve, 2,896.

The Senate amendment contained an identical provision (sec. 412).

The conference agreement includes the provision.

End strength levels for reserves on active duty in support of the reserves are set forth in the following table:

Service	FY 2009 au- thorized	FY 2010		Change from	
		Request	Recommendation	FY 2010 re- quest	FY 2009 au- thorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,170	16,261	16,261	0	91
Navy Reserve	11,099	10,818	10,818	0	-281
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,360	14,555	14,555	0	195
Air Force Reserve	2,733	2,896	2,896	0	163
DOD Total	78,683	78,851	78,851	0	168

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2010: the Army Reserve, 8,395; the Army National Guard of the United States, 27,210; the Air Force Reserve, 10,417; and the Air National Guard of the United States, 22,313.

The Senate amendment contained an identical provision (sec. 413).

The conference agreement includes the provision.

End strength levels for military technicians (dual status) are set forth in the following table:

Service	FY 2009 au- thorized	FY 2010		Change from	
		Request	Recommenda- tion	FY 2010 re- quest	FY 2009 au- thorized
Army Reserve	8,395	8,154	8,395	241	0
Army National Guard	27,210	26,901	27,210	309	0
Air Force Reserve	10,003	10,417	10,417	0	414
Air National Guard	22,452	22,313	22,313	0	- 139
DOD Total	68,060	67,785	68,335	550	275

Fiscal year 2010 limitation on number of non-dual status technicians (sec. 414)

The House bill contained a provision (sec. 414) that would establish the following maximum end strengths for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2010: the Army National Guard of the United States, 2,191; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate amendment contained a similar provision (sec. 414) that would establish a maximum end strength for the Army National Guard for non-dual status technicians of 1,600.

The House recedes.

The conferees understand that the operational tempo for the reserve components has increased during the current conflicts, and that higher tempo in turn necessitates higher numbers of full-time support personnel to support the reserve components. Consequently, Congress has acted in recent years to increase the number of Army full-time support personnel, including military technicians. In some cases, Congress has authorized more full-time support personnel than was requested by the administration. The conferees understand that the Army continues to assess their temporary and permanent full-time support requirements and is working on a comprehensive study that will address its needs.

Under a Presidential waiver of end strength limitations, the Army National Guard's non-dual status technician population is now over 3,000 strong, despite the 1,600 cap on permanent end strength. As such, the conferees feel it is prudent to wait for the result of the full-time support report, as well as the report on non-dual status technician requirements found elsewhere in this Act, before increasing the permanent cap. The purpose of the Presidential waiver authority is precisely to satisfy short-term emergency needs. In light of the reports still outstanding and the current strength of the Army National Guard's non-dual status technician population under the Presidential waiver, the conferees feel that the permanent cap of 1,600 remains sufficient for fiscal year 2010.

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2010 to provide operational support.

The Senate amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

Submittal of options for creation of trainees, transients, holdees, and students account for the Army National Guard (sec. 416)

The House bill contained a provision (sec. 416) that would require the Secretary of the Army to report to the congressional defense committees on options for the creation of a trainee, transients, holdees, and students (TTHS) account within the Army National Guard.

The Senate amendment contained a similar provision (sec. 416).

The Senate recedes with a technical amendment.

Report on requirements of the National Guard for non-dual status technicians (sec. 417)

The Senate amendment contained a provision (sec. 511) that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives within 180 days of the date of enactment of this Act on the roles, duties, and requirements for non-dual status technicians in the National Guard.

The House bill contained no similar provision.

The House recedes with an amendment that would add to the report elements a description of the demands for non-dual status technicians given current operational tempo and a description of the current and anticipated demands of the National Guard for non-dual status technicians as a result of the evolution of the National Guard into an operational force.

Expansion of authority of secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths (sec. 418)

The Senate amendment contained a provision (sec. 417) that would amend section 115(g) of title 10, United States Code, to authorize the secretaries of the military departments to increase their authorized Selected Reserve end strengths by up to 2 percent.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle C—Authorization of Appropriations

Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel.

The Senate amendment contained a similar provision (sec. 421).

The conference agreement includes this provision.

The following are the changes from the budget request for the military personnel accounts:

[Changes in millions of dollars]

Increase in military pay raise	351.0
Post Deployment/Mobilization Respite Absence Program	59.0

[Changes in millions of dollars]—Continued

Mental health assessments	3.0
Substance abuse study	1.5
Critical and Strategic Languages Program	5.0
Limitations on collections	15.0
Army additional recruitment incentives	5.0
Mental health HPSP scholarships	20.0
Community support for families with special needs	50.0
Family Supplemental Subsistence Allowance	0.5
Psychology officer	0.2
Reimbursement for exceptional travel for medical benefits	10.0
Reduction of unobligated military personnel balances	-520.2
Total	0.0

Repeal of delayed one-time shift of military retirement payments (sec. 422)

The House bill contained a provision (sec. 422) that would repeal section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), which required a one-time delay in military retirement payments from September 1, 2013, to October 1, 2013.

The Senate amendment contained no similar provision.
The Senate recesses.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff (sec. 501)

The Senate amendment contained a provision (sec. 503) that would amend section 156(c) of title 10, United States Code, to require that an officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff be appointed in the regular grade of brigadier general or rear admiral (lower half).

The House bill contained no similar provision.
The House recesses.

Modification of limitations on general and flag officers on active duty (sec. 502)

The Senate amendment contained a provision (sec. 501) that would amend sections 525, 526, and 721 of title 10, United States Code, to implement section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) to modify the distribution and authorized end strengths of general and flag officers on active duty.

The House bill contained no similar provision.

The House recesses with an amendment that would add a requirement that the Secretary of Defense submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of: (1) the provisions of title 10, United States Code, that exclude commissioned officers of the armed forces on active duty in general and flag officer grades from the limitations on the authorized strengths of general and flag officers; (2) whether the authorized numbers of general and flag officers in active status under section 12004(a) of title 10, United