[H.A.S.C. No. 96–24]

HEARINGS

ON

H.R. 5573 (H.R. 5766)

RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS FOR MILITARY JUNIOR COLLEGES

H.R. 1425 (H.R. 5753)

CREDITING OF CERTAIN FULL-TIME TRAINING DUTY OF MEMBERS OF THE NATIONAL GUARD

H.R. 2600 (H.R. 5748)

ACCOUNTABILITY AND RESPONSIBILITY FOR PROPERTY OF THE UNITED STATES ISSUED TO THE NATIONAL GUARD

BEFORE THE

MILITARY PERSONNEL SUBCOMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

FIRST SESSION

OCTOBER 24, 25, AND 30, 1979

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H.R. 5573—RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS FOR MILITARY JUNIOR COLLEGES

HOUSE OF REPRESENTATIVES,
MILITARY PERSONNEL SUBCOMMITTEE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., Wednesday, October 24, 1979.

The subcommittee met at 9:35 a.m., pursuant to notice, in room 2212, Rayburn House Office Building, Hon. Antonio B. Won Pat presiding.

Mr. WON PAT. The Subcommittee on Military Personnel is now in session.

I want to say that the chairman is indisposed today and so I am pinch-hitting for him.

Today, the subcommittee will consider H.R. 5573, a bill introduced by our colleague, Mr. Skelton.

The subcommittee has previously held a hearing on H.R. 3308, introduced by Mr. Skelton, which was intended to provide additional scholarships for students at the six military junior colleges.

H.R. 5573 is broader than Mr. Skelton's original bill, in that it increased the total number of ROTC scholarships authorized for the Army and also would provide additional scholarships for military junior colleges.

I am advised that, unlike the previous bill, the Army may be prepared to support this legislation.

[H.R. 5573 is as follows:]

I

96TH CONGRESS
1ST SESSION

H. R. 5573

To amend title 10, United States Code, to authorize additional Reserve Officers' Training Corps scholarships for the Army, to provide a certain number of such scholarships for cadets at military junior colleges, to authorize the Secretary of the Army to provide that cadets awarded such scholarships may serve their obligated period of service in the Army Reserve or Army National Guard of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 1979

Mr. SKELTON (for himself, Mr. EVANS of Georgia, Mr. SHELBY, Mr. GINN, Mr. LEDERER, Mr. DORNAN, Mr. WON PAT, Mr. RUNNELS, Mr. WEAVER, Mr. STUMP, Mr. ICHORD, Mr. BEILENSON, Mr. CORRADA, Mr. MONTGOMERY, Mr. NOLAN, Mr. DAN DANIEL, Mr. SCHULZE, Mr. ALBOSTA, Mr. LUJAN, Mr. CHARLES WILSON of Texas, and Mr. ROSE) introduced the following bill; which was referred to the Committee on Armed Services

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A BILL

To amend title 10, United States Code, to authorize additional Reserve Officers' Training Corps scholarships for the Army, to provide a certain number of such scholarships for cadets at military junior colleges, to authorize the Secretary of the Army to provide that cadets awarded such scholarships may serve their obligated period of service in the Army Reserve

or Army National Guard of the United States, 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 That section 2107 of title 10, United States Code, is
4 amended—
5 (1) by inserting "and" at the end of clause (4) of
6 subsection (b);
7 (2) by striking out clauses (5) and (6) of subsec-
8 tion (b) and inserting in lieu thereof the following:
9 "(5) either—
10 "(A) agree in writing that he will—
11 "(i) accept an appointment, if offered, as
12 a commissioned officer in the Army, Navy,
13 Air Force, or Marine Corps, as the case may
14 be, and that, if he is commissioned as a reg-
15 ular officer and his regular commission is ter-
16 minated before the sixth anniversary of his
17 date of rank, he will accept an appointment,
18 if offered, in the reserve component of that
19 armed force and not resign before that anni-
20 versary; and
21 "(ii) serve on active duty for four or
22 more years; or
23 "(B) agree in writing that he will—

"(i) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be; and

"(ii) serve in a reserve component of that armed force until the eighth anniversary of the receipt of such appointment, unless otherwise extended by subsection (d) of section 2108 of this title, under such terms and conditions as shall be prescribed by the Secretary of the military department concerned.

The performance of service under clause (5)(B) may include periods of active duty, active duty for training, and other service in an active or inactive status in the reserve component in which appointed."; and

(3) by striking out "6,500" the first place it appears in subsection (h) and inserting in lieu thereof "12,000".

SEC. 2. (a) Title 10, United States Code, is amended by inserting after section 2107 the following new section:

"§ 2107a. Financial assistance program for specially selected members: military junior colleges

"(a)(1) The Secretary of the Army may appoint as a cadet in the Army Reserve or Army National Guard of the United States any eligible member of the program who is a

1 student at a military junior college and who will be under 25
2 years of age on June 30 of the calendar year in which he is
3 eligible under this section for appointment as a second lieu-
4 tenant in the Army.

5 "(2) To be considered a military junior college for the
6 purposes of this section, a school must be a civilian postsec-
7 ondary educational institution essentially military in nature
8 that does not confer baccalaureate degrees and that meets
9 such other requirements as the Secretary of the Army may
10 prescribe.

11 "(b) To be eligible for appointment as a cadet under this
12 section, a member of the program must—

13 "(1) be a citizen of the United States;

14 "(2) be specially selected for the financial assist-
15 ance program under this section under procedures pre-
16 scribed by the Secretary of the Army;

17 "(3) enlist in a reserve component of the Army
18 for the period prescribed by the Secretary of the Army;

19 "(4) contract, with the consent of his parent or
20 guardian if he is a minor, with the Secretary of the
21 Army to serve for the period required by the program;

22 "(5) agree in writing that he will accept an ap-
23 pointment, if offered, as a commissioned officer in the
24 Army Reserve or the Army National Guard of the
25 United States; and

1 "(6) agree in writing that he will serve in such
2 reserve component for not less than six years.
3 Performance of duty under an agreement under this subsec-
4 tion shall be under such terms and conditions as the Secre-
5 tary of the Army may prescribe and may include periods of
6 active duty, active duty for training, and other service in an
7 active or inactive status in the reserve component in which
8 appointed.
9 "(c) The Secretary of the Army shall provide for the
10 payment of all expenses of the Department of the Army in
11 administering the financial assistance program under this sec-
12 tion, including the cost of tuition, fees, books, and laboratory
13 expenses which are incurred by members of the program ap-
14 pointed as cadets under this section while such members are
15 students at a military junior college.
16 "(d) Upon satisfactorily completing the academic and
17 military requirements of the program, a cadet may be ap-
18 pointed as a reserve officer in the Army in the grade of
19 second lieutenant, even though he is under 21 years of age.
20 "(e) The date of rank of officers appointed under this
21 section in May or June of any year is the date of graduation
22 of cadets from the United States Military Academy in that
23 year. The Secretary of the Army shall establish the date of
24 rank of all other officers appointed under this section.

1 "(f) A cadet who does not complete the course of in-
2 struction, or who completes the course but declines to accept
3 a commission when offered, may be ordered to active duty by
4 the Secretary of the Army to serve in his enlisted grade for
5 such period of time as the Secretary prescribes but not for
6 more than four years.

7 "(g) In computing length of service for any purpose, an
8 officer appointed under this section may not be credited with
9 service as a cadet or with concurrent enlisted service.

10 "(h) The Secretary of the Army shall appoint not less
11 than 10 cadets under this section each year at each military
12 junior college. The Secretary shall appoint additional cadets
13 under this section from among members of the program at
14 any military junior college if the level of participation in the
15 program by students at such military junior college meets
16 criteria established by the Secretary by regulation.

17 "(i) Cadets appointed under this section are in addition
18 to the number appointed under section 2107 of this title.".

19 (b) The table of sections at the beginning of chapter 103
20 of such title is amended by inserting after the item relating to
21 section 2107 the following new item:

"2107a. Financial assistance program for specially selected members: military junior colleges.".

22 SEC. 3. Section 2108(d) of title 10, United States Code,
23 is amended by striking out the second sentence thereof and
24 inserting in lieu thereof the following: "If a member of the

1 program has been accepted for resident graduate or profes-
2 sional study, the Secretary of the military department con-
3 cerned may delay the commencement of that member's obli-
4 gated period of active duty, and any obligated period of
5 active duty for training or other service in an active or inac-
6 tive status in a reserve component, until the member has
7 completed that study. If a cadet appointed under section
8 2107a of this title has been accepted for a course of study at
9 an accredited civilian educational institution authorized to
10 grant baccalaureate degrees, the Secretary of the Army may
11 delay the beginning of that member's obligated period of
12 service in a reserve component until the member has com-
13 pleted such course of study.".

14 SEC. 4. The amendments made by this Act shall take
15 effect on January 1, 1980.

Mr. WON PAT. Our first witness will be the honorable Ike Skelton. Mr. Skelton, you may proceed.

STATEMENT OF HON. IKE SKELTON, A REPRESENTATIVE FROM MISSOURI

Mr. SKELTON. Thank you, Mr. Chairman. It is a real pleasure to be with you today. I have with me two other gentlemen who will testify concerning this bill. On my right is General Yerks. On my left is Colonel Sellers, the superintendent of one of the six military junior colleges.

Mr. WON PAT. General Yerks and Colonel Sellers, you are welcome.

Mr. SKELTON. I would like to thank the members of this subcommittee for your swiftness in holding this hearing on H.R. 5573, which I introduced on October 12. This bill authorizes additional ROTC scholarships for the Army, and establishes a scholarship program for cadets at military junior colleges. Thirty-one members have agreed to cosponsor this bill as of yesterday. I feel that as of the opening session today we will have at least 40 cosponsors of this legislation.

H.R. 5573 is a revised version of my bill H.R. 3308, which was the subject of a hearing before this subcommittee on July 30. Testimony presented at that hearing established the need for action to alleviate the shortfall of junior officers in our Army Reserve and National Guard.

It also established that our Nation's six military junior colleges have the ability to make a significant contribution in this area, if they are given the resources in the form of dedicated scholarships. For that reason, today I will concentrate on the provisions of H.R. 5573, specifically as they differ from H.R. 3308.

However, Mr. Chairman, there is one additional point which I would like to make for the record. On September 12, the House overwhelmingly rejected the recommendation of the House Armed Services Committee for a resumption of registration of 18-year-olds.

Although I supported the position of the committee, that vote makes it clear that the majority of our colleagues is opposed at this time to even the slightest step away from an all-volunteer force.

Thus, it is imperative that we take the necessary steps to assure that our military force will have the personnel to meet our defense needs within the framework of such an all-volunteer system. Increasing the number of ROTC scholarships which is available is one of the steps which we can take.

The major difference between H.R. 5573 and H.R. 3308 is the addition of language which increases the ceiling on Army ROTC scholarships from 6,500 to 12,000, and which provides ROTC graduates with the option of serving 8 years in a Reserve component in lieu of the current 4 years of active duty and 2 years of Reserve. This provision is aimed at reducing the serious shortfall of junior officers in our Reserve Forces.

The remainder of H.R. 5573 closely parallels H.R. 3308 in establishing a new ROTC scholarship program for cadets at military junior colleges.

However, in lieu of the 600 total scholarships provided in H.R. 3308. H.R. 5573 requires that the Secretary of the Army provide scholar-

ships for not less than 10 cadets who are qualified each year at each military junior college. As in H.R. 3308, these cadets would be required to serve in the Army Reserve or Army National Guard.

These 10 scholarships per year will enable our military junior colleges to compete more effectively for quality high school students. The result will be additional highly qualified, highly motivated junior officers for our Reserve Forces.

Mr. Chairman, I do have two corrections I would like to make for the record in H.R. 5573. The first deals with page 5, line 2, and I wish counsel would take note of this. The word "six" on line 2 should be changed to "eight." It was our intention to have an 8-year Reserve obligation as I think all of us will agree the case should be.

On page 6, lines 11 and 12, I have this correction: On line 11 between the words "ten" and "cadet," the word "qualified" should be inserted.

On line 12 between the words "additional" and "cadets," the word "qualified" should be inserted.

Mr. Chairman and members of the committee, I would appreciate your favorable consideration on this. I think it is a step in the right direction toward helping the Reserves of our country.

Next I wish to introduce General Yerks, who will be followed by Colonel Sellers.

Mr. WON PAT. Before the chair calls upon General Yerks and Colonel Sellers, I want to point out since I am a cosponsor of the bill I have supported this bill, and the previous one introduced.

I have a very brief prepared statement which I would like to place without objection, into the record. Hearing no objection, my statement, along with one from Hon. Larry McDonald, will be placed in the record and be made a part of it.

[The statements follow:]

WRITTEN STATEMENT OF HON. ANTONIO B. WON PAT, A DELEGATE FROM GUAM

Mr. Chairman, thank you for this opportunity to offer my wholehearted support for H.R. 5573, legislation I have cosponsored to authorize additional Army ROTC scholarships for cadets at military junior colleges and for related purposes.

This measure will go a long way towards helping to alleviate the serious shortage of military officers our various services face. No nation can long permit itself to allow this condition to exist. The strength and effectiveness of our military is directly in proportion to the quality of our military leadership.

This subcommittee has an obligation to do whatever we can to help provide a new and expanded source of officer candidates for the military. This is why I was pleased to join with Representative Ike Skelton who authorized this measure.

H.R. 5573 is a timely proposal. It promises a great return in officer candidates at a very low cost to the public. I know there are many young men and women who are eager to serve if they had the opportunity. This measure will provide them with the opportunity to become officers and to receive a college education at the same time.

I urge my colleagues to give this measure their support and thank you for this chance to make my views known for the record.

WRITTEN STATEMENT OF HON. LARRY MCDONALD, A REPRESENTATIVE FROM GEORGIA

Mr. Chairman: I am pleased to appear here today in support of H.R. 3308 of which I am a cosponsor. It deals with the addition of certain ROTC scholarships and is of particular note since it adds such scholarships for our military junior colleges. As we all know our military schools at all levels suffered a drastic decline in enrollment during the worst days of the Vietnam conflict and some of them

went out of business. Now, however, the situation is entirely different. These schools are experiencing increasing enrollment. Many of our young men are finding that these schools do provide a disciplined atmosphere where a great amount of learning is possible. Out of this experience many of them further find that a military life is appealing.

However, it is not the well-being of our military schools that concerns me. What is of great concern today is the falling strength of our reserves. Recent mobilization exercises have shown dramatically that we lack sufficient men with which to reinforce our regular army in a time of intense conflict such as we would encounter with the Soviet Union. Present Department of Defense plans call for stripping the Individual Ready Reserves and calling up retired personnel in order to fill the gaps in the event of war. It is the hope and I repeat the hope of the Department of Defense that these measures will fill the gaps until we can implement our Selective Service system and call up draftees to fill the ranks. Many of us have our doubts about such planning.

This bill will not solve our mobilization problems, but it will help. It will provide additional officers in our regular army and in particular our reserves. Any step that helps us in this regard should be taken. Therefore, it is my earnest hope that this measure will be acted upon favorably here in this subcommittee. It is only a partial remedy, but a very needed one. Thank you.

Mr. WON PAT. I will ask General Yerks to present his testimony.

STATEMENT OF LT. GEN. ROBERT G. YERKS, DEPUTY CHIEF OF STAFF FOR PERSONNEL, DEPARTMENT OF THE ARMY

General YERKS. Mr. Chairman and members of the committee, Congressman Skelton's bill will increase the number and quality of lieutenants the Army can recruit for its Reserve Forces.

Army ROTC has recovered from the decline it experienced in the early seventies. Over the last 5 years, with virtually no increase in resources, Army ROTC has increased its enrollment from 30,000 to 60,000 and has been able to meet its officer requirements for the Active Force.

Unfortunately, program growth has slowed. This last year growth was only 2.5 percent while in 1975–76 it was 23 percent. This means that officer production is stagnating below that level required to provide officers for the total force. Currently we are not meeting our requirements for the Army Reserve or National Guard.

In the current environment of declining college enrollments and one in which less than 1 percent of the high school seniors who will attend college even mention the military as a career interest, we must be able to upgrade our incentive program if we hope to interest the best of these students in serving as officers in the Army Reserve or National Guard.

This bill provides additional scholarships to be used to attract students for reserve duty as well as active duty. The current scholarship program is for active duty only.

As already pointed out, Army ROTC has been successful over the last several years. Part of this success can be attributed to the scholarship program which has been our single most attractive incentive for creating awareness and generating interest among high quality students and those who influence them.

Providing dedicated scholarships to the six military junior colleges will allow these institutions to compete for quality students. Graduates of the military junior colleges are available for commissioning and service with the Reserve Forces after only 2 years.

The caliber of students attracted by the scholarship program outlined in Congressman Skelton's bill could provide all components; Active, National Guard and Army Reserve, with needed high quality officers.

I have appreciated this opportunity of appearing before the committee and shall be happy to answer any questions you may have.

Mr. WON PAT. Thank you General. We will defer questioning at this time until we have heard all the witnesses.

Colonel Sellers, will you please present your testimony.

STATEMENT OF COL. J. M. SELLERS, JR., SUPERINTENDENT, WENTWORTH MILITARY ACADEMY, LEXINGTON, MO.

Colonel SELLERS. Mr. Chairman, distinguished members of the House Armed Forces Committee.

I am Col. J. M. Sellers Jr., superintendent of Wentworth Military Academy in Lexington, Mo. I appreciate this opportunity to appear before your committee in support of H.R. 5573.

I would like to address the committee primarily regarding the impact of this bill on the Nation's military junior colleges.

When I previously appeared before this committee on July 30 in support of H.R. 3308, I pointed out that there were only six military junior colleges in this Nation and that we produce officers far in excess of the numbers that would be expected from our enrollment.

I further pointed out that we had no way to attract the outstanding high school graduate who is a natural candidate for an Army ROTC scholarship. These 4-year scholarships are offered to a student in the spring of his senior year. If he prefers the 2-year commissioning program of the type available at the six military junior colleges, he must turn down the 4-year scholarship and instead compete for the 2-year scholarship at the basic ROTC camp at Fort Knox, Ky., with no assurance whatever that the 2-year scholarship will be his. Under these conditions it is no surprise that this student has little interest in our 2-year commissioning program.

H.R. 5573 would correct this deficiency by providing each of the military junior colleges 10 scholarships annually plus a proportionate number of the additional 50 scholarships available to these six schools.

Although this is not as great a number as was proposed in H.R. 3308, still it gives the military junior college something to work with to attract these outstanding high school seniors who may prefer the program which leads to their commission in only 2 years.

Mr. Chairman, the military junior colleges of this country approached the condition of being an endangered species during the antimilitarism of the early 1970's. But they now stand ready to do their part in producing additional officers for this country's Army and Army Reserve Forces.

The provisions of H.R. 5573 are a welcome shot in the arm for these institutions which average 109 years in age. The total military environment which exists at these schools produces officers who are motivated and have significant experience in leadership before they ever go on active duty, just as do the graduates of the U.S. Military Academy and the 4-year military colleges.

The provisions of this bill would insure that they can continue to serve the Nation and its youth in this manner. I therefore urge the support of H.R. 5573.

Mr. WON PAT. Thank you very much. I think all of you are to be commended for your very fine presentation this morning. I, for one, fully support this legislation and I am sure that the subcommittee will consider it carefully.

I would like to defer now to Mr. Hillis for any questioning.

Mr. HILLIS. Thank you, Mr. Chairman. I only have a couple of questions here. I think I understand the intent of the legislation and I congratulate Mr. Skelton for its introduction.

General, in your opinion, is this legislation needed to produce the number of officers for the Active Forces and Reserves to maintain readiness at least at the present level or as you believe may be needed in the future?

General Yerks. Yes, sir, our requirements for active duty commissioned officers have been in the vicinity of 10,000 accessions per year. At the present time our programs produce in the vicinity of 900 each year from the Military Academy at West Point, approximately 6,000 from our ROTC program as currently organized, approximately 5,000 of which come onto active duty and 1,000 of which into the Reserve component. We access about 750 through our officer candidate school program which is located at Fort Benning, Ga.

In round figures, we access from ROTC somewhere in the vicinity of 6,000 plus for active duty. Our accession requirements for both Active and Selected Reserve are in the vicinity of 10,500. We do need the additional scholarships in order to satisfy our Reserve component requirement.

Mr. HILLIS. That was the point I wanted to have in the record. As I understand this legislation, reading it quickly here, if I am going to enroll and apply for the scholarship given an option to go the Reserve route with no active duty, will this tend to produce more reservists and fewer of the 5,000 category of active duty officers that you have to procure or are you now getting through ROTC? Will there be a shortfall at the expense of active for increasing the number of reservists?

General YERKS. No, sir. That can be controlled in the contracts that are written, that is, as far as assurances of active duty or requirements for Reserve component duty. We can regulate the flow to active and Reserve duty. We find that we are attracting many college students because they are interested in active duty.

If I could add onto that, for understanding, it sometimes escapes us when we consider what a scholarship program does. A scholarship program doesn't just produce ROTC scholarship students in the numbers authorized. We find that a young man or woman who is interested in a scholarship will come and inquire. In the process, about 2.3 additional individuals will come into the program and not receive a scholarship.

So it is a great recruiting device for us, not only for those who are eventually awarded a scholarship, but it gets them interested in the ROTC program as a whole and we benefit from it.

Mr. HILLIS. I would like to conclude by saying you touched on the point that the ROTC program in this country is alive and well, and I

understand you are adding programs at some institutions. This would be a further incentive to the program to keep it strong in the future and it does play a key part in providing the necessary officers for both active and Reserve.

Could you give us a brief summary of how you feel this bill would strengthen the system and where we stand with it.

General YERKS. I did outline our requirements and we are shortfalling our requirements in the Reserve component. The ROTC program, as I mentioned, draws with it not just the scholarship students but additional ones asking about our program. This type of scholarship program brings quality to us. That is very important. It brings a very high quality whole person into our officer corps.

I use the term whole person. We grant scholarships not just on academic prowess, but extracurricular, leadership, things of this sort. We are very proud that we just get the top cut of quality person through a scholarship program to lead our soldiers.

I was with the ROTC program in the early seventies when we were having some difficulty on the campuses. I used to travel quite a bit to the various campuses around the country.

The point I used to try to put across to those detractors at the time was that if there was anything that they should support it was the ROTC program because in the ROTC program you are getting a qualified and educated top grade individual to lead our soldiers. You don't want to destroy a program or degrade a program that will provide a leader with less than the best qualifications to lead our troops.

I find one of the incentives and one of the assurances—and this is a quality assurance program—is the scholarship mode. We just feel that the scholarship program has profound impact on our officer corps not only because it attracts numbers but also because it attracts quality personnel.

Mr. HILLIS. Thank you.

Mr. WON PAT. I would like to ask a question regarding the ROTC program as compared to this program. Can you explain?

General YERKS. This, sir, is a part of the ROTC program.

The military junior college portion of it is just a separate portion. That is a 2-year program which at the present time a young American come in, goes to what we call a basic camp which is a 6-week camp at Fort Knox, then goes into this 2-year program at the military junior college and then he is commissioned in the Reserve component.

The person who continues on to a 4-year college and gets a baccalaureate degree may then come on active duty. But those scholarship recipients you see must now come on active duty. With this bill we are allowed to give scholarships to those in this program plus those in our 4-year program. It allows them to satisfy their obligation in our Reserve component.

At the present time the statute only allows us when we grant a scholarship, whether it be 1, 2, 3 or 4 years, it must be satisfied only by 4-year active duty and 2 years in the Reserves. This will allow another option for those military junior colleges that have contributed uniquely to the Army over the years to attract that high quality student and to allow him or her the option of coming on duty with a baccalaureate degree but also fulfilling an obligation in the Reserve component.

Mr. WON PAT. I don't know whether this is germane. These apply only to line officers.

General YERKS. No, sir. The commissions are across the spectrum of our officer requirement, and they are assessed into the service depending upon the Army's needs. They are asked for their preference of branch or specialty, and in a judgment process, depending upon their educational background and the subjects they take, plus their preferences, we assign them to meet the needs of the Army.

Mr. WON PAT. Mr. Wincup.

Mr. WINCUP. Thank you, Mr. Chairman. Just to follow up a point Mr. Hillis made, General, the legislation does seem to leave the option as to whether the scholarship recipient chooses 4 years of active duty or 8 years of service with the Reserves in his discretion.

To be eligible, it lists the criteria and it says he has a choice. He either opts for one or the other. Is it your feeling the Secretary can control that and prevent an overloading in either of the two components at his discretion in awarding the contracts?

General YERKS. Yes, sir. May I say in the process which hopefully will mature in a request to Congress for the fiscal year 1981 budget, the Army has requested authority for 2,000 additional scholarships, and these 2,000 additional scholarships would be utilized for Reserve component requirements.

The additional scholarship authority is wholly to satisfy Reserve component requirements. The budget request, which hopefully does meet the requirements of the Department of Defense when it appears here, will state that the 2,000 budgeted in 1981 would be used specifically and only for the Reserve component.

Mr. WINCUP. Is it the Army's official position to support H.R. 5573?

General YERKS. It is the Army's position that we support this bill.

Mr. WINCUP. Has the administration as a whole had an opportunity to pass this legislation?

General YERKS. The Department of Army, as the agent for the Defense Department has offered a bill very similar to this and it is presently being processed within the Department of Defense. I would hope that the conglomerate wisdom would eventually produce a proposal from the Defense Department or in response to any referral of H.R. 5573, a unified position in support of this bill.

I can say that is in our informal process at this time. The Defense Department has looked upon this bill favorably. The Office of Management and Budget, in fairness to them, has not had time to fully analyze the provisos and has reserved final judgment on the resolution.

But it is the Army's position in support of the bill.

Mr. WINCUP. With the amendments Mr. Skelton alluded to earlier in his testimony?

General YERKS. That is correct.

Mr. WINCUP. Mr. Chairman, it might be useful if we could ask the Army to ask the administration to expedite their position on this as the subcommittee is already considering the legislation.

Mr. WON PAT. Yes; in the absence of the Chair, I would recommend that we ask for the position of the administration in this matter.

General YERKS. Mr. Chairman, I may stand corrected, but I don't believe the legislation has been officially forwarded to the Defense Department for comment as yet.

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Mr. WINCUP. I believe it is automatically referred as soon as it is referred to the committee, and so it has been in the last few days.

Mr. Chairman, if I might ask to have authority to include a question for the record.

Mr. WON PAT. Yes.

[The following information was received for the record:]

Question. Please provide for the record the estimated cost of this legislation, the current enrollment at each of the military junior colleges, and the criteria established by the Secretary to establish the schools.

COSTS ASSOCIATED WITH ARMY ROTC SCHOLARSHIP PROGRAM

Facts

1. Average scholarship cost (OMA funds) per Cadet: $2,400.
2. Cost of current program: 6,500 scholarships times $2,400 equals $15.6 million.
3. Cost of 5,500 additional scholarships if Congressman Skelton's bill, H.R. 5573, is enacted[1]: 5,500 scholarships times $2,400 equals $13.2 million (at "steady state").
4. OSD has funds in legislative withhold (fiscal year 1981) for 2,000 scholarships. Would increase ROTC scholarships from 6,500 to 8,500 over 2-year period.

	Millions (inflation included)
2,000 scholarships:	
1981	$1,157
1982	5,253
1983	5,872
1984	6,329
1985	6,437
Scholarship phasing:	
1981	1,063
1982	2,000
1983	2,000
1984	2,000
1985	2,000

MILITARY JUNIOR COLLEGES

[There are 6 military junior colleges in the United States hosting Army ROTC]

School (location) : President/superintendant	ROTC					Scholarships			
	MSI	MSII	MSIII	MSIV	Total	4 yr	3 yr	2 yr	Total
Valley Forge (Pa.): Lieutenant General Pearson	29	10	25	17	81	0	1	1	2
Kemper (Mo.): Major General Blakefield	9	3	23	19	54	0	0	13	13
Georgia Military (Ga.): Major General Salet	0	0	51	25	76	0	0	9	9
New Mexico Military (N. Mex.): Brigadier General Childress	136	71	159	84	450	4	2	43	49
Wentworth (Mo.): Colonel Sellers	17	14	19	14	64	0	1	9	10
Marion (Ala.): Major General Barfield	55	33	64	52	204	0	1	14	15
Total	246	131	341	211	929	4	5	89	98

Classification of units. ROTC units are classified according to the degree of military training conducted and the type of institution at which the units are established, as follows:

Class MC (military college) or MJC (military junior college). A unit established at a college or university which meets the following requirements:

Require a course in military training throughout the undergraduate course for all qualified undergraduate students. In application of this requirement, the designation of "all qualified undergraduate students" means all physically fit students except—

[1] In fiscal year 81 dollars does not include inflation.

Foreign nationals.

Students who are pursuing special undergraduate courses in excess of 4 years after completion of the required military training.

Certain categories of students who are specifically excused by administrative decisions of the Board of Trustees and approved by the PMS.

Organize the military cadets into a Corps of Cadets under constantly maintained military discipline.

Require all members of the Corps to be habitually in uniform when on campus.

Have as objectives the development of the military students' character by means of military training and the regulation of their conduct in accordance with principles of military discipline.

In general, meet military standards similar to those maintained at the service academies.

COMMISSIONING OF MILITARY JUNIOR COLLEGE CADETS

Effective school year 1978–79, those cadets entering an MJC will have the following options upon graduation:

Commissioning after obtaining an associate degree and appointment as a second lieutenant in the USAR. These lieutenants may serve with Reserve and National Guard units.

After receipt of a baccalaureate degree, officers may apply for active duty. If they have been recommended for active duty by their Professors of Military Science, their application for active duty will receive special consideration by the ROTC Active Duty Selection Board.

Mr. WON PAT. Since the Chair has no further questions, I want to take this opportunity to again commend my distinguished colleague, Mr. Skelton, the chief sponsor of this legislation, and also the two supporting witnesses, General Yerks and Colonel Sellers, for your fine contribution and support.

The subcommittee will meet again tomorrow in connection with this legislation since we do not have a quorum to act on this legislation today. We will resume the meeting tomorrow at 9:30.

There being no further business, the subcommittee is recessed.

[Whereupon, at 10:10 a.m., the subcommittee recessed, to reconvene at 9:30 a.m., Thursday, October 25, 1979.]

H.R. 1425—CREDITING OF CERTAIN FULL-TIME TRAINING DUTY OF MEMBERS OF THE NATIONAL GUARD

H.R. 2600—ACCOUNTABILITY AND RESPONSIBILITY FOR PROPERTY OF THE UNITED STATES ISSUED TO THE NATIONAL GUARD

House of Representatives,
Military Personnel Subcommittee,
Committee on Armed Services,
Washington, D.C., Thursday, October 25, 1979.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2212, Rayburn House Office Building, Hon. Richard C. White (chairman of the subcommittee) presiding.

Mr. White. The subcommittee will come to order.

Today the subcommittee will receive testimony on H.R. 1425, introduced by members of this subcommittee, Mr. Montgomery and Mrs. Holt, which would credit certain full-time training duty of members of the National Guard; and H.R. 2600, introduced by Mr. Emery and a number of other Members, which would amend title 32, United States Code, with respect to the accountability and responsibility for U.S. property issued to the National Guard.

[H.R. 1425 and H.R. 2600 are as follows:]

96TH CONGRESS
1ST SESSION

H. R. 1425

To amend sections 3686 and 8686 of title 10, United States Code, to credit certain full-time training duty of members of the National Guard.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 1979

Mr. MONTGOMERY (for himself and Mrs. HOLT) introduced the following bill; which was referred to the Committee on Armed Services

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A BILL

To amend sections 3686 and 8686 of title 10, United States Code, to credit certain full-time training duty of members of the National Guard.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That title 10, United States Code, is amended—
4 (a) By amending section 3686(2) to read as follows:
5 "(2) full-time training or other full-time duty per-
6 formed by a member of the Army National Guard of
7 the United States in his status as a member of the
8 Army National Guard under sections 316 and 502–505

I—E●

of title 32 for which he is entitled to pay from the United States, or for which he has waived such pay, shall be considered active duty for training in Federal service as a Reserve of the Army; and".

(b) By amending section 8686(2) to read as follows:

"(2) full-time training or other full-time duty performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard under sections 502–505 of title 32 for which he is entitled to pay from the United States, or for which he has waived such pay, shall be considered active duty for training in Federal service as a Reserve of the Air Force; and".

96TH CONGRESS
1ST SESSION

H. R. 2600

To amend title 32, United States Code, with respect to accountability and responsibility for United States property issued to the National Guard.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1979

Mr. EMERY (for himself, Mr. WHITEHURST, Mr. MONTGOMERY, Mr. ICHORD, Mr. JENRETTE, Mr. ROBINSON, and Mr. NICHOLS) introduced the following bill; which was referred to the Committee on Armed Services

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A BILL

To amend title 32, United States Code, with respect to accountability and responsibility for United States property issued to the National Guard.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 710 of title 32, United States Code, is amended
4 as follows:
5 (1) Subsection (b) is amended to read:
6 "(b) The Secretary of the Army may prescribe regula-
7 tions for accounting for property issued to the Army National
8 Guard and the fixing of responsibility for that property. The

1 Secretary of the Air Force may prescribe regulations for ac-
2 counting for property issued to the Air National Guard and
3 the fixing of responsibility for that property. So far as practi-
4 cable the regulations prescribed under this section shall be
5 uniform as among the components of each service.".

6 (2) Subsection (c) is amended to read:

7 "(c) Under regulations prescribed by the Secretary con-
8 cerned, liability for the money value of lost, damaged, or de-
9 stroyed property may be charged to a member or members of
10 the Army National Guard or the Air National Guard when in
11 like circumstances a member or members of the Active Army
12 or Air Force would be so charged, or to a State or territory,
13 Puerto Rico, the Canal Zone, or the District of Columbia
14 when the property is lost, damaged, or destroyed incident to
15 duty directed pursuant to the laws of, and in support of the
16 authorities of, such jurisdiction. Liability charged to a
17 member of the Army National Guard or the Air National
18 Guard shall be paid out of pay due to the member for duties
19 performed as a member of the National Guard, unless the
20 Secretary concerned shall for good cause remit or cancel that
21 liability. Liability charged to a State or territory, Puerto
22 Rico, the Canal Zone or the District of Columbia shall be
23 paid from its funds or from any non-Federal funds.".

1 SEC. 2. The analysis of chapter 7 of title 32, United
2 States Code, is amended by amending the item relating to
3 section 710 to read as follows:

"710. Accountability for property.".

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Mr. WHITE. The subcommittee will also receive testimony from Deputy Assistant Secretary of Defense for Reserve Affairs, Harold W. Chase, who will present the Department's position on each of the bills as well as discuss Reserve training and other issues relating to the Reserves.

In addition, Maj. Gen. Francis S. Greenlief of the National Guard Association will present testimony on the legislation.

Good morning Mr. Secretary. We are delighted to have you here.

Mr. CHASE. It is truly a pleasure for me, Mr. Chairman and Mrs. Holt. I am particularly delighted to have the opportunity to talk about some initiatives we have taken with respect to Reserve training. I would like to submit my written remarks.

Mr. WHITE. Without objection, your entire remarks will be placed in the record at this point.

[The statement follows:]

WRITTEN STATEMENT OF HAROLD W. CHASE

Mr. Chairman, Members of the Subcommittee on Military Personnel. It is a pleasure to appear before you to provide information on three items concerning the Reserve Components and to seek your advice and guidance. The items are training, crediting certain full-time training duty of members of the National Guard, and uniform property accountability and responsibilities for all Active and Reserve Components of the Army and Air Force. I will begin with training.

I have observed on many occasions that the Guard and Reserve is good—a lot better than it is generally given credit for—but it is still not good enough. As you know we have strength problems and a major contributor to the strengh problems is retention. One of the causes for these losses appears to be our training programs.

Research done by the Army has indicated that 56 percent of the soldiers who have attrited from the Guard and Reserve in recent years have said that they would have stayed if the training were more interesting, useful, and exciting. Because we see improved training as both an answer to the attrition problem and to enhanced readiness, we have set up a study group, comprised of personnel from all the Components, to determine how we can improve training and make it more exciting. We do not intend for this to be just another one of those studies by which the Reserve Components feel burdened. The study group has been instructed not to make its major thrust to determine our shortcomings—we've had enough of that, but rather to explore imaginative and new ways to make training exciting and fun, as well as thorough and professional.

Since we are at the beginning of that enterprise, we are in the search for ideas. It is in that spirit that I solicit your help. This Committee's members are, in my judgment, among the best experts on the Reserve enterprise and I would be remiss if I did not seek your ideas on how to make Reserve Training better.

H.R. 1425 is a bill "To amend sections 3686 and 8686 of title 10, United States Code, to credit certain full-time training duty of members of the National Guard."

The purpose of the bill is to clarify the law providing credit for service as members of the Army National Guard of the United States and the Air National Guard of the United States as it pertains to those members performing full-time duty under 32 USC 502. (It should be noted that Guardsmen performing duties in support of State missions, such as, support to civil authorities, flood control, firefighting, etc., are doing these missions under the authority of the several States and this service is not creditable under title 32.)

If the bill is enacted, National Guard personnel on full-time duty under section 502(f) of title 32 would receive credit toward retirement and other benefits under title 10. They would also be eligible for reemployment rights under title 38. Currently, they are eligible for reemployment rights and active duty retirement credit for full-time training or duty for annual field training, attendance at National Guard schools, and attendance at service schools. (Sections 503, 504 and 505 of title 32.) National Guard personnel serving under section 502(f) would also be eligible for dependent medical care (to include CHAMPUS) under the proposed legislation.

The National Guard is participating in a Congressionally-mandated program to conduct a test to determine the feasibility of providing support by using personnel on full-time duty. There are currently about 1700 Army and Air National Guard members on full-time duty in connection with this test program.

It is inequitable to treat full-time duty under section 502 differently than full-time duty under other sections of that title. The amendments proposed would conform sections 3686 of title 10 and 2024(f) of title 38 with sections 1332(a)(2)(A)(ii) of title 10 and 101(22) of title 38, as well as with other statutes which include section 502 in the enumerations.

The budgetary impact of this legislation cannot be precisely estimated, but it is not expected to cause any significant increase in the budgetary requirements of the Department of Defense.

Such a proposal is necessary if we are to have a viable full-time personnel support program in the National Guard; yet, permit the National Guard full-time support to be under State control. We are currently seeking approval in DoD for this measure.

As to H.R. 2600, this bill would align 32 USC 710 which applies to the National Guard with the property accountability statutes currently applicable to the active and other Reserve Components. It would satisfy Total Force policies and provide recognition that liability and accountability for Federal property while used by the National Guard in a Federal mission status properly remains with the Federal Government. At present States are liable not only when the National Guard is performing duty under State law and under actual State control, but also when under Federal authority. Without this bill some members of Air Guard units can be held pecuniarily liable for certain Federal property that is lost, damaged or destroyed due to simple or gross negligence while members of the active Air Force and Air Force Reserve would be liable only under conditions of gross negligence. The bill also provides that the liability for the money value of lost, damaged, or destroyed property be charged to a member of the National Guard when in like circumstances a member of the Active Army or Air Force would so be charged. It will allow the Secretary concerned to remit or cancel liability of National Guard members.

It should be noted that the Army recently changed their regulations and pecuniary liability is no longer limited to gross negligence for the Active Army. They recently eliminated the terms simple and gross negligence and use only the term negligence for all components.

There is questionable basis for distinguishing between the National Guard and the Active and other Reserve Components or members when performing similar Federal duty or training missions or when Federal property is lost, damaged or destroyed. This bill allow Secretaries of the Army and the Air Force to prescribe uniform property accountability and responsibility provisions for all Active and Reserve Components of the Army and Air Force, and for members thereof, while recognizing the dual status of the National Guard by providing for State responsibility in appropriate cases.

Mr. Chairman and members, this concludes my formal statement. Thank you for your attention and for the privilege of appearing before this distinguished Committee.

STATEMENT OF HAROLD W. CHASE, DEPUTY ASSISTANT SECRETARY FOR RESERVE AFFAIRS, DEPARTMENT OF DEFENSE

Mr. Chase. I would like to proceed orally in the interest of brevity. One of the things that we have decided we just have to do in the Reserve program is to enhance our training programs, particularly since we feel there is a very direct connection between our attrition problem and the quality of training.

As I indicate in my written statement there has been research done which shows that a lot of the people who have left the Guard and Reserve have said upon questioning that one of the reasons they left was because they felt the training wasn't interesting enough.

We have had all kinds of studies which indicate to us what some of our shortcomings are. It occurred to us that rather than dwell on the shortcomings, what we ought to do is try in a very imaginative way to figure out ways to make the training more attractive, and then to see what the financial implications would be.

It is my own intuitive hunch that a lot of the things we might do would not require funding; that good training might be achieved by imagination and by some new ways of managing the training program to make it more effective. Well, with that in mind we decided to put together a study group that would look at training from that point of view, how to make it more interesting as well as to maintain its validity. And for that project we selected General Hirt, a brigadier general in the Marine Corps Reserve, because of some very unusual talents and qualifications he could bring to that task.

General Hirt for a number of years has been a president of a community college, a large one, one that has received a lot of acclaim for its ingenuity with respect to new methods of training and educating young people. In addition to that, as a scholar he had an impressive record in the field of management.

Further, as a Marine reservist he has distinguished himself. We thought he had a lot of the qualities and talents that would enable us to set a course that could make a significant difference. We are in the very early stages. We have assembled most of the study group and we are prepared to go, and it occurred to me it would be very helpful to us to share our interest in the training with members of this committee because, as I well know, this committee represents some of the best expertise on Reserve matters.

I always remembered with great warmth that it was members of this committee that got us moving on the incentive programs, which certainly look like they are very promising developments in recruiting for us. I would like very much to get any kind of guidance or suggestion that members of the committee would like to give us and we certainly want you to know that we are just embarking on the enterprise and that at least for the next 6 months or so we would welcome any thoughts or ideas that the committee members might have because we want this to be a success and we are all partners in the enterprise.

Mr. WHITE. At this point Mr. Secretary, why don't you stay in place there and let Congressman Emery come up and make his presentation on the bill and you can comment on the bill subsequently.

Mr. CHASE. Yes, sir.

Mr. WHITE. Congressman Emery, would you like to come forward and make your presentation at this time.

STATEMENT OF HON. DAVID F. EMERY, A REPRESENTATIVE FROM MAINE

Mr. EMERY. Thank you very much, Mr. Chairman.

With me is General Greenlief, who will be testifying in his own right, and Vince Morelli from my staff. Between the three of us we might be able to confuse the committee to an even greater extent than might be apparent.

Mr. WHITE. We started out confused.

Mr. EMERY. I should say in the Maine Legislature, when a member introduces a piece of his own legislation, it is customary to bring with him a box of chocolates for the members of the committee. I understand the chairman received a package of his own a few days ago, for which he is to be congratulated. I remember hearing he is now the proud father of an 8-pound son.

Mr. WHITE. That is correct.

Mr. EMERY. Mr. Chairman and members of the committee, I am grateful for the opportunity to appear and testify in favor of H.R. 2600.

In essence I believe that it is manifestly unfair to impose pecuniary liability against a member of the National Guard for the loss, damage, and destruction of property when liability would not be imposed against a member of the Air Force Reserve in an identical circumstance. It is also manifestly unfair to hold a member of the Army National Guard pecuniarily liable for the full value of lost, damaged or destroyed property when the maximum liability that may be imposed in identical circumstances is 1 month's basic pay in the case of his active duty or Army Reserve counterpart.

It is also unreasonable to assess the individual States for losses resulting from performance of training or duty required under Federal law and regulations. That concept might have had some validity in 1916 when set forth in the National Defense Act of that year, but in today's setting the Federal Government prescribes in great detail the specific training to be conducted, performance standards to be achieved, and often the environment in which the training is to be conducted.

In many cases, the field training of the National Guard is conducted outside the parent State and, in some cases, outside the country. It is no more appropriate to hold the State responsible for property losses incident to title 32 training than it would be to hold Army or Air Force commanders pecuniarily liable for all losses in their commands. Yet that is exactly what must be done in order to comply with the letter of section 710 of title 32, United States Code.

H.R. 2600, which I introduced, would correct these inequities, and would provide the Secretaries of the Army and Air Force with the same latitude in promulgating regulations with respect to National Guard property losses as they already possess with respect to other property under control of their departments. In short, members of the Army National Guard would be held to the same standards as their Active Army and Army Reserve counterparts, and Air National Guard standards would be identical to those of the Active Air Force and Air Force Reserve.

H.R. 2600 would also do away with liability of the State except in those instances where the loss, damage, or destruction occurred while the National Guardsman was on duty in case of disaster, or otherwise in aid of civil authority. In the latter cases, the State would be expected to pay for any such loss as a normal cost of the operation.

Finally, H.R. 2600 would also empower the service Secretaries to remit or cancel the indebtedness to the United States of members of the Air National Guard or National Guard in appropriate cases. This would parallel their current authority to remit or cancel the indebted-

ness of active duty members, and would no doubt be exercised in the same manner.

The bill confers no special benefit upon the National Guard. It will assure evenhanded treatment for all members of the same Armed Forces.

I strongly urge my colleagues to consider the bill carefully and favorably.

Mr. WHITE. When you spoke of a State being liable, you are talking about duty in that respective State?

Mr. EMERY. Yes; I am.

Mr. WHITE. But in any other State, of course it would not be liable?

Mr. EMERY. That is a different situation.

Mr. WHITE. Mrs. Holt?

Mrs. HOLT. I have no questions. I thank our colleague for his testimony.

Mr. WHITE. Mr. Montgomery?

Mr. MONTGOMERY. I am a cosponsor of H.R. 2600, the original author is Mr. Emery. To save time, I ask unanimous consent that my remarks be inserted in the record.

Mr. WHITE. Without objection, your remarks will be placed in the record at this point.

[The statement follows:]

WRITTEN STATEMENT OF HON. G. V. (SONNY) MONTGOMERY, A REPRESENTATIVE FROM MISSISSIPPI

Mr. Chairman, I am pleased to have this opportunity to lend my suppport to H.R. 2600. I believe this bill is long overdue, and I hope that we can report it from this Committee with favorable action.

As you know, H.R. 2600 would remove a gross inequity concerning pecuniary liability which presently exists between members of the National Guard and members of the Active Forces and the USAR. Under existing law, Guard members or their states must pay for lost or damaged military property if simple negligence is found while USAR and Army personnel must pay only when gross negligence is involved.

Section 3686 and 8686 of title 10, United States Code, equates title 32 National Guard training with active duty for training in federal service. Although title 32 is not technically federal service, the training adheres to Army and Air Force prescriptions and regulations. Likewise, the National Guard has control of some highly specialized federal property. Guard Members who have accidents with this equipment while in title 32 training are held legally liable for the total money value of the loss, whereas the same accident by a member of the Army and Air Force and Army and Air Force Reserves remains at the discretion of the Service Secretaries; that member may be absolved completely of the liability, or, at worst, held responsible for only specified amounts of the loss. This inequity places the National Guard member in a position of facing possible legal action. I hardly think this encourages recruitment and retention, especially for those skilled positions in which accidents are more likely.

I have had many letters from National Guardsmen across our nation proclaiming their strong desire to see this legislation adopted; they are very uncomfortable with the current law, and certainly do not feel they should be pecuniarily liable for damages to military property during title 32 training unless gross negligence is involved. I agree with these men and women that Guardsmen serving this duty should be brought under the Federal Torts Claim Act just as their counterparts in other military services.

This inequity has existed far too long, and I certainly hope that my colleagues on this Subcommittee will join with me in encouraging favorable passage in this body as well as the full Committee and on the House floor.

Mr. MONTGOMERY. The key to it is that Army and Army Reserve personnel have the distinction of where it is gross negligence, they

became involved. Where it is simple negligence, loss of equipment, the National Guard personnel are responsible and it would only be fair if it could be the same wording for guardsmen and reservists and regular forces.

Mr. WHITE. Thank you.

Mr. Won Pat?

Mr. WON PAT. Mr. Chairman, thank you.

I want to go on record as supporting this legislation. I think the sponsor and cosponsor are to be commended for their initiative in trying to correct this inequity. I feel as do many other members that the individual who is negligent in the handling of such article or items under their own responsibility would be subject to review, but I believe they should be accorded the same treatment given to members of the other services.

That is all, Mr. Chairman. Thank you.

Mr. WHITE. Thank you.

Mr. Hillis?

Mr. HILLIS. No questions.

Mr. WHITE. One other question.

Mr. Montgomery said in the event after gross negligence, then of course the people would be responsible, the Guard would be responsible. That isn't spelled out in your bill that I could find. Is this basic law?

Mr. EMERY. As I understand it, that is exactly the same provision existing under current law relating to active duty National Guard presently covered in a similar manner. The difference is that if someone is drunk or careless and willfully destroys a piece of property, or destroys a piece of property through malicious intent, then the law is somewhat different than if someone in the course of their duty happens to, for example, back a truck into a hole or ravine and crack an axle or something. There are distinctions covered in the law and, in fact, in many cases where negligence or callousness or maliciousness is extreme, there are even punishments for that kind of activity.

Mr. WHITE. So you try to tie the treatment of the National Guard in with the Active and Reserves to the part where it says, in like circumstances, members of the Active Army and Air Force would be so charged; that is your position?

Mr. EMERY. That is correct. The best way to understand the operability of this bill is to examine exactly the situation that occurs in a similar circumstance in active service.

Mr. WHITE. Thank you very much, Mr. Emery. We appreciate your appearance. You have been very helpful.

Mr. EMERY. Thank you.

Mr. WHITE. At this time I call on Congressman Montgomery to make a statement in behalf of his bill and then we will go back to Secretary Chase.

STATEMENT OF HON. G. V. (SONNY) MONTGOMERY, A REPRESENTATIVE FROM MISSISSIPPI

Mr. MONTGOMERY. Thank you. I certainly will be very brief.

I attended a whip meeting of the Democrats. Our November schedule is changed again.

Mr. WHITE. I know.

Mrs. HOLT. Why don't you announce the schedule? Go ahead.

Mr. MONTGOMERY. I have it here.

Mr. Chairman, I would like to submit my full statement on H.R. 1425.

Mr. WHITE. Without objection it will be placed in the record.

Mr. MONTGOMERY. I think the other witnesses probably could do a better job of explaining the technicalities of the legislation. It is rather technical. It is brought about by a quirk in the law that some benefits are given reservist, a leeway like the last bill we considered, that are not given to National Guardsmen.

As you know, Mr. Chairman, the Defense Department has been putting National Guardsmen on full-time active duty and putting them on active duty under a section of the law that does not give these guardsmen the same benefits that the Regulars have or that some reservists have; such as benefits under a type pay, being on full-time active duty as I understand it, some of the families would not receive medical treatments which, when you are on full-time active duty, it would seem to me that you would be entitled to the same benefits as the Regulars and reservists who have been put on full-time active duty. That is basically what the bill does.

I don't think it is a heavy cost to the Government. But as you bring these National Guardsmen from inactive duty, from State duty into full-time active duty, this would correct that, where the benefits to these guardsmen would not be covered. That is what the bill would do.

[The statement follows:]

WRITTEN STATEMENT OF HON. G. V. (SONNY) MONTGOMERY

Mr. Chairman and members of the committee, I am happy to appear before you in support of H.R. 1425, which Mrs. Holt and I introduced.

In enacting section 714 of the Armed Forces Reserve Act of 1952, which is now codified in sections 3686 and 8686 of title 10, it is clear that the Congress intended to insure that members of the National Guard who performed inactive duty training or full-time training duty under title 32, United States Code, would receive the same military benefits for that duty as members of the Army Reserve and Air Force Reserve received for performing similar duty under title 10.

In equating full-time duty under sections 316 and 503–505 of title 32 with title 10 active duty for training, we overlooked the fact that section 502 also contained authority for full-time duty, which was later expanded in 1964 when subsection (f) was added to section 502.

As you are aware, the Congress has mandated a test program for conversion of technicians employed by the Army and Air Reserves and National Guard to active military status. Without this amendment, there would appear to be no authority for providing medical care for dependents of Guard members of full-time duty under 502(f) for periods of more than 30 days, nor to credit that duty toward retirement for length of service.

Almost all other Federal statutes, pertaining to training of the Reserves, for example, section 1332 (a)(2)(A)(ii) of title 10, include section 502 along with 503–505 as full-time training authority. The House acted to correct a similar defect in 38 U.S.C. 2024(f), relating to reemployment rights, in passing H.R. 5288, 96th Congress, on October 16, 1979, section 405(b) of which adds section 502 to the enumeration.

Enacting of H.R. 1425 will therefore complete the correction of the omission in all pertinent statutes.

Since the test program for the technician conversion program will be completed and a decision will likely be made during the current fiscal year, there is an

urgent need for enactment of this legislation during this legislative year. I hope you will vote to report this bill out and seek full committee action at the earliest possible time.

Mr. WHITE. Thank you very much, Mr. Montgomery.

A man serves on active duty with the National Guard and then finishes that duty and has a disability that may not be related to service time, would he then be eligible for medical care?

Mr. MONTGOMERY. I will let General Greenlief answer that if there is no objection.

Mr. WHITE. I will reserve that question for him then.

Mrs. Holt?

Mrs. HOLT. I have no questions.

Mr. WHITE. Mr. Won Pat?

Mr. WON PAT. No questions.

Mr. WHITE. Mr. Hillis?

Mr. HILLIS. No questions.

Mr. WHITE. Thank you very much Mr. Montgomery. We appreciate your testifying. We will have further testimony from General Greenlief and Secretary Chase on these two bills.

Please resume, Mr. Secretary.

Mr. CHASE. Again in the interest of brevity, I can give the DOD position on the two bills. First, with respect to H.R. 2600, the department would be in favor.

With respect to H.R. 1425, we are currently seeking approval for this measure. I don't anticipate difficulties but I must confess I have been remiss in not pushing it harder. I can't say at this time the definitive answer is yes or no.

Mr. WHITE. When do you expect that we will have a position from the Department?

Mr. CHASE. I would like to be more sanguine but I think realistically it might take as long as 2 months.

Mr. WHITE. Two months?

Mr. CHASE. Yes, sir.

Mr. WHITE. Proceed then. We will question you later.

Mr. CHASE. Well, if I may I would like to invite the members who were not here earlier to help us in our endeavor to enhance training. I made the point that we are embarking on this big effort to find ways of enhancing training and that we wanted to apprise the committee of that fact, to solicit your ideas and thoughts about some of the things we might do because, as I have indicated, members of this committee are as expert as anyone in town with respect to the Reserve enterprise.

General Hirt is here with me, if you would like to hear from him or direct any guidance to him, we would be pleased to receive it.

Mr. WHITE. Thank you, Mr. Secretary. Have you concluded your remarks?

Mr. CHASE. Yes.

Mr. WHITE. At this time, Mrs. Holt, do you have any questions?

Mrs. HOLT. No, Mr. Chairman. I would just like to applaud your efforts. I think certainly this is sorely needed.

I am always hesitant to speak out. All of these gentlemen have served and they have so much expertise in this area. But it seems to me that moving in the direction of trying to integrate the Reserves and the Guard into the active service is the right way to go, where there can be real meaningful training. And I know you appreciate the success that we have had along those lines. But I think you should certainly direct your attention to moving in that way. I hear more good comment about that effort than almost any other.

Mr. CHASE. Certainly the Air Force has shown us that there is a big payoff. They have certainly done better than the rest in integrating the Reserve and Guard. It pays off handsomely in readiness and in recruiting.

Mrs. HOLT. That is right. I think it is very valuable. I know there are problems with it but I appreciate what you are trying to do.

Mr. WHITE. Mr. Montgomery?

Mr. MONTGOMERY. Thank you, Mr. Chairman.

Mr. Secretary, we are certainly glad to have you back on board. I am sure this has been mentioned. You had little setback in sickness several months ago. We are glad to see you back up here testifying.

Mr. CHASE. Thank you, sir.

Mr. MONTGOMERY. We certainly appreciate what you have said.

This really doesn't have anything to do, I guess, with training but I am sure Chairman White is planning on having hearings again the first of the year pertaining to registration, the limited draft bills that have been introduced; personnel in general, where we are having personnel problems, especially in the Reserves. Your strength levels have fallen off tremendously, is that correct?

Mr. CHASE. I am happy to report that, because of the efforts of this committee, the incentive programs have certainly shown real promise so that one of the things we might consider is a big effort to enhance the Selected Reserve on the grounds that for every person we have in the Selected Reserve we have the need for one less person in the pretrained manpower category. I think you have shown us the way.

In the early days of the incentive programs we are getting some handsome payoffs. Taking the period from December on when the Army embarked on implementing these programs, we have netted a plus in the National Guard and Reserve, the Army Ground Forces, that is. Before that time we were running a loss. So this indicates some hope.

You will remember the dimensions of the program were not very large. It may be by the time you hold hearings we can come in with more data which would suggest that for x number of dollars we might be able to get y number of people in the Army Ground Forces, Reserve and Guard.

Again, I don't want to sound like I am overdoing it, but I want to remind the committee that the impetus for that kind of a program came from this group. And it looks promising.

Mr. MONTGOMERY. Mr. Secretary, you are saying the right things, what we like to hear. But I want to thank my colleagues, Chairman White, Mrs. Holt, Bud Hillis, Tony Won Pat. Quite frankly, in spite

of the Defense Department, we pushed and shoved and cried for these incentives and finally they were acceptable.

But still, Mr. Secretary, you are throwing roadblocks up on us and I know we are not getting enough money for the enlistment-reenlistment bonuses. We have had to ask the Appropriations Committee to refund, change funds around.

I would hope that the Defense Department, Mr. Chairman, would go ahead and do these things on incentives and not make us have to write letters and make telephone calls, if the incentive programs are working, which I think they are. Then the Defense Department should be out in front on getting proper funding and not make us have to go before the Appropriations Committees and try to rework these programs ourselves.

Mr. WHITE. It is my impression that people like Secretary Chase are probably in accord with your desires and I think there are so many people that have to be motivated that we will have to just keep shoving until everybody is in the same step.

Mr. MONTGOMERY. It doesn't make sense to get a man into the Reserve or Guard, train him, send him off for 6 months and then when it comes up for reenlistment, if he is a good man and the commander has that choice where they could give him some type of reenlistment bonus to keep him in, it would save money rather than having to go back and train all over again and bring somebody else in.

Mr. WHITE. I agree.

Mr. MONTGOMERY. It is not an expensive program at all. We are talking about less than $30 million in the whole program. It just makes good sense to me to keep these people in, if they are worthwhile keeping in.

Mr. CHASE. You are absolutely right. Remember, initially the object was to try to test these things. What I am saying to you this morning is you were proved right. And I agree, I have the responsibility now to capitalize on that fact and to try to get us, as a department, to do more toward the incentive program. So that I would hope in another year we may have much more success than we have had in the past.

Mr. WHITE. Thank you, Mr. Montgomery.

Mr. Won Pat?

Mr. WON PAT. No questions.

Mr. WHITE. Mr. Hillis?

Mr. HILLIS. Thank you, Mr. Chairman.

Mr. Secretary, it is good to have you with us again this morning. I, too, am happy to hear your commendation to the committee. Of course, looking at where we stand right now, it is obvious from the vote that took place last month in the House on registration that we are committed to an All-Volunteer Force, both Active and Reserve. I haven't seen the figures.

For the record I wonder if we could have some pertinent statistics for the past few months of actual numbers in the Reserve end strengths, by various categories and perhaps showing the exact numbers, the general terms you have just spoken about, the upturns, where

they are, if we can't study them to see where we can spend money wisely to shore up the volunteer force if that is the route we are going to go.

If we are going to have a total force concept we have to do something, more than we have been doing for the Reserves.

Mr. CHASE. Yes, sir. I would be pleased to provide the statistics.

[The following information was received for the record:]

This insert shows the actual drill pay end strength numbers by component in the Selected Reserve. I will include some tables at a later insert which will more clearly demonstrate the trends and hopefully will help to show the best routes to take to increase the Selected Reserve strength.

SELECTED RESERVE (DRILL PAY STRENGTH), 1979

	January	February	March	April	May	June	July	August	September
ARNG	342,787	344,700	345,011	345,226	345,079	344,455	343,971	343,496	345,528
USAR	185,037	185,947	187,135	188,152	187,685	187,985	188,487	188,103	189,990
USNR	81,777	82,098	82,711	83,684	84,997	86,232	87,291	87,761	88,288
USMCR	32,464	32,489	32,359	32,150	31,896	32,051	32,303	32,510	33,290
ANG	91,572	91,838	92,097	92,290	92,629	92,728	92,896	93,189	39,379
USAFR	53,312	53,446	53,768	54,004	54,312	54,468	54,818	55,537	56,661
DCD total	786,949	790,518	793,081	795,506	796,598	797,919	799,766	800,596	807,136

Source: RCCPDS ODASD (RA).

Mr. HILLIS. I think that is a good starting point. From your vantage point if you can point to where these programs have specifically helped. I think that would help us too. Then we will have a better case to take before the full committee and the higher body to justify the things that my colleague, Sonny Montgomery, has been pushing so hard for.

Mr. CHASE. Yes, sir.

[The following information was received for the record:]

A previous insert shows the gradually increasing Selected Reserve Paid Drill Strength since January 1979. It details, by component, the changes in monthly paid drill strength, total officer and enlisted, through the end of the fiscal year. Other information shows the improving picture even more clearly. Because the other components are generally at or near authorized strength, these remarks/information will be aimed at one or both of the Army Selected Reserve Forces Components. Table 1 shows the paid drill end strength (officer and enlisted) for each of the years since the end of the draft.

TABLE 1

Army Reserve Force component:	Paid drill end strength (in thousands; fiscal years)						
	1974	1975	1976	197T	1977	1978	1979
ARNG	403.4	394.7	362.3	366.8	354.7	341.0	345.[illegible]
USAR	234.9	225.1	194.6	192.0	189.4	185.8	190.0

It can be quickly seen that there has been a steady annual decline in strengths for each component from fiscal year 1974 through fiscal year 1978 and that during fiscal year 1979, a reversal of the downward trend occurred.

Table 2 shows a picture focused at the combined officer and enlisted strength for the period June 78 through the end of fiscal year 1979. It includes officer and enlisted paid drill strength plus those enlisted and awaiting initial active duty for training.

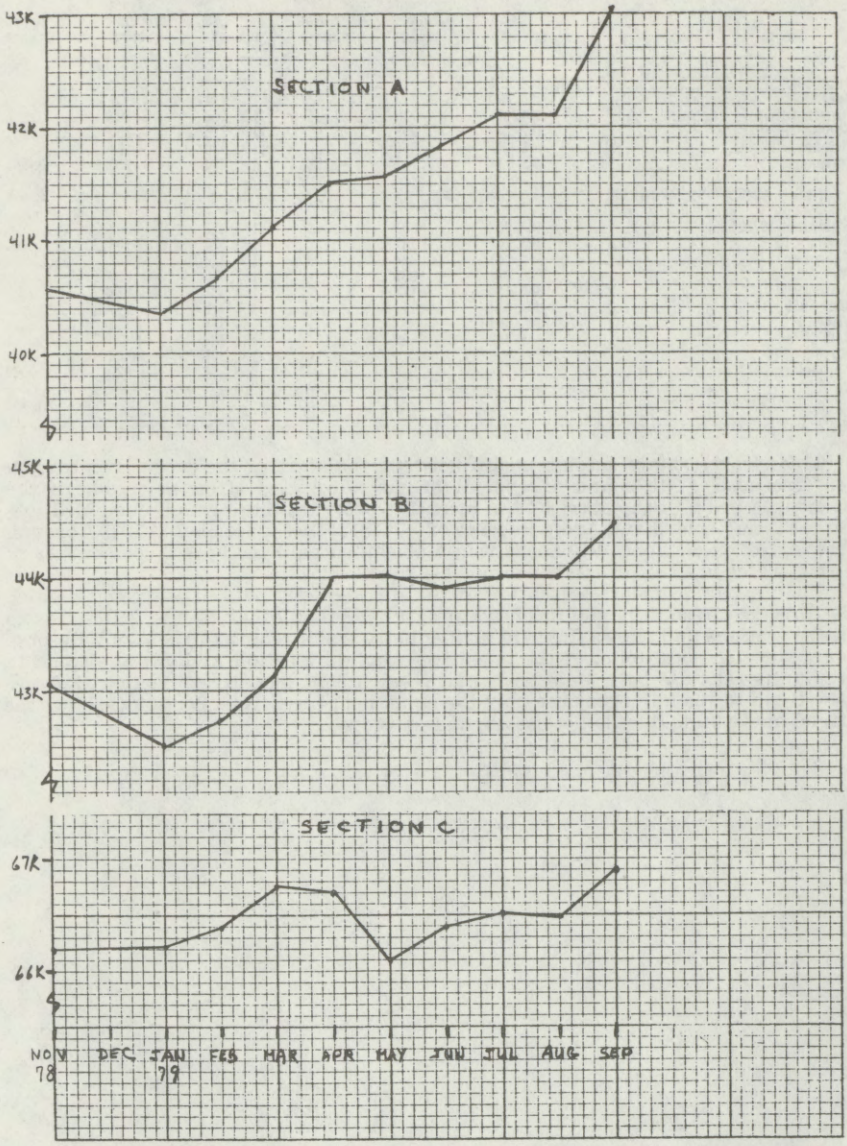
TABLE 2

Month	ARNG			USAR		
	End strength	Change from previous month	Net change	End strength	Change from previous month	Net change
June 1978	348, 434			189, 071		
July 1978	354, 160	−3, 273		187, 734	−1, 337	
August 1978	344, 431	−729		186, 568	−1, 166	
September 1978	347, 340	+2, 909		186, 316	−252	
October 1978	346, 681	−659		186, 420	+104	
November 1978	345, 534	−1, 147	−2, 900	185, 490	−930	−3, 581
BEGIN INCENTIVE PROGRAM						
December 1978	344, 927	−607		185, 228	−262	
January 1979	345, 244	+297		185, 372	+144	
February 1979	346, 948	+1, 724		186, 276	+904	
March 1979	346, 986	+38		187, 556	+1, 208	
April 1979	347, 114	+128		188, 637	+1, 081	
May 1979	347, 004	−110		188, 118	−519	
June 1979	346, 067	−937		188, 314	+196	
July 1979	345, 442	−625		188, 788	+474	
August 1979	344, 963	−479		188, 344	−444	
September 1979	346, 974	+2, 011	+2, 047	190, 264	+1, 920	+5, 036
Net change for fiscal year			−853			+1, 455

This clearly shows a relationship between the start of the incentive program on December 1, 1979 and a reversal of the downward strength trend. In the 6 months prior to the start of the incentive program there was a combined loss in the Army Guard and Army Reserve of −6,481. Since December 1, 1979, through the end of fiscal year 1979 there was a combined gain in those 2 components of +602 which is a net reversal of trend of +7,083.

The next table focuses attention at the enlisted only paid drill strength which is directly affected by the incentive program, among other things. Table 3 is in three sections and shows the paid drill enlisted end strength of the Army Reserve only since the beginning of the incentive program. Section A shows the trend in the units that use both enlistment and reenlistment incentives. Section B shows the trend in the units that use only the enlistment incentives. Section C shows the trend in the units that do not use any incentive.

Table 3



Another way to measure the effectiveness of the incentive program is to compare enlisted non-prior-service accessions before the start of the program with the same category of accessions since. Table 4 displays those accessions.

TABLE 4

[Fiscal years]

	ARNG		USAR	
	1978	1979	1978	1979
October	3,771	3,612	1,103	1,052
November	3,241	[1] 2,278	998	[1] 1,158
December	2,824	2,722	859	913
January	2,937	3,636	961	1,076
February	3,562	3,931	946	1,373
March	3,681	4,372	1,284	2,370
April	3,261	4,716	1,282	2,259
May	2,979	4,235	1,550	1,843
June	2,729	3,975	1,052	2,571
July	2,756	3,047	1,051	2,522
August	3,399	3,002	1,289	2,114
September	4,402	3,054	1,178	2,138
Total	39,542	42,580	13,543	21,389

[1] Begin incentive program.

Fiscal year 1979 shows 2,938 more accessions than fiscal year 1978 for the Army Guard and 7,846 more accessions for the Army Reserve. In the 10-month period of each fiscal year (December through September) there is a combined increase in non-prior-service accessions of 11,887 in fiscal year 1979 over fiscal year 1978, comparable periods, one with incentives and one without.

Clearly this information is only an indication of the effectiveness of the Incentive Program and must not be taken as conclusive evidence. Considerably more elapsed time is required before final judgment can be made. Any judgment about whether or not these numbers show promise of meeting our full need must take into consideration (1) the probability that as recruiting improves it will gather momentum of its own which will enhance the rate of growth, (2) the relatively small dollar amounts provided for the incentive programs to date.

Mr. HILLIS. What we need is kind of a coordinated effort, Mr. Secretary. We both can work together on this thing.

Mr. CHASE. I would like that.

Mr. HILLIS. At this point that is the only road we have to go. We should be realistic about it. It may change in the future; it may not. I think we have to live with realities. Until it does change we should do the best we can with the tools we have.

Mr. CHASE. Yes; I think I can provide that information.

Mr. HILLIS. Thank you very much.

Mr. WHITE. Mr. Secretary, I looked through your testimony and I didn't see any specific suggestions that you are going to make at this time, maybe I overlooked it, as to means of using imagination to buttress the Reserve Forces.

One idea we had some time ago, and it is actively engaged in the Education Committee presently, is the forgiveness of education loans. Has there been a positive step forward on that?

Mr. CHASE. Yes; we have been working that one very hard. I remember at the time the chairman suggested that it sounded like the best idea I had heard all year. We went to work on it. But it has been very slow in the going because of the implications of who should bear the cost, the Department of Defense or HEW, and a host of things that have to be looked into. But we are pursuing that very aggressively because I for one still think it is a great idea.

Mr. WHITE. Fine. Thank you, Mr. Secretary. We will be undoubtedly talking to you from time to time.

Mr. CHASE. Yes; I would appreciate it. I want you to know what we are doing. So that at any time you have an idea you want us to work on we sure would be happy to get it.

Mr. WHITE. Thank you very much for your testimony regarding these two bills. We would like to get disposition as soon as possible. We may be acting before 2 months is up. So I would urge you to accelerate the decision process.

Mr. CHASE. Yes, sir. I will make every effort.

Mr. WHITE. Mr. Secretary, I overlooked a request of the counsel to ask you some questions.

Mr. CHASE. Very well.

Mr. WINCUP. Mr. Secretary, it might be helpful, in line with the statistics you indicated you would provide for Mr. Hillis, that you go a little further in terms of the actual numbers of people that the incentive programs have been drawing. We understand there has been some, I guess not a problem but a certain amount of a lack of attractiveness with the educational incentive program to give us a feel of what happened with these programs.

[The following information was received for the record:]

Table 1 details the financial obligations of each component as incurred by the contracting of enlistments and reenlistments under the incentive program through September 30, 1979. (see attached table) As you have noted, it can be seen readily from the table that, the educational assistance program has not been attractive as compared to the enlistment bonus. Several factors account for this situation. Present law authorizes reimbursement of 50 percent of educational expenses up to $500 in any 12 month period and $2,000 total. A student whose educational expenses do not exceed $1,000 per year (as is the case for most students in State supported schools) would not be able to receive maximum benefit and the enlistment bonus would most likely be of more financial benefit. Also for unsatisfactory participation, a member is liable to refund all of the educational assistance received, even to the last day of the 6 year obligation. The Department of Defense recommended legislative amendment to provide 100 percent reimbursement for educational expenses up to the same limitations and a revised recoupment formula calculated on a pro-rata basis, as is the enlistment bonus. These recommendations have been incorporated into the Authorizations Bill (H.R. 4040), which was recently passed by the Congress.

I think, if these changed provisions become Public Law that the educational assistance program will compete with the enlistment bonus and in combination with the split-initial training option became a source of increased accessions into the Selected Reserve.

TABLE 1.—SELECTED RESERVE INCENTIVE OBLIGATIONS

	Number of contracts						
	ARNG	USAR	USNR	USMCR	ANG	USAFR	DOD total
Fiscal year 1979 paid or obligated:							
6-yr reenlistment	1,287	2,138	43	177	262	54	3,961
3-yr reenlistment	1,121	1,073	11	199	144	52	2,600
Enlistment bonus	696	1,640	0	62	44	22	2,464
Educational assistance	0	2	0	5	1	0	8
Fiscal year 1980 funds committed from fiscal year 1979 actions:							
6-yr reenlistment	0	0	0	0	93	0	93
3-yr reenlistment	0	0	0	0	34	0	34
Enlistment bonus	5,823	1,395	0	14	262	425	7,919
Educational assistance	119	185	0	0	6	21	331

Mr. CHASE. Also, some interesting things have happened recently that I think the committee would be very happy to hear about.

For example, we sent out letters to university presidents about the educational assistance incentive. We got very enthusiastic responses. But what we found is that it takes a while for things to kind of get down to the working level at the universities.

One State system has become so interested in this that they have sent representatives down to talk about ways that we can get this implemented faster and better. Out of that may grow some notions about some legislative help that we may need to change some of the provisions.

But what I think is exciting is that what some of us visualized as a possibility of financial aid officers and university administrators becoming in effect, recruiters, is happening. And what I expect to see is a momentum building up that will give us tremendous payoffs later. But you are absolutely right in the discussions with university people we are finding out that maybe we ought to do some things a little differently. And as soon as we have something that looks like a meaningful proposal, hopefully we will be back.

Mr. WINCUP. If I might, one other area, you mentioned about training. Could you give the subcommittee some sense—obviously, I assume a lot of the issues, you are looking in terms of more meaningful training, involve the commitment of resources and fuel which I mentioned as something of a problem in the Department now.

Are the Reserves getting, let's say, equal treatment, adequate treatment, in terms of fuel for training for the necessary, and I assume additional, exercises that are going to be necessary for improved training?

Mr. CHASE. Yes. I think we were very aggressive from the very beginning about finding ways to conserve. Now we occasionally get complaints; people see a National Guard convoy going to summer camp and they raise the question is that trip really necessary? I think we have done a good job in the services of trying to conserve.

Clearly we don't want to conserve to the extent that we reduce all training, so that judgments have to be made. But if you can get a unit to the summer camp without taking all of the gear, that is done. I don't see this is a limiting factor. We can do imaginative things without waste.

For example, I asked a very fine company commander of an infantry unit what he would like to have to jazz up his training, and he said, you know, if I can only get more helicopters. Well, we have helicopter units that are training. What we need is a more aggressive kind of training management where we bring the people together and say, look, instead of training separately, how about training together and making it fun? Because this relates to a point that is very meaningful to me. For good reasons as well as bad, I think we have raised a generation of young people who think that things have to be fun or they quit.

Now, I don't know how you go about changing the mores, but taking that as a given, I think the challenge for us is to say to these people: We will make the training fun but it is going to be valid, too. So we may want to do more things that would in the past have been called adventure-type training, because that has a lot of appeal.

A young man who might not want to be in a supply outfit may think it is great to be in an airborne supply unit, get a chance to jump, get wings, and so on. So I think a lot of the things we are talking about won't involve additional expenditures of fuel or funding; on the other hand, there will be some things that we ought to prove out.

I think the committee has suggested from time to time that: "If OCONUS training pays off, show us." That is a good challenge. Now we have had units overseas and the intuitive impression that we have had when we visited them was there was a great payoff but we ought to be able to demonstrate that by showing that they retained people, that the units did better on ARTEPS, and this is part of what we hope to do in our study, so that we can then say to Congress and others, for a number of dollars here is the kind of payoff we get. At this stage we have never really done the kinds of serious research to determine if there is a cause-and-effect relationship.

Mr. WINCUP. If you will just forgive me for jumping into the two bills, as I understand it the Department does support, administration does support, H.R. 2600?

Mr. CHASE. That is correct.

Mr. WINCUP. On H.R. 1425 there is no position yet, but does the Department of Defense now have a position that has been forwarded on to OMB or is it not yet out of the Department?

Mr. CHASE. No; we are still in the mill. Part of the difficulty is several of the services haven't responded yet. Now my feeling is that they are not going to have an objection, but I like to see the system work. Because if they do have, I would like to know what it is and then see what we ought to do.

Mr. WINCUP. Do you have a personal position on H.R. 1425, whether it is——

Mr. CHASE. My personal feeling is, as a matter of equity it ought to be done.

Mr. WINCUP. Thank you.

Mr. WHITE. Mr. Montgomery.

Mr. MONTGOMERY. Mr. Chairman, Mr. Chase said something about training. As I understand it, did you say that Guard and Reserve units to go overseas and train, in your opinion, that is good and it works well and they learn; is that basically what you said?

Mr. CHASE. Yes, sir, I said intuitively. But if you were to ask me have I done a systematic survey, my honest answer would have to be no; I haven't.

The things that impressed me, for example, I visited a National Guard unit we had in England and I talked literally to every member of that unit. They were enthusiastic. They thought it was the greatest thing that ever happened to them.

Now what I would like to do is take a look at the record of that unit with respect to retention and recruiting, because I would think that the data would show that there was a payoff. Now if it turned out that the retention was down and recruiting was down, I would certainly want to scratch my head over that one.

Mr. MONTGOMERY. The reason I bring this up, and I agree with you, I think the overseas training does a lot for the unit. I believe and I could be corrected on this, Mr. Chairman, but I believe the House

Appropriations Committee in their report on the armed services has recommended a cutback in overseas training of sending units in the Reserve overseas. If that is in the report, I certainly think it is a mistake.

I see people nodding their heads that it is in the report I think it is one of the great things we have done, get these guys, all of a sudden they have a mission to go overseas, it really does a lot for the unit.

Also about the helicopters, that is one of our big problems; I think we have enough helicopters in the National Guard but less than—maybe 10 percent of them are combat ready or combat efficient. They can't train. That is one of the weaknesses. Overall, the equipment has been pretty good; the Regulars have done a pretty good job, in our opinion. But the helicopters is a weak area. We have been trying through this committee to get new helicopters to go directly into the Army National Guard.

Mr. CHASE. Yes, sir. On the committee report, as I recall the language, it was said that unless there was a payoff on the OCONUS training; I take that as an invitation to us that there is a payoff. I think that is a fair challenge. Again I would say that would mean we ought to be able to look at the units that have had the benefit of OCONUS training and make some judgments about whether they do better or worse than other units on retention, recruiting and on testing.

My hunch would be that, of course, they will do better. But if the facts turn out otherwise, I think we have to face the facts. So I think that, taking that as an invitation, we are going to pick up and try to indicate what the results of OCONUS training is.

Mr. MONTGOMERY. Thank you.

Mr. WHITE. At this time we will call on Major General Greenlief, National Guard of the United States, retired.

Delighted to have you today.

STATEMENT OF MAJ. GEN. FRANCIS S. GREENLIEF, RETIRED, EXECUTIVE VICE PRESIDENT, NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, ACCOMPANIED BY COL. WILLIAM BLATT, RETIRED, GENERAL COUNSEL

General GREENLIEF. Thank you.

Mr. WHITE. You appear as executive vice president of the National Guard Association of the United States?

General GREENLIEF. Yes, sir. I am accompanied by Col. William Blatt, retired, who is the general counsel of the National Guard Association.

Does the chairman have a preference as to whether I address H.R. 1425 or H.R. 2600 first?

Mr. WHITE. Whatever your preference is. We are delighted to have you.

General GREENLIEF. In numerical sequence then, we will do H.R. 1425 first.

Mr. Chairman and members of the committee, I appreciate this opportunity to speak on behalf of our association in favor of H.R. 1425.

Although members of the National Guard customarily perform their federally authorized training under provisions of title 32, United

States Code, they and their dependents are entitled to most, if not all, of the benefits granted to members of the Army Reserve and Air Force Reserve who train under provisions of title 10.

Some of these benefits, such as hospitalization and medical care for injury or disease, are spelled out in title 32 itself. Others, such as credit toward entitlement to retired pay for nonregular service, are spelled out in the applicable sections of title 10. But others flow indirectly from the application of the provisions of sections 3686 and 8686 of title 10, which equate service under title 32 to active duty for training or inactive duty training under title 10 as Reserves of the Army or Air Force.

For example, full-time duty under section 503 of title 32, annual field training, and under section 505 of that title, attendance at service schools, entitles Guard members to all benefits provided for reservists on active duty for training in Federal service. Accordingly, that duty is considered in determining years of service for voluntary retirement in sections 3926 and 8926, and if the duty extends over a period of more than 30 days, dependents are entitled to medical care as provided in chapter 55 of title 10.

There is, however, a technical deficiency in section 3686(2) and 8686(2) in that they fail to include section 502 in the enumeration of sections which are equated to active duty for training. The cited sections are at variance with a number of other Federal statutes which include section 502 among the sections authorizing full-time training or duty, such as 6323 of title 5 relating to military leave for Federal employees, section 1332 relating to computation of years of service for retired pay for nonregular service, and section 101(22) of title 38, defining the term "active duty for training" for the purposes of that title.

The deficiency was addressed by this committee in the 90th Congress, when it was considering H.R. 14739, the so-called medical omnibus bill. Section 6 of that bill would have made the amendment being sought today. Unfortunately, although the bill passed the House on May 6, 1968, it never was considered by the Senate.

Section 502(f) of title 32 was added by the amendment of October 3, 1964. It was intended to furnish authority for a broad range of training or duty to be prescribed by regulations of the Secretary concerned, to be in addition to the narrowly restricted training and duty prescribed by then existing law.

As you know, the Department of Defense has initiated a test directed by the Congress to determine the feasibility of providing the full-time support required by the National Guard with members of the Guard on full-time military duty. It was concluded in the Pentagon that the initial test could be considered an exercise within the meaning of section 503, and members were ordered to duty under that section.

However, that section does not appear to be appropriate except during the test phase, and the Department of Defense Appropriation Act of 1980, H.R. 5359, 96th Congress, under the head "National Guard Personnel, Army" and "National Guard Personnel, Air Force" expressly cites 32 U.S.C. 502(f) as the authority for full-time manning. The need for this amendment is accordingly heightened by this recent action.

It is really quite clear that the Congress intended to equate all full-time duty under title 32 with active duty for training under title 10 when it enacted sections 3686 and 8686 of that title. Addition of section 502 to the enumeration in those sectors is essential to carry out that intent.

Our association strongly recommends enactment of this legislation. I will be happy to try to answer any questions you may have.

Mr. WHITE. Why don't you go ahead, General, with your testimony on the other bill and then we can ask questions about both of them.

General GREENLIEF. Yes, sir.

Mr. WHITE. Since there seems to be so little controversy, if you wanted to have your testimony placed in the record in full and just summarize it, fine, it is up to you.

General GREENLIEF. I can summarize it quite simply by saying that section 710 of title 32 prescribes the conditions under which members of the National Guard may be held pecuniarily liable for property issued to them.

At the time that legislation was written it had its beginnings in the National Defense Act of 1916; at the time that legislation was written, about all that a National Guard soldier had was a Springfield–03 rifle and a uniform and a canteen. It was quite right to expect him to keep that, and if he lost it to pay for it. Since the Federal Government had little at all to do with the training involved, it was quite right to expect the State to pay for it if the man failed to. I submit today is an entirely different world.

Today the Guard flies terribly expensive, complex aviation weapon systems. We have all sorts of electronic wizardry to contend with that is terribly expensive, thousands of special and general purpose vehicles, quite a different situation.

When you recognize that the guardsman's training is theoretically controlled by the State, but in fact is directed and prescribed by the Federal Government to meet Federal requirements, today the State has in fact very little control of training—and that is only theoretical—so the guardsmen are doing a Federal training mission. They deserve to be treated as are the members of the regular services and the Reserve components of all the other services in the matter of pecuniary liability for property. That is what my whole statement says. We just ask that guardsmen training to Federal standards to meet Federal requirements be treated identically with others who do the same.

One issue is involved. This legislation does not ask the State to be relieved of pecuniary liability for property that is lost or damaged or stolen when the duty involved is a pure State emergency. I would say to you that probably the adjutants general, the Governors and the State legislatures would unanimously like to be forgiven for that as well.

As a matter of equity and division of responsibility, recognizing that States are performing a State function, this bill does not ask that the States be excused from that liability. This bill is right and proper as a matter of equity and it might even have something to do with the question of retention of personnel in the Guard, the fact that they would be treated equally with other members of the Army and Air Force and the other Reserve components.

I believe that summarizes it.

Mr. WHITE. Without objection, your entire statement will be placed in the record at the point of your testimony.

[The information follows:]

WRITTEN STATEMENT OF MAJ. GEN. FRANCIS S. GREENLIEF (RET.)

H.R. 1425

Mr. Chairman and members of the committee, I am Major General Francis S. Greenlief, retired, Executive Vice President of the National Guard Association of the United States. I appreciate this opportunity to speak on behalf of our Association in favor of H.R. 1425.

Although members of the National Guard customarily perform their federally authorized training under provisions of title 32, United States Code, they and their dependents are entitled to most, if not all, of the benefits granted to members of the Army Reserve and Air Force Reserve who train under provisions of title 10.

Some of these benefits, such as hospitalization and medical care for injury or disease are spelled out in title 32 itself. Others, such as credit toward entitlement to retired pay for non-regular service, are spelled out in the applicable sections of title 10. But others flow indirectly from the application of the provisions of sections 3686 and 8686 of title 10, which equate service under title 32 to active duty for training or inactive duty training under title 10 as Reserves of the Army or Air Force.

For example, full-time duty under section 503 and of title 32 (annual field training) and under section 505 of that title (attendance at service schools) entitles Guard members to all benefits provided for Reservists on active duty for training in Federal service. Accordingly, that duty is considered in determining years of service for voluntary retirement in sections 3926 and 8926, and if the duty extends over a period of more than 30 days, dependents are entitled to medical care as provided in chapter 55 of title 10.

There is, however, a technical deficiency in sections 3686(2) and 8686(2), in that they fail to include section 502 in the enumeration of sections which are equated to active duty for training. The cited sections are at variance with a number of other Federal statutes which include section 502 among the sections authorizing full-time training or duty, such as 6323 of title 5 relating to military leave for Federal employees, section 1332 relating to computation of years of service for retired pay for non-regular service, and section 101(22) of title 38, defining the term "active duty for training" for the purposes of that title.

The deficiency was addressed by this committee in the 90th Congress, when it was considering H.R. 14739, the so-called medical omnibus bill. Section 6 of that bill would have made the amendment being sought today. Unfortunately, although the bill passed the House on May 6, 1968, it was never considered by the Senate.

Section 502(f) of title 32 was added by the amendment of October 3, 1964. It was intended to furnish authority for a broad range of training or duty to be prescribed by regulations of the Secretary concerned, to be in addition to the narrowly restricted training and duty prescribed by then existing law.

As you know, the Department of Defense has initiated a test directed by the Congress to determine the feasibility of providing the full-time support required by the National Guard with members of the Guard on full-time military duty. It was concluded that the initial test could be considered an "exercise" within the meaning of section 503, and members were ordered to duty under that section. However, that section does not appear to be appropriate except during the test phase, and the Department of Defense Appropriation Act of 1980 (H.R. 5359, 96th Congress, under the head "National Guard Personnel, Army" and "National Guard Personnel, Air Force") expressly cites 32 U.S.C. 503(f) as the authority for full-time manning. The need for the amendment is accordingly heightened by this recent action.

It is clear that the Congress intended to equate all full-time duty under title 32 with active duty for training under title 10 when it enacted sections 3686 and 8686 of that title. Addition of section 502 to the enumeration in those sections is essential to carry out that intent.

Our Association strongly recommends enactment of this legislation. I will be happy to try to answer any questions you may have.

H.R. 2600

Mr. Chairman and members of the committee, I am Major General Francis S. Greenlief, retired, Executive Vice President of the National Guard Association of the United States. I am happy to have this opportunity to appear in support of H.R. 2600.

Current section 710 of title 32 had its beginnings in the National Defense Act of 1916. In those days about the only Federal property a Guardsman ever saw was his 1903 Springfield rifle, his uniform, and a canteen. It seemed reasonable enough to hold him responsible in case he lost, damaged or destroyed it through his own negligence. Since there was little Federal control over the Guard except when it was in actual Federal service, it also seemed reasonable to expect the State to make good the loss if the individual did not.

Today, the Federal property in the hands of the National Guard includes large numbers of high performance aircraft, much complex and exotic electronic gear, and, of course, many general and special purpose motor vehicles.

The law has not kept pace with these developments, and leaves no alternative to the Secretaries of the Army and of the Air Force in case of National Guard property losses. If the loss was due to negligence, in any degree, the member must be held pecuniarily responsible, and for the total money value of that property.

The unfairness of this law is pointed up by the laws and regulations which apply to all other members of the Army and Air Force. Since the laws relating to those elements are not as specific, but leave the matter largely within the discretion of the Service Secretaries, members of the Army and Air Force on active duty, and Army and Air Force Reserves may be absolved of liability entirely or be held liable only up to specific dollar amounts, as prescribed in regulations.

While it is, of course, true that members of the National Guard while on training or duty under provisions of title 32, United States Code, are not in Active Federal service, the control which State authorities may exercise is largely theoretical. Recognition of this fact is reflected in sections 3686 and 8686 of title 10, United States Code, which equate title 32 National Guard training with active duty for training in Federal service performed by members of the Army National Guard of the United States and the Air National Guard of the United States. Title 32 training, while not in Federal Service, is prescribed by, and in conformity with Army and Air Force regulations and directives. And in many instances, it is performed outside of the parent State boundaries, often, in the case of the Air National Guard, in foreign countries. For this reason, we feel that the State should not be held responsible pecuniarily for losses which occur as the result of Federally required training.

On the other hand, when property is lost, damaged, or destroyed as the result of a State mission, when the National Guard is ordered to duty in case of disaster or other local emergency, it seems only fair that the State remain financially responsible.

Current law makes no provision for the remission or cancellation of indebtedness to the United States of National Guard members, although the Secretaries of the Army and Air Force have such authority with respect to active duty members. It would be desirable to have the authority extended to cover nonactive duty members as well. The exercise of this authority in appropriate cases can be expected to aid in the retention and participation of National Guard personnel in their units, and would right the existing inequity.

H.R. 2600, if enacted, would provide all of these reforms. Our Association strongly recommends its enactment.

I will be happy to try to answer any questions you may have.

Mr. WHITE. At this time, because I have a meeting that I am supposed to attend with another government, the Ambassador of Mexico, relating to a border problem, I am going to turn the chair over to Mr. Montgomery.

Thank you very much for your appearance, General Greenlief.

Mr. MONTGOMERY. Mr. Hillis.

Mr. HILLIS. Thank you, Mr. Chairman. I have no questions.

It is nice to have you before the subcommittee; as always, I think you make a strong case for both pieces of legislation.

General GREENLIEF. Thank you, sir.

Mr. MONTGOMERY. Thank you, Mr. Hillis.

General Greenlief and Col. Bill Blatt, I would like to welcome you before this subcommittee again, and especially to have Bill appear with you.

To members of the subcommittee and to our guests today, there was a poll recently by staff on the Senate and House side, on military matters, as to which associations did the better jobs of informing staff members and also members of Congress pertaining to defense matters. I notice that the National Guard Association was one of the top ones coming before the committees and before the staffs, and giving good comprehensive information.

General Greenlief, no question about it, H.R. 1425 is rather complicated. I will reserve my time and let the staff if they want to ask questions about H.R. 1425. I would certainly hope, General Greenlief, that the Defense Department would endorse this legislation since they are the ones putting these people on full-time active duty. It would seem only from a fairness standpoint, and to really kind of clean up or clear up the law, that this legislation should be enacted.

General GREENLIEF. Mr. Chairman, I would certainly hope that would be the result. I noted in earlier testimony this year, I believe it was testimony by Mr. John Brinkerhoff, representing Dr. Chase at that time, commented that as an individual, not for the whole administration, they favored it then.

Dr. Chase again this morning has said he does favor it. I would not see there would be any hangup in DOD except that is quite a labyrinth to work through things and will probably take time. I would urge this committee, just because this is so right and it is only doing what the Congress has already earlier intended to do, that they not wait for the official OMB cleared report.

Mr. MONTGOMERY. Mr. Wincup.

Mr. WINCUP. General Greenlief, just as a general proposition, as I understand it in both cases these bills only put the guardsmen in the status that a reservist is now in under law.

General GREENLIEF. Under H.R. 2600, Mr. Wincup, the guardsmen or the reservists and the Regulars are treated the same by current law because the Secretary is given flexibility to deal with them.

So, yes, this only gives to guardsmen what reservists and Regulars have.

H.R. 1425 is a little different because there is no equivalent to title 32 for service in the other Reserve components. All of their paid service is active duty for training or active duty; thus, they are already under title 10. What section 3686 of title 10 and some other sections of law do is to equate training in the National Guard under title 32 to active duty for training in the Federal service.

That then spins off into equating active service, words of art, for computation of retirement.

There is really no counterpart here. We are only asking that our people be given the same pay and benefits that reservists would have performing like duty.

Mr. WINCUP. This is just a drafting point. I thought you might have a comment on this. In the draft in H.R. 2600, in the language, subsec-

tion (c) refers to under regulations prescribed by the Secretary concerned.

Is that reference to the subsection (b) above or are there other regulations involved? Because he has discretion to issue regulations under (b), there is no requirement that he do so. So if he chooses not to do that under (b), the law that we would have imposed under (c) may or may not have effect. I am just interested.

If you would like to submit that for the record, that would be fine.

General GREENLIEF. To give you a proper answer to that we would need to be looking at the basic law as well. If we may we would like to submit that for the record.

Mr. WINCUP. That would be just fine.

[General Greenlief subsequently provided the information to the subcommittee staff.]

Mr. WINCUP. Mr. Chairman, I have just one other point. Mr. White asked Mr. Chase about this proposal concerning forgiveness of loans for service either in the Reserve or Active Forces. Has the National Guard Association had a chance to look at that?

General GREENLIEF. Yes, sir. I met yesterday with members of Mr. Petri's staff to look at their proposal. We have had some discussion and reached a general agreement between what Mr. Petri would like to achieve and what our association thinks would be practical for the regular services and the Guard and Reserve.

I obviously cannot commit Mr. Petri, but I anticipate that he will offer an amendment to the Higher Education Act about the end of next week, which will provide for loan forgiveness for service in the Regulars on the basis for enlisted personnel for every year of service on active duty the prospective student could earn a 20-percent forgiveness of the loan. There is a dollar ceiling.

Thus, if he serves 5 years on active duty, he could earn 100 percent forgiveness of a national direct student loan.

For the Guard and the Reserve, we would just half that, so that for the Guard and the Reserve, the man or woman who serves in the Guard and Reserve a year would earn a 10-percent reduction. Thus, 10 years of service in the Guard and Reserve could equate to 100 percent loan forgiveness.

We are very excited about the prospect. I wish we had more time to work on it. Just as soon as Mr. Petri makes his decision, we, the National Guard Association, are going to do our absolute most to inform the Members of the House of the amendment, the purposes and intent, and we are going to strongly support it.

We are very excited about the possibility. We think it will do something for the educational level of personnel of those in the Guard and Reserve and Regulars too.

Mr. MONTGOMERY. Did you follow the question Chairman White directed to you?

General GREENLIEF. Yes. As I understood the chairman's question, he was asking what happens to an individual doing active duty for training or some form of active service in the National Guard who is sick or injured and is hospitalized. If that occurs while an individual is in annual training, he, of course, is hospitalized, he begins his medical treatment. If the end of the field training period occurs and he is still

in the hospital, he is retained on active duty for so long as he is considered to be unable to return to duty. He continues on pay allowance.

When the doctors reach the judgment that he is now fit for duty, he is then returned home.

If he requires a subsequent return to the hospital for treatment, he goes back for that period of time and then goes back home again but he is not carried on active duty once he is released from the hospital.

Did I make an error in there, Colonel Blatt?

Colonel BLATT. Yes. It makes a good deal of difference on the length of time the man was on duty. If he was on duty for a period of less than 30 days and disabled as a result of disease, for example, he is entitled to a continuation of pay and allowances for a period not in excess of 6 months. He will not be entitled to physical disability retirement under current law.

Under the bill you have introduced, Mr. Montgomery, that will vary and the man would be entitled to disability retirement if he were disabled within VA definitions, irrespective of time he is on duty.

If his disability is the result of injury, then he is entitled, as the General has said, among other things, to a continuation of pay and allowances as long as required and also entitled to physical disability retirement.

If, for example, following the termination of a period of duty during which the man has an injury or disease that was contracted or incurred in line of duty, then he is entitled to further treatment and may be entitled to have VA benefits as well. Much depends on whether the injury or disease was concluded to have been incurred in line of duty.

That, as you know, is a work of art.

General GREENLIEF. There is a direct application of the chairman's question to H.R. 1425 because one of the benefits that flows from H.R. 1425 is that service under 502(f) can provide to the member and his dependents medical care, CHAMPUS, if you will. That is an important aspect of service in this full-time military.

Mr. MONTGOMERY. In my limited knowledge not getting to the technicalities but say on a guardsman on 15 days' annual training—and this has happened—a tank hatch fell on a young man and crippled his hand very seriously. He was a sergeant. As I remember the case, he was retired or he went under VA benefits and is drawing 30 percent.

General GREENLIEF. I think that is the point Colonel Blatt just addressed. If they are on active duty for field training status and injured, then they are entitled to disability retirement.

Colonel BLATT. If he had a heart attack he would not be.

General GREENLIEF. Because that is an illness and could have stemmed from a condition that existed before he went to annual training.

Mr. MONTGOMERY. Under the bill we have introduced if he had a heart attack and that could be proven service connected, I assume he could be retired.

General GREENLIEF. Under the medical omnibus bill. Not under H.R. 1425. H.R. 1425 only confers or equates training under 502(f) to active duty for training in the Federal Reserves, all of the other sections of title 32 are equated.

Mr. MONTGOMERY. Thank you very much.

If there are no further comments or questions for the witnesses, we will have this meeting adjourned to be called by the chairman.

[Whereupon, at 10:40 a.m., the subcommittee was adjourned.]

MARKUP OF H.R. 5573, H.R. 2600, AND H.R. 1425

House of Representatives,
Military Personnel Subcommittee,
Committee on Armed Services,
Washington, D.C., Tuesday, October 30, 1979.

The subcommittee met, pursuant to notice, at 9:25 a.m., in room 2337, Rayburn House Office Building, Hon. G. V. (Sonny) Montgomery (acting chairman of the subcommittee) presiding.

Mr. Montgomery. The subcommittee will come to order.

Chairman White will be here in just a few minutes and that will give us a quorum. I think we could go ahead and take up the three bills and hold up the voting on them until we get a quorum. I think Mr. White is for these bills, but we might have them explained to the subcommittee at this time.

H.R. 5573, I'll let counsel read the title and also briefly explain what the bill does.

Mr. Wincup. All right, sir.

This would amend title 10, to authorize additional ROTC scholarships for the Army and also provide a specific number of earmarked scholarships for the military junior colleges.

You will recall this was legislation introduced by Mr. Skelton in a different form that the subcommittee held hearings on. That was not supported by the administration. This bill now is supported by the Army and apparently will be supported by the administration.

It just changes the character of the approach. It would give the Army as a whole authority for more ROTC scholarships, which they really need because they need more officers, and the Reserves particularly is where they're short. It will also earmark 10 scholarships a year for the military junior colleges. Now they receive, I believe, one or two. This increases it to 10, and it also permits them to compete for additional scholarships as they build up their enrollment in ROTC.

Mr. Nichols. Mr. Chairman.

Mr. Montgomery. Mr. Nichols.

Mr. Nichols. I'm sorry I didn't attend the earlier hearings and I have to ask these rather simple questions.

Ten scholarships to the junior colleges, did you say?

Mr. Wincup. Yes, sir.

Mr. Nichols. Is that 10 to each junior college, or 10 across the Nation, or 10 to each service, or what?

Mr. Wincup. Ten to each junior college, and there are six.

Mr. Nichols. Oh, I see.

Mr. Montgomery. They have six junior colleges that have ROTC programs through which they can get commissions.

Mr. Wincup. Yes, sir, 6 of these particular military junior colleges, and there will be 10 per year per college.

Mr. NICHOLS. Is it anticipated that these 6 will ever broaden to 7, to 8, or to 10?

Mr. WINCUP. They set up the definition in this law of what qualifies as a military junior college. It's required to comply with the Secretary's regulations. So more could really be created. There's nothing that prevents it.

Mr. NICHOLS. Suppose two, or three, or four more were created. Would there be 10 to each one of these junior colleges?

Mr. WINCUP. Yes, sir.

Mr. NICHOLS. Thank you, Mr. Chairman.

Mr. WON PAT. Mr. Chairman.

Mr. MONTGOMERY. Mr. Won Pat.

Mr. WON PAT. How, then, are the colleges being created?

Mr. WINCUP. An existing college would just have to comply with the Secretary's criteria that are set out in regulations as to what constitutes a military junior college. Essentially, it means a military disciplined atmosphere, and they have to comply with whatever regulations he sets up. They could, in fact, do that. I'm not aware of any likelihood that that would happen.

Mr. WON PAT. There are a lot of community colleges across the land. Could any of these colleges be eligible for this?

Mr. WINCUP. Yes, sir, if they complied with the Secretary's regulations. I believe that would change the character of that school though substantially. It would not be something they could not do very easily because these people wear uniforms and are under a strict military hierarchy at the school.

Mrs. HOLT. Mr. Chairman, it would increase the ceiling in this from 6,500 to 12,000. In the other bill it didn't increase the ceiling?

Mr. WINCUP. No, Mrs. Holt, it did not address that.

Mrs. HOLT. And that was the objection they had?

Mr. WINCUP. Their objection was that it created 600 scholarships that were just for military junior colleges. I think, in fact, what the Army expected was that those 600 would be taken away from the other scholarship program, which they need, and which is very important to them too. So this is sort of a compromise. This is the support to add authority for more scholarships, which they seriously need, and part of that will go to military junior colleges, all for the Reserves. Essentially all of these new scholarships would be in support of the Reserves.

Mr. NICHOLS. Would the gentlewoman yield?

Mrs. HOLT. Yes.

Mr. NICHOLS. Are we utilizing all of these scholarships?

Mr. WINCUP. The Air Force is also authorized 6,500, but they have only been appropriated enough money for above 5,800 to date, and they want the full 6,500, but the two Appropriations Committees don't agree on giving them the whole amount.

Mr. NICHOLS. My question was are any of these scholarships going to waste because people don't apply for them, or are they all being utilized?

Mr. WINCUP. All are being utilized, for as much money as they have. They have limits on the money, but there are people in line for these scholarships.

Mr. NICHOLS. Thank you.

Mr. WINCUP. Mr. Chairman, I would just mention there are a couple of problems.

Mr. Skelton asked in the bill during the hearings to alter some language, not in substantial fashion, you will recall during the hearing.

Also, there is a problem with this legislation in that because it's new authority, a new authorization, it can't be reported during this fiscal year because it's after the May 15 date, under the Budget and Impoundment Control Act. So you would really need to change the effective date to October 1 of 1980.

We have a draft of a clean bill that has incorporated all of these amendments, and my understanding is it's OK with Mr. Skelton, that it could be reintroduced so there would be no amendments on the legislation and it would incorporate all the appropriate changes.

Mr. MONTGOMERY. Is there any further discussion on H.R. 5573?

[No response.]

Mr. MONTGOMERY. There seems to be no problems as far as the subcommittee is concerned.

I assume we will just move on to the next bill, and then maybe we can get a quorum.

Mr. WINCUP. Yes, sir. We need one more for a quorum.

Mr. MONTGOMERY. OK.

If counsel would explain H.R. 2600, which is the Dave Emery bill.

Mr. WINCUP. Yes, sir.

This would amend title 32 with regard to the National Guard. This applies to a situation where Federal property is lost in training or in some manner by a National Guardsman, and it will change how the Government is compensated for the loss of this property.

Currently, if a National Guardsman loses property the Government essentially has two options. If there is negligence involved the Government has to charge the State or the individual. It has no right to cancel that liability. Somebody has to pay.

That is not the case today in the Active Forces or in the other Reserve components. The Government has the right to cancel that liability if they feel for good reason it should be canceled, or, in the case of when they try to hold the individual liable they limit his obligation to 1 month's pay, rather than, if a man crashes an aircraft, to hold him personally for the whole amount, it is not very meaningful because he's never going to be able to pay for it. So they at least have a limitation of 1 month's pay if there was negligence involved in the loss of the property.

That is not the case in the Guard. They do not have that situation, and all this bill does is to put the Guard on the same footing as is the case now in the Active Forces and in the other Reserve components.

Mr. MONTGOMERY. Are there any comments or questions on H.R. 2600?

[No response.]

Mr. MONTGOMERY. OK.

H.R. 1425.

Mr. WINCUP. This is your bill. Mr. Montgomery and Mrs. Holt are the authors and the sponsors of the bill.

What this will permit is: Today National Guardsmen called to active duty can be called under essentially four sections of law. Only three of those sections permit them to receive credit when they are on full-time active duty for medical benefits or for retirement. It's an anomaly why the fourth section is not also included. There is no reason. But it's important that that section also be included for purposes of these Federal benefits because there is now a test going on, which you're familiar with, using full-time National Guardsmen in support of the National Guard, but because they can't use this authority, because the man is not entitled to the same benefits as someone in the Reserves would be, they can't use this authority to call him to active duty. It's really the only appropriate authority to use to call his man to active duty.

So all this bill does is say that that fourth section, section 502 of title 32, is also included within those sections which permit the man, once called to active duty, to receive credit for retirement purposes and for medical benefits. This just put him in exactly the same status as a reservist who is called to active duty.

Mr. MONTGOMERY. And basically the same status as the Regulars.

Mr. WINCUP. Yes, sir.

Mr. MONTGOMERY. He would get the same benefits. Is that correct?

Mr. WINCUP. That is correct.

Mr. NICHOLS. Might I make an inquiry of the Chair?

Haven't there been numerous cases where people in this fourth category have been called to active duty and are actually injured while on duty and are denied service-connected injury benefits if they fail in this fourth category?

Mr. MONTGOMERY. Mr. Nichols, that question, in effect, was asked by Chairman White.

There are some gray lines in there, and if counsel would like to tackle it, or, if there are no objections, we have General Greenlief and Col. Bill Blatt, who have been working in this area, and maybe they could help us get a better answer for Mr. Nichols.

General GREENLIEF. Mr. Nichols, National Guard personnel serving on full-time duty under title 32, which is the Federal pay allowances, but under State control, are entitled to medical coverage in the event of sickness if they have been on active duty for 30 days. If they are injured in an accident, such as in field training, then they are continued on active duty until their hospitalization care has been completed.

Colonel BLATT. That's not a complete answer.

I think your question, Mr. Nichols, was whether an individual who was injured while performing training or duty under section 502 was entitled to medical care if he were injured.

Mr. NICHOLS. It goes a little bit further than that. I'm concerned about a man who's injured to the extent that he has to get out of the military, and I'm inquiring about that man's eligibility for military retirement because of disabilities if he's in this particular category.

Colonel BLATT. If he is in that category and is injured and his disability is 30 percent or greater, then he is entitled to physical disability retirement on the same basis as a Regular would be.

The distinction is that with training of less than 30 days illness, disabling illness, does not entitle a person to physical disability retirement unless the orders were for a period of over 30 days.

But for the classic case of injury while performing inactive duty training, under 502, or full time training under any other section of title 32, the individual is entitled to medical care and to physical disability retirement or separation.

I think part of the difficulty here is we're talking about medical care for dependents, CHAMPUS. The individual on inactive duty training or on duty for less than 30 days, his dependents are not entitled to medical care.

Mr. NICHOLS. This legislation in no way addresses the man with less than 30 days' training and his eligibility for disability retirement in case he is seriously injured on duty?

Colonel BLATT. No, sir. That's already taken care of by another section.

General GREENLIEF. That's currently provided for, if he's injured.

Mr. NICHOLS. Even though he had less than 30 days?

General GREENLIEF. Yes, sir.

Colonel BLATT. Yes, sir.

Mr. NICHOLS. Thank you.

Mr. MONTGOMERY. Thank you, Mr. Nichols.

Mrs. Holt.

Mrs. HOLT. I have no questions.

Mr. MONTGOMERY. Mr. Won Pat.

Mr. WON PAT. No questions, Mr. Chairman.

Mr. MONTGOMERY. Counsel, is Mr. White on the way?

We could call the roll on these bills, as we do in the Veterans' Affairs Committee, and I would stay and keep the rolls open until we have another person. If we don't get another person, then we don't pass the bill. If there would be no objection, that's the way sometimes we handle it in the Veterans' Affairs Committee. We just call the roll, and the chairman just stays until a quorum shows up, and takes their vote.

Mr. WINCUP. We just checked again with Mr. White. He knows about it, and he's coming, but they just can't get through to him at this moment, and there's nobody else as a possibility on this subcommittee. They're all tied up.

So I suspect you could do it without objection at this point. The likelihood is that no one is going to object to it.

Mr. MONTGOMERY. Do you mean no objections to the sort of procedure that I mentioned or no objections to passing the bill?

Mr. WINCUP. Just report it without objection because the full committee would ratify whatever action the subcommittee took, and that's the critical point.

Mr. MONTGOMERY. All right. If there are no objections to these bills——

Mr. WINCUP. Mr. Montgomery, I'm sorry. Could I just mention two things?

Mr. MONTGOMERY. Yes.

Mr. WINCUP. In both the case of H.R. 2600 and H.R. 1425 clean bills might also be appropriate because there are effective date problems in each of those bills that need to be taken care of: H.R. 2600

because again you run afoul of the Budget Act, and under H.R. 1425 there was no effective date, but it does seem appropriate to avoid retroactive impact that an effective date be put in there, and then legislative counsel suggested some technical changes in it that might be appropriate.

Mr. MONTGOMERY. Are there any objections by members of the subcommittee to introducing clean bills on H.R. 2600 and H.R. 1425?

[No response.]

Mr. MONTGOMERY. Hearing no objections, then the staff will prepare those bills, and without objection the three bills we have discussed will be reported to the full committee with no objection.

Mr. WINCUP. Mr. White did want to raise a question about H.R. 1425. He said last night, that there was some part of it he at least wanted to discuss.

Mr. MONTGOMERY. He'll just have to bring it up before the full committee. If he doesn't like the bill then we'll hold up on it.

Mr. WINCUP. OK, sir.

Mr. MONTGOMERY. If there are no objections then, I thank the members for coming today, and the subcommittee now stands adjourned.

[Whereupon, at 9:44 a.m., the subcommittee adjourned.]

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