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HEARING

ON

NATIONAL SERVICE LEGISLATION
(H.R. 2206, H.R. 3603, AND H. CON. RES. 271)

BEFORE THE

MILITARY PERSONNEL SUBCOMMITTEE

OF THE

COMMITTEE ON ARMED SERVICES

HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

TUESDAY, MARCH 4, 1980



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(II)

NATIONAL SERVICE LEGISLATION

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
MILITARY PERSONNEL SUBCOMMITTEE,
Washington, D.C., Tuesday, March 4, 1980.

The subcommittee convened at 10:35 a.m., in room 2203, Rayburn House Office Building, Hon. Richard C. White (chairman), Military Personnel Subcommittee, presiding.

Mr. WHITE. The subcommittee will come to order.

Today the Military Personnel Subcommittee will receive testimony on the concept of national service.

I have been impressed for some time in listening to presentations on defense manpower issues that too often the concern is about resolving short-term problems and not enough attention is paid to long-term considerations.

A number of Members of Congress have introduced proposals to institute some form of national service in this country. Today we will receive testimony on these proposals: H.R. 2206, which would provide for young people having the choice of either entering voluntary military or civilian service or being subject to induction into the military service by random selection; H.R. 3603, which would establish a public service system under which young people would be subject to random selection for civilian, military, or military reserve service; and House Concurrent Resolution 271, which expresses the sense of Congress that the President should establish a commission to examine national service programs.

This hearing will provide an opportunity for the subcommittee to consider the views of a number of distinguished Members of Congress, as well as public witnesses on this issue which could well affect the direction of the Nation's future manpower policies. I would like to particularly mention that it was at Congressman Jim Lloyd's suggestion that hearings were scheduled. It was Mr. Lloyd's feeling that the issue of registration should not be considered in isolation, but that some effort to take a longer view of the problem was necessary.

[H.R. 2206, H.R. 3603, and House Concurrent Resolution 271 follow:]

96TH CONGRESS
1ST SESSION

H. R. 2206

To establish a National Service System under which the young people of the United States shall have the choice of either entering voluntary military or civilian service or being subject to induction into military service by random selection.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 1979

Mr. McCLOSKEY (for himself, Mr. BONIOR of Michigan, Mr. BINGHAM, Mr. LOTT, Mr. BEARD of Tennessee, Mrs. FENWICK, Mr. CHARLES WILSON of Texas, Mr. SIMON, Mrs. SCHROEDER, Mr. ADDABBO, and Mr. COELHO) introduced the following bill; which was referred jointly to the Committees on Armed Services, Education and Labor, and Veterans' Affairs

A BILL

To establish a National Service System under which the young people of the United States shall have the choice of either entering voluntary military or civilian service or being subject to induction into military service by random selection.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3

SHORT TITLE

4 SECTION 1. This Act may be cited as the "National
5 Service Act".

I—E

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the United States has an obligation to maintain a combat-ready military force and reserve in order to maintain national security;

(2) it is in the best interests of the United States that its military forces represent a cross-section of citizens from every walk of life and economic level;

(3) a large number of the individuals making up such combat-ready force should be over 18 and under 25 years of age;

(4) individuals at such age are often ideally suited to serve the Nation in a volunteer capacity and should have the opportunity, insofar as possible, to choose the type of service they wish to offer to the Nation; and

(5) service to the Nation in one's youth can be a valuable experience both to the United States and to the individual involved.

(b) It is the purpose of this Act to establish a program under which all citizens of the United States are asked to perform 1 or 2 years of either military or civilian service between the ages of 18 and 30, but in which no one is required to serve except to the extent that the needs of the military require that some persons be inducted for military training and service.

1 TITLE I—NATIONAL SERVICE SYSTEM

2 OBLIGATION FOR NATIONAL SERVICE

3 SEC. 101. The Congress declares that it is the obliga-
4 tion of each citizen of the United States to perform some
5 service to his country. To fulfill this obligation, each citizen
6 of the United States shall, in accordance with this Act, per-
7 form suitable civilian service, enlist in the Armed Forces, or
8 be subject to induction into the Armed Forces, between the
9 ages of 17 and 24.

10 NATIONAL SERVICE SYSTEM

11 SEC. 102. (a)(1) There is established in the executive
12 branch of the Government an independent agency to be
13 known as the National Service System.

14 (2) The head of the National Service System shall be
15 the Director of National Service, who shall be appointed by
16 the President, by and with the advice and consent of the
17 Senate.

18 (b)(1) The National Service System shall include a na-
19 tional headquarters, at least one State headquarters in each
20 State, and such local placement centers, appeals boards, and
21 other agencies as the President may establish to carry out
22 this title. There shall be at least one local placement center
23 in each county or comparable political subdivision in each
24 State and there shall be at least one appeals board in each
25 State.

1 (2)(A) The President shall appoint the members of local
2 placement centers from recommendations made by the re-
3 spective Governors or comparable executive officials. The
4 membership of each such center shall consist of an equal
5 number of males and females and, to the maximum extent
6 practicable, shall be proportionately representative of the
7 race and national origin of registrants within its jurisdiction.
8 Each member of a local placement center shall be a civilian
9 who is a citizen of the United States not less than 18 years of
10 age who resides in the county or comparable political subdivi-
11 sion in which such local board has jurisdiction and who is
12 otherwise qualified under regulations to be issued by the
13 President. No person shall be disqualified from serving as a
14 counselor to registrants because of that person's membership
15 in a Reserve component of the Armed Forces.

16 (B) Upon the recommendation of the Governor or other
17 chief executive officer of each State, the President shall ap-
18 point a State director of the National Service System for
19 each State who shall represent the Governor of such State
20 and be in immediate charge of the State headquarters of the
21 National Service System.

22 (b) The President shall prescribe such regulations as the
23 President considers necessary to carry out this title.

24 (c) The provisions of paragraphs (4) through (10) of sub-
25 section (b), and of subsections (c), (d), (f), and (g), of section

1 10 of the Military Selective Service Act, as in effect on the
2 day before the effective date of this Act, shall apply with
3 respect to the National Service System in the same manner
4 as such provisions have applied with respect to the Selective
5 Service System before such effective date.

6 REGISTRATION AND OPERATION OF LOCAL PLACEMENT
7 CENTERS

8 SEC. 103. (a)(1) Except as otherwise provided in this
9 Act, it shall be the duty of every citizen of the United States
10 to appear and submit to registration at the local placement
11 center which serves the area in which the citizen resides
12 within 10 days after becoming 17 years of age, except that
13 all individuals registered under the Military Selective Service
14 Act or prior corresponding provisions of law shall be deemed
15 to have satisfied the registration requirements of this section.

16 (2) Each citizen of the United States who on the effec-
17 tive date of this Act has attained the age of 17 but has not
18 attained the age of 21 and who is not registered under the
19 Military Selective Service Act shall register under paragraph
20 (1) not later than the end of the 6-month period beginning on
21 such effective date. Citizens of the United States who have
22 attained the age of 21 on the effective date of this Act are
23 not required to register under paragraph (1).

24 (3) Any person who becomes a citizen of the United
25 States after attaining the age of 17 and before attaining the

1 age of 25 shall be registered and treated in all respects as
2 having attained the age of 17 on the date of such person's
3 naturalization, except that any such person's liability for
4 service under this Act shall not extend beyond the date on
5 which such person attains the age of 30.

6 (b) Each local placement center shall, at the time an
7 individual registers under subsection (a), provide such individ-
8 ual with detailed information on the nature and scope of the
9 operation of the program of national service established by
10 this Act, as provided to such placement center by the Direc-
11 tor of National Service. Such information shall include a de-
12 scription of enlistment opportunities in the Armed Forces, a
13 list of the general service categories for acceptable civilian
14 service under this Act, as established by the Board of Trust-
15 ees of the National Youth Service Foundation pursuant to
16 section 206, and a description of the operation of the military
17 lottery under section 109.

18 (c) Each local placement center shall provide counselors
19 who shall interview registrants and explain the details of the
20 operations of the program established by this Act.

21 (d) Each local placement center shall cause each regis-
22 trant to complete, or where necessary shall complete for each
23 registrant, such forms as may be required by regulations im-
24 plementing this Act, and such information shall be forwarded
25 to the National office of the National Service System. All

1 information contained in such forms pertaining to registrants
2 shall be disclosed only to authorized employees of the Nation-
3 al Service System, the National Youth Service Foundation,
4 the Department of Defense, and the individual registrant.

5 ELECTION OF SERVICE OPTION.

6 SEC. 104. (a) Unless exempt under section 105(a) of this
7 Act, each registrant, on or before 10 days before attaining
8 the age of 18, shall notify in writing the registrant's local
9 placement center of the registrant's election to enlist in the
10 Armed Forces, to participate in the military lottery, or to
11 participate in the civilian service program.

12 (b)(1) Any registrant who elects to enlist in the Armed
13 Forces or to participate in the civilian service program shall
14 at the time of such election state at what age the registrant
15 will begin such service. The age for beginning such service
16 shall be not less than 18 years of age nor more than 23 years
17 of age. Except as provided in paragraph (2), any registrant
18 failing to begin such service during the age stated at the time
19 of the election made by the registrant under this subsection
20 shall be placed in the lottery pool under section 108 and shall
21 be liable for a period of 6 years for induction into the Armed
22 Forces.

23 (2) Any registrant who has elected to enlist in the
24 Armed Forces and who at the age specified for the beginning
25 of service is qualified for enlistment into the Armed Forces;

1 but who is not accepted for enlistment solely because the
2 manpower needs of the Armed Forces at that time have al-
3 ready been met, may extend the time for beginning service
4 until the age of 25 and if still not accepted for enlistment by
5 then will be considered to have discharged the registrant's
6 obligation to perform service under this Act.

7 (c) Any registrant who fails to make the election re-
8 quired by subsection (a) shall be deemed to have elected to
9 participate in the military lottery.

10 (d) Each local placement center shall immediately cause
11 to be sent to the Director the name and registration number
12 of each registrant electing under subsection (a) to participate
13 in the military lottery or who is otherwise placed in the mili-
14 tary lottery pool in accordance with this Act.

15 EXEMPTIONS AND DEFERMENTS

16 SEC. 105. (a) The following persons are exempt from
17 participation in the military lottery and from making an elec-
18 tion under section 104(a):

19 (1) Personnel of the Army, Navy, Air Force,
20 Marine Corps, and Coast Guard, cadets and midship-
21 men of the United States Military Academy, United
22 States Naval Academy, United States Air Force Acad-
23 emy, and United States Coast Guard Academy, stu-
24 dents enrolled in officer procurement programs at mili-
25 tary colleges whose curriculum is approved by the Sec-

1 retary of Defense, members of Reserve components of
2 the Armed Forces, persons who served honorably on
3 active duty in the Armed Forces at any time before
4 the effective date of this Act; members of organized
5 units of the federally recognized National Guard, the
6 federally recognized Air National Guard, the Officers'
7 Reserve Corps, the Regular Army Reserve, the Air
8 Force Reserve, the Enlisted Reserve Corps, the Naval
9 Reserve, the Marine Corps Reserve, or the Coast
10 Guard Reserve, so long as they continue to be such
11 members and satisfactorily participate in scheduled
12 drills and training periods as prescribed by the Secre-
13 tary of Defense.

14 (2) Persons found to be physically, mentally, or
15 otherwise unfit on a permanent basis, in accordance
16 with standards to be prescribed by the President, for
17 any national service, either military or civilian, under
18 this Act.

19 (3)(A) During any period other than a period of a
20 war declared by the Congress, persons who, by reason
21 of training and belief, are conscientiously opposed to
22 any participation in the National Service System estab-
23 lished by this Act.

24 (B) During a period of war declared by the Con-
25 gress, persons who, by reason of training and belief,

1 are conscientiously opposed to participation in war in
2 any form.

3 (C) In order to establish conscientious opposition
4 under subparagraph (A), a registrant must prove by a
5 clear preponderance of the evidence that service in
6 general in a military and civilian capacity would be a
7 violation of the most profound convictions of the regis-
8 trant. In order to establish conscientious objection
9 under subparagraph (B), a registrant must prove by a
10 clear preponderance of the evidence that participation
11 in war in any form would be a violation of the regis-
12 trant's most profound convictions. Whether the regis-
13 trant meets the requirements of this paragraph shall be
14 determined pursuant to the procedure provided in sec-
15 tion 106.

16 (b)(1) The following persons shall be deferred, under
17 regulations prescribed by the President, from participation in
18 the military lottery and the civilian service program:

19 (A) Any person found to be physically, mentally,
20 or otherwise unfit on a temporary basis, in accordance
21 with standards to be prescribed by the President, for
22 any national service under this Act, shall be deferred
23 so long as the condition of unfitness continues.

1 (B) Any person granted a family hardship defer-
2 ment by the local placement center in accordance with
3 paragraph (2)(A).

4 (2) A registrant may present to the local placement
5 center, in writing, a claim of family hardship at any time
6 before or during participation in national service under this
7 Act. Upon examination of the registrant's claim of hardship,
8 the local placement center may—

9 (A) reject the claim as a whole;

10 (B) determine that the hardship of the registrant
11 can be met by an increase in the subsistence allowance
12 provided for in section 205(c) in order to provide for
13 members of the registrant's family who are substan-
14 tially dependent upon the registrant for financial sup-
15 port, the amount of such increase not to exceed \$4,000
16 per year;

17 (C) determine that the hardship of the registrant
18 can be met if the registrant is placed in a civilian serv-
19 ice job, if one is reasonably available, that will enable
20 the registrant to reside with those members of the reg-
21 istrant's family who are substantially dependent upon
22 the registrant for personal services or for other forms
23 of personal assistance;

1 (D) determine that the hardship of the registrant
2 can be met by the application of subparagraphs (B) and
3 (C) together; or

4 (E) upon a finding that the registrant has a hard-
5 ship and a finding that subparagraphs (B) and (C) are
6 insufficient either alone or applied together to provide
7 adequately for members of the registrant's family who
8 are substantially dependent upon the registrant, deter-
9 mine that the registrant be granted a hardship defer-
10 ment from national service for as long as necessary,
11 and at the time the registrant attains the age of 25 the
12 registrant shall be deemed to have participated in the
13 military lottery and not to have been selected during
14 the registrant's period of liability.

15 CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

16 SEC. 106. (a) Under regulations to be promulgated by
17 the Director, each registrant shall be classified by the local
18 placement center where the registrant is registered on the
19 basis of information supplied by the registrant to the local
20 placement center. Whenever a registrant's status changes so
21 that the registrant believes that the registrant is entitled to a
22 classification different from that which has been previously
23 assigned, the registrant shall apply to the local placement
24 center by setting forth in writing the facts which the regis-

1 trant believes entitles the registrant to a different classifica-
2 tion.

3 (b)(1) A registrant may appeal the classification given to
4 the registrant, or the denial of a request for a change of clas-
5 sification, to the appeals board for the registrant's State. Any
6 such appeal shall be made to the appeals board on or before
7 the end of the 30-day period beginning on the date the regis-
8 trant receives notification of the classification by the local
9 placement center or of the denial of the request for a change
10 of classification and shall state the basis for the appeal.

11 (2) The appeals board shall refer all appeals under para-
12 graph (1) to a hearing examiner to hear testimony, make
13 findings of fact and conclusions of law, and arrive at a deci-
14 sion as to the merits of the registrant's appeal. The hearing
15 shall be held as near the area in which the registrant resides
16 as is practicable.

17 (c) The registrant may appeal the decision of the hear-
18 ing examiner to the appeals board within 30 days of receiving
19 such decision. The appeals board shall review the whole
20 record and affirm the hearing examiner's decision only if sup-
21 ported by reliable, probative, and substantial evidence. At its
22 discretion, the board may hear further testimony.

23 (d) Decisions of the appeals boards may be appealed by
24 the registrant to the Director. The standard of review of the

1 Director shall be the same as that of the appeals boards
2 under subsection (c).

3 (e) A registrant who appeals a classification shall be en-
4 titled to appeal and to have the right to counsel at all stages
5 of the appeal process. The National Service System shall, at
6 its own expense, provide a lawyer for registrants unable to
7 afford counsel. The hearing examiner shall determine wheth-
8 er a registrant is capable of paying all, some, or none of the
9 cost of counsel. The decision of the hearing examiner shall be
10 subject to appeal in accordance with the procedures for
11 appeal of a classification.

12 LENGTH OF SERVICE

13 SEC. 107. (a) Each person enlisting in the Armed
14 Forces pursuant to an election under section 103—

15 (1) shall serve in active training and service for a
16 period of 24 consecutive months, unless sooner re-
17 leased, transferred, or discharged in accordance with
18 procedures established by the Secretary concerned; or

19 (2) shall serve in active training and service for a
20 period of 6 consecutive months, unless sooner released,
21 transferred, or discharged in accordance with proce-
22 dures established by the Secretary concerned, and shall
23 serve in the Ready Reserve of the Armed Force in
24 which enlisted for a period of 5½ years thereafter,
25 unless sooner released, transferred, or discharged in

1 accordance with procedures established by the Secre-
2 tary concerned.

3 (b) Each person selected through the military lottery for
4 service with the Armed Forces shall serve in active training
5 and service for a period of 24 consecutive months and there-
6 after in the Ready Reserve for a period of 48 consecutive
7 months, unless sooner released, transferred, or discharged in
8 accordance with procedures established by the Secretary
9 concerned.

10 (c) Each person electing participation in the civilian
11 service shall serve in active training and service for a period
12 of 1 year to be served in a period of 12 consecutive months,
13 except that such year of service may be served during 2 peri-
14 ods of 6 consecutive months over a period of 2 years if such
15 service is performed in seasonal farm labor work and if the
16 Board of Trustees of the National Youth Service Foundation
17 authorizes service to be performed in such manner.

18 OPERATION OF THE MILITARY LOTTERY

19 SEC. 108. (a) The Director shall establish under this
20 Act procedures for the selection of individuals for induction
21 into the Armed Forces by means of a random lottery of those
22 individuals who have elected to participate in the military
23 lottery under section 104(a) or who have otherwise been
24 placed in the lottery pool in accordance with this Act.

1 (b) The lottery shall proceed by means of random selec-
2 tion. The random selection method shall use 366 days to rep-
3 resent the birthdays (month and day only) of all registrants
4 who have elected to be placed in the lottery pool. The lottery
5 shall be conducted once each year on a date to be selected by
6 the Director and shall select in random order each day of the
7 year. Individuals in the lottery pool shall be liable for induc-
8 tion in the order in which their birthdays were selected in
9 such drawing. On the same date, an alphabetical drawing
10 will be conducted to determine the random selecting se-
11 quence by initial letter in surname among registrants who
12 have the same birthday.

13 (c) The Secretary of Defense shall periodically notify the
14 Director of the number of registrants required to fill the cur-
15 rent manpower needs of the Armed Forces. The Director
16 shall issue orders to report for induction to that number of
17 individuals in the order that their birth dates and names were
18 selected in the military lottery.

19 (d) Each registrant shall remain in the lottery pool for a
20 period of 6 years.

21 (e) A registrant who has received an order to report for
22 induction but who has been granted a deferment under sec-
23 tion 105(b) or under a procedure established by the Armed
24 Forces, shall have the induction order stayed indefinitely, but
25 the deferment of the registrant shall be reviewed each year

1 thereafter by the local placement center which originally
2 granted the deferment until the registrant attains the age of
3 25. If it is determined that the registrant can no longer quali-
4 fy for a deferment, the induction order for such registrant
5 shall be reactivated. When the registrant attains the age of
6 25, the induction order shall be permanently canceled.

7 (f) Any registrant who is discharged from the civilian
8 service under the provisions of section 212(b) shall be placed
9 in the random selection which next occurs following the date
10 of the registrant's discharge from the civilian service and
11 shall remain eligible for selection for induction for the period
12 prescribed in such section.

13 ORDER OF CALL IN EVENT OF WAR

14 SEC. 109. (a) Notwithstanding any other provision of
15 this Act, for the duration of any period of war declared by the
16 Congress, persons subject to this Act shall be liable for in-
17 duction for training and service in the Armed Forces, unless
18 exempt or deferred, in the following order:

19 (1) Persons who volunteer.

20 (2) Persons in the military lottery pool under sec-
21 tion 104 of this Act.

22 (3) Persons who have elected to perform civilian
23 service under this Act and have not begun such service
24 and persons performing civilian service under this Act,

1 with those with less service to be liable for induction
2 ahead of those with more service.

3 (4) Persons under the age of 26 who were not in-
4 ducted for training and service during their period of
5 eligibility, if any, in the military lottery pool.

6 (5) Persons who have completed civilian or mili-
7 tary service under this Act.

8 (b) Selection for induction and training under subsection
9 (a) shall be in accordance with the procedures established for
10 the military lottery under section 108. The lottery shall be
11 conducted among persons in each group described in such
12 subsection, with the persons in one group being selected for
13 induction and training before persons in the next group are
14 subject to selection.

15 COMPENSATION FOR PAY GRADES E-1 THROUGH E-3

16 SEC. 110. (a) The President shall prescribe the rates of
17 monthly basic pay under section 205(a) of title 37, United
18 States Code, for members of the uniformed services in pay
19 grades E-1 and E-2, and for members in pay grade E-3
20 with less than 2 years of service, to be as follows:

21 (1) E-1, \$192.

22 (2) E-2, \$214.

23 (3) E-3 with less than 2 years of service, \$222.

24 (b) The rates of basic pay to be prescribed by the Presi-
25 dent pursuant to subsection (a) shall apply to individuals who

1 first become entitled to such pay after the effective date of
2 this Act.

3 ADMINISTRATIVE PROVISION

4 SEC. 111. So much of the positions, personnel, assets,
5 liabilities, contracts, property, records, and unexpended bal-
6 ances of appropriations, authorizations, allocations, and other
7 funds employed, held, used, arising from, available or to be
8 made available in connection with the functions, powers, and
9 duties exercised by the Selective Service System immediately
10 before the effective date of this Act as the Director of the
11 Office of Management and Budget shall determine shall be
12 transferred to the National Service System. The transfer of
13 personnel pursuant to this section shall be made without re-
14 duction in compensation for 1 year after such transfer.

15 CRIMINAL PENALTY

16 SEC. 112. Whoever evades or refuses to register in the
17 National Service System as required under section 103(a) or
18 fails to report for induction under section 108 when ordered
19 to do so shall be imprisoned for not more than two years.

20 TECHNICAL AMENDMENT

21 SEC. 113. Section 5315(70) of title 5, United States
22 Code, is amended by striking out "Director of Selective
23 Service" and inserting in lieu thereof "Director of National
24 Service".

1 TITLE II—NATIONAL YOUTH SERVICE
2 FOUNDATION

3 ESTABLISHMENT OF NATIONAL YOUTH SERVICE CORPS

4 SEC. 201. Registrants in the National Service System
5 electing under section 104 to perform civilian service under
6 this title shall constitute the National Youth Service Corps
7 (hereinafter in this title referred to as the "Corps").

8 ESTABLISHMENT OF NATIONAL YOUTH SERVICE
9 FOUNDATION

10 SEC. 202. (a) There is hereby established in the execu-
11 tive branch of the Government an independent agency to be
12 known as the National Youth Service Foundation (herein-
13 after in this title referred to as the "Foundation").

14 (b) The Foundation shall—

15 (1) administer the National Youth Service Corps
16 established by this title; and

17 (2) make grants to units of State and local gov-
18 ernment, in accordance with section 216, in order to
19 provide employment opportunities for civilian service
20 registrants in the Corps.

21 BOARD OF TRUSTEES

22 SEC. 203. (a) The Board of Trustees of the Foundation
23 (hereinafter in this title referred to as the "Board") shall con-
24 sist of 19 members, as follows:

1 (1) 12 individuals appointed by the President, by
 2 and with the advice and consent of the Senate, from
 3 among individuals outside the Government who are
 4 widely recognized by reason of experience, education,
 5 or scholarship as specially qualified to serve on the
 6 Board.

7 (2) The Commissioner of Education, Department
 8 of Health, Education, and Welfare.

9 (3) The Administrator of the Office of Youth De-
 10 velopment, Department of Health, Education, and
 11 Welfare.

12 (4) The Assistant Secretary of Labor for Employ-
 13 ment and Training.

14 (5) The Director of ACTION.

15 (6) The Chief of the Forest Service, Department
 16 of Agriculture.

17 (7) The Director of the National Park Service,
 18 Department of the Interior.

19 (8) The Director of the Foundation.

20 (b) Each member of the Board appointed under subsec-
 21 tion (a)(1) shall serve for a term of 4 years, except that—

22 (1) of the members first appointed under such sub-
 23 section, 4 shall serve for a term of 2 years, 4 shall
 24 serve for a term of 3 years, and 4 shall serve for a

1 term of 4 years, as designated by the President at the
2 time of their appointment; and

3 (2) any individual appointed to fill a vacancy on
4 the Board shall serve until the end of the term for
5 which such individual's predecessor was appointed.

6 (c)(1) Members of the Board appointed under subsection
7 (a)(1) shall be entitled to receive the daily equivalent of the
8 rate of pay in effect for level IV of the Executive Schedule
9 for each day (including traveltime) during which they are
10 serving on business of the Foundation.

11 (2) Any member of the Board who is a full-time officer
12 or employee of the United States shall receive no additional
13 pay on account of service on the Board.

14 (3) While away from their homes or regular places of
15 business in the performance of duties of the Foundation,
16 members of the Board shall be allowed travel expenses, in-
17 cluding per diem in lieu of subsistence, in the same manner
18 as employees serving intermittently in the Government serv-
19 ice are allowed expenses under section 5703 of title 5,
20 United States Code.

21 (d)(1) The Board shall elect a Chairman and a Vice
22 Chairman from among its members. The terms of the Chair-
23 man and Vice Chairman shall be 2 years, except that the
24 Chairman and Vice Chairman first elected shall serve until

1 the end of the 1-year period beginning on the date of the
2 enactment of this Act.

3 (2) The Vice Chairman shall perform the duties of the
4 Chairman in the absence of the Chairman.

5 (e) A majority of the Board shall constitute a quorum,
6 but a lesser number may hold hearings.

7 (f) The Board shall meet not less than 4 times each
8 year. The Board shall meet at the call of the President, the
9 Chairman of the Board, or a majority of the members of the
10 Board.

11 DIRECTOR OF THE FOUNDATION

12 SEC. 204. (a) There shall be a Director of the Founda-
13 tion who shall be appointed by the President by and with the
14 advice and consent of the Senate and shall be paid at the rate
15 in effect for level IV of the Executive Schedule. The Director
16 shall be the chief executive officer of the Foundation and
17 shall carry out the programs of the Foundation subject to the
18 supervision and direction of the Board and shall carry out
19 such other functions as the Board may prescribe consistent
20 with this Act.

21 (b) With the approval of the Board, the Director may
22 appoint and fix the pay of such additional personnel as the
23 Director considers necessary to carry out the duties of the
24 Foundation.

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1 service. Any sponsor so disqualified may reapply for qualifi-
2 cation under procedures to be established by the Board.

3 (3) Each sponsor shall provide supervision and training
4 to civilian service registrants in accordance with minimum
5 standards to be prescribed by the Board.

6 (c) The local grantee (as designated by the Board under
7 section 216) shall pay to each civilian service registrant a
8 subsistence stipend determined by the Board based upon the
9 local cost-of-living of the geographic area served by the local
10 grantee.

11 (d) When any civilian service registrant withdraws or is
12 dismissed from a civilian service position, and it is determined
13 by the Board that the registrant is to continue in the civilian
14 service, then the registrant shall report to the local place-
15 ment center nearest to the registrant's current place of resi-
16 dence, within 10 days of such determination, in order to be
17 assigned to a new position or Federal program for the dura-
18 tion of the service obligation of the registrant.

19 (e) Any civilian service registrant who is not able to find
20 a position in a qualified service category in which to perform
21 service under this title, or who fails to complete satisfactorily
22 a year of service, shall perform such service, or complete
23 such year of service, in the Young Adult Conservation Corps
24 established by title VIII of the Comprehensive Employment
25 and Training Act (29 U.S.C. 991 et seq.) or shall be placed

1 in the military lottery pool under section 108. Notwithstand-
2 ing any other provision of law, the Secretary of the Interior
3 and the Secretary of Agriculture shall take such steps as may
4 be necessary to provide positions in the Young Adult Conser-
5 vation Corps for civilian service registrants unable to find
6 any other qualified position. Expenses incurred by the Secre-
7 tary of the Interior and the Secretary of Agriculture in carry-
8 ing out this subsection shall be reimbursed from funds appro-
9 priated for the Foundation.

10 DESIGNATION OF QUALIFIED SERVICE CATEGORIES

11 SEC. 206. (a) With the assistance of such advisory com-
12 mittees as the Director may establish, the Board shall from
13 time to time promulgate regulations designating specific serv-
14 ice categories as qualified service categories in which civilian
15 service registrants may serve for the purposes of this Act.

16 (b) An activity shall be considered to be a qualified serv-
17 ice category under subsection (a) of this subsection if—

18 (1) the activity is of substantial social benefit in
19 meeting human, social, or environmental needs of or in
20 the community where registrants are to perform serv-
21 ice or is of substantial social benefit to the Nation;

22 (2) Federal participation in the area is constitu-
23 tionally permissible under the first amendment to the
24 Constitution of the United States;

1 (3) participation of registrants in the activity con-
2 cerned will not interfere unreasonably with the avail-
3 ability and the terms of employment of employees of
4 sponsors with positions available in that activity;

5 (4) registrants are able to meet the physical,
6 mental, and educational qualifications that the activity
7 requires; and

8 (5) the activity is in other respects suitable for the
9 purposes of this Act.

10 (c) Suitable service categories shall include positions
11 in—

12 (1) the Foundation and State, local, and regional
13 government agencies;

14 (2) public, private, and parochial schools;

15 (3) nonprofit hospitals;

16 (4) law enforcement agencies;

17 (5) penal and probation systems;

18 (6) private, nonprofit organizations whose princi-
19 pal purpose is social service; and

20 (7) seasonable farm labor on commercial farms at
21 which adequate labor by persons who are United
22 States citizens is not available, if and only if the Foun-
23 dation designates such positions as being suitable for
24 the purposes of this Act.

1 (d) Suitable service categories may not include positions
2 in—

3 (1) profitmaking business organizations;

4 (2) labor unions;

5 (3) partisan political organizations;

6 (4) organizations engaged in religious functions,
7 unless the position itself does not involve any religious
8 functions;

9 (5) domestic or personal service companies or or-
10 ganizations; and

11 (6) except as provided under subsection (c)(7),
12 commercial farms.

13 (e) The Board shall from time to time solicit information
14 from sponsors who are authorized to participate in the civil-
15 ian service program with regard to—

16 (1) what types of positions, whether existing or
17 newly created for civilian service registrants, each
18 sponsor would propose to have filled by registrants
19 within the sponsor's organization;

20 (2) how many of each type of position the sponsor
21 believes the sponsor could usefully fill;

22 (3) what effect utilization of civilian service regis-
23 trants would have on the employment, and particularly
24 the hiring, practices of the sponsor; and

1 (4) what physical, mental, and educational qualifi-
2 cations the sponsor would require for civilian service
3 registrants filling these positions.

4 (f) The Board shall certify specific positions as qualified
5 for civilian service in accordance with the regulations pro-
6 mulgated by the Board under subsection (a). The Board shall
7 appoint hearing officers to hold hearings on the written re-
8 quest of any sponsor or registrant adversely affected by a
9 decision of the Board as to the suitability of a specific posi-
10 tion for civilian service under this Act. The registrant or
11 sponsor may appeal the decision of the hearing examiner to
12 the appropriate regional board within 30 days of receiving
13 notice thereof. The decision of the regional board shall be
14 final.

15 (g) The Board shall regularly compile lists, on a national
16 basis, of position opportunities which qualify within the serv-
17 ice categories which are currently available, so that regis-
18 trants shall have information on position opportunities
19 throughout the Nation. These lists shall be available to regis-
20 trants at local placement centers.

21 CONDITIONS OF SERVICE OF CIVILIAN SERVICE

22 REGISTRANTS

23 SEC. 207. (a) Each sponsor shall provide that civilian
24 service registrants serving with such sponsor shall have the

1 same hours of work, vacation days, sick leave, and annual
2 leave that new employees of such sponsor have.

3 (b) The Board shall contract for health care for civilian
4 service registrants under such insurance, medical service, or
5 health plans as it considers appropriate. The Board shall pre-
6 scribe the types of health care to be provided under such
7 plans and shall prescribe how the costs of such health care
8 shall be borne by registrants and by sponsors. Such care shall
9 be provided without cost to the Board.

10 ADDITIONAL AUTHORITY OF THE BOARD

11 SEC. 208. In addition to the authority granted in section
12 206, the Board may—

13 (1) delegate any authority vested in it under this
14 Act, and provide for the subdelegation of any such au-
15 thority;

16 (2) establish procedures to protect all civilian
17 service registrants from discrimination by any sponsor
18 because of race, color, creed, sex, or national origin;

19 (3) utilize, when necessary, the services of any
20 other department or agency of the Federal Govern-
21 ment; and

22 (4) prescribe such rules and regulations as may be
23 necessary to carry out this title.

1 APPLICATION OF PROVISIONS OF FEDERAL LAW—REGIS-
2 TRANTS NOT FEDERAL EMPLOYEES; FEDERAL EM-
3 PLOYMENT LAWS INAPPLICABLE

4 SEC. 209. (a) Except as otherwise specifically provided
5 in this Act, a registrant in the Corps shall not be deemed to
6 be a Federal employee and shall not be subject to the provi-
7 sions of laws relating to hours of work, rates of compensa-
8 tion, leave, unemployment compensation, and Federal em-
9 ployee benefits.

10 (b) Registrants in the Corps shall be deemed to be em-
11 ployees of the United States for the purposes of the Internal
12 Revenue Code of 1954 and of title VI of the Social Security
13 Act, and any service performed by an individual as a regis-
14 trant shall be deemed for such purposes to be performed in
15 the employ of the United States.

16 (c)(1) Registrants in the Corps shall, for the purposes of
17 the administration of chapter 81 of title 5, United States
18 Code, be deemed to be civil employees of the United States
19 within the meaning of the term "employee" as defined in
20 section 8101 of such title and the provisions thereof shall
21 apply except as hereinafter provided.

22 (2) For the purposes of this subsection:

23 (A) The term "while in the performance of his
24 duty" in such chapter shall not include any act of a
25 registrant—

1 (i) while on authorized leave; or

2 (ii) while absent from the registrant's as-
3 signed post of duty, except while participating in
4 an activity authorized by or under the direction or
5 supervision of the Corps.

6 (B) In computing compensation benefits for dis-
7 ability or death under such chapter, monthly pay actu-
8 ally received by the registrant for satisfactory perform-
9 ance of work shall be used.

10 (C) Compensation for disability shall not begin to
11 accrue until the day following the date on which the
12 enrollment of the injured registrant is terminated.

13 POLITICAL DISCRIMINATION AND ACTIVITY—INQUIRIES
14 CONCERNING POLITICAL AFFILIATION AND BELIEF

15 SEC. 210. No discrimination shall be exercised, threat-
16 ened, or promised by any person in the executive branch of
17 the Federal Government against or in favor of any civilian
18 service registrant in, or any applicant for enrollment in, the
19 Corps because of the political affiliation, beliefs, or activities
20 of such registrant or applicant.

21 REPORTS BY EMPLOYERS

22 SEC. 211. Each sponsor of a civilian service registrant
23 shall submit an annual report to the Board, in such form and
24 manner and containing such information as the Board shall
25 require. Such report shall include details on the number of

1 registrants leaving service with such sponsor as the result of
2 the normal expiration of the registrants' obligated service and
3 the number leaving for other reasons and shall state in detail
4 the circumstances of such other reasons.

5 CATEGORIES OF REMOVALS FROM POSITION; EFFECT

6 SEC. 212. Any civilian service registrant who is re-
7 moved from a position because of its abolition, or for any
8 other reason not reflecting adversely on the registrant's per-
9 formance, shall not be considered to have violated the regis-
10 trant's obligation to perform civilian service, shall be consid-
11 ered to have been withdrawn without prejudice, and shall be
12 eligible for transfer to new positions within the service for
13 which the registrant is qualified. If a registrant is removed
14 for any other reason (hereinafter referred to as "for cause"),
15 the registrant shall be liable to disciplinary action by the
16 Board.

17 ADVERSE ACTIONS BY THE BOARD

18 SEC. 213. (a) Adverse action against a civilian service
19 registrant shall be begun by the Board only upon the basis of
20 a special report from the registrant's sponsor supporting the
21 registrant's removal from the registrant's position for cause
22 or announcing the registrant's unauthorized departure from
23 such position.

24 (b) Adverse action against a registrant may include the
25 imposition of such disciplinary sanctions, up to and including

1 dismissal from the civilian service with loss of any benefits
2 which would accrue as a result of completion of service, as
3 the Director may consider necessary. A registrant who is
4 dismissed from the civilian service as the result of an adverse
5 action shall be deemed to have elected to participate in the
6 next military lottery whose date of drawing, as provided in
7 section 108(b), is after the date of dismissal. A registrant who
8 has completed at least half of the required length of service in
9 the civilian service before such dismissal, and is selected in
10 the lottery for military service, shall be required to serve only
11 1 year of military service.

12 (c) A registrant may be dismissed from the civilian serv-
13 ice only under circumstances involving willful disobedience,
14 insubordinate conduct, conviction of a felony, or highly unsat-
15 isfactory performance.

16 (d) Sanctions imposed by the Board against a civilian
17 service registrant for misconduct shall not impair any right of
18 action, public or private, criminal or civil, accruing to any
19 other party against such registrant by reason of the regis-
20 trant's misconduct.

21 (e) The Board shall establish procedures for the adminis-
22 trative release of registrants from the civilian service for rea-
23 sons of health or hardship, where the documented basis in
24 fact for the claim would be initiated either by the registrant
25 concerned or by the civilian service. A registrant so released

1 shall remain eligible for all benefits normally accruing to
2 those who have successfully completed their service.

3 ADVERSE ACTIONS—PROCEDURES

4 SEC. 214. The Board shall establish and impose admin-
5 istrative sanctions, up to and including dismissal from the
6 civilian service by adverse action, to discipline any registrant
7 who fails to fulfill the obligation of the registrant to perform
8 service under this Act. The Board shall promulgate a code of
9 sanctions consistent with the provisions of this Act and shall
10 establish procedures to be followed in imposing such sanc-
11 tions.

12 COMPUTATION OF TIME OF SERVICE

13 SEC. 215. All time spent by a civilian service registrant
14 from the time of initial entry into the Corps shall count
15 toward satisfaction of the registrant's obligation except—

16 (1) time spent in legal detention or incarceration;
17 and

18 (2) time spent during which the registrant does
19 not hold a qualified position after voluntary abandon-
20 ment of a qualified position or dismissal from a quali-
21 fied position for cause.

22 GRANT PROVISIONS

23 SEC. 216. (a) From funds appropriated for such purpose,
24 the Board may make grants to units of State and local gov-
25 ernment designated by the Board as local grantees for the

1 purpose of this Act. Funds received by any local grantee
2 under this section may be used only for—

3 (1) paying stipends of civilian service registrants,
4 as established by the Board under section 205(c);

5 (2) encouraging private persons and other govern-
6 mental entities in the geographic region of the local
7 grantee to become sponsors in the civilian service pro-
8 gram or, if already sponsors, to make more service po-
9 sitions available to civilian service registrants; and

10 (3) such other purposes as the Board may author-
11 ize to carry out the purposes of this title.

12 (b)(1) There shall be only one local grantee for any geo-
13 graphic area. A unit of State or local government may only
14 be designated as a local grantee upon submission to the
15 Board of an application setting forth, in such form and
16 manner as the Board may require, its plans for the operation
17 of the civilian service program in its region and such other
18 information as the Board may consider relevant.

19 (2) The Board shall act as the local grantee for any area
20 of the United States for which a local grantee has not been
21 designated.

22 (c) Grants may not be made under this section for a
23 period of more than 3 years and shall be subject to such other
24 terms and conditions as the Board considers appropriate.

1 NATIONAL ADVISORY COUNCIL ON YOUTH SERVICE

2 SEC. 217. (a) There is established an advisory commit-
3 tee to be known as the National Advisory Council on Youth
4 Service (hereinafter in this section referred to as the "Advi-
5 sory Council").

6 (b) The Advisory Council shall advise the Board on
7 policy matters relating to the administration of this title.

8 (c)(1) The Advisory Council shall consist of 24 members
9 appointed by the President from among individuals who are
10 widely recognized by reason of experience, education, or
11 scholarship as specially qualified to serve on the Advisory
12 Council. The President shall appoint not less than 8 members
13 of the Advisory Council from among individuals who have
14 not attained the age of 27 at the time of their appointment
15 and shall make appointments to the Advisory Council so as
16 to insure that different segments of the population of the
17 United States are represented on the Advisory Council. In
18 making such appointments, the President shall give consider-
19 ation to any recommendation submitted by the Board.

20 (2) Each member of the Advisory Council appointed
21 under paragraph (1) shall serve for a term of 4 years, except
22 that—

23 (A) of the members first appointed under such
24 paragraph, 8 shall serve for a term of 2 years, 8 shall
25 serve for a term of 3 years, and 8 shall serve for a

1 term of 4 years, as designated by the President at the
2 time of their appointment; and

3 (B) any individual appointed to fill a vacancy on
4 the Advisory Council shall serve until the end of the
5 term for which such individual's predecessor was ap-
6 pointed.

7 (d)(1) Except as provided in paragraph (2), members of
8 the Advisory Council shall be entitled to receive the daily
9 equivalent of the rate of pay in effect for level V of the Ex-
10 ecutive Schedule for each day (including traveltime) during
11 which they are serving on business of the Advisory Council.

12 (2) Any member of the Advisory Council who is a full-
13 time officer or employee of the United States shall receive no
14 additional pay on account of service on the Advisory Council.

15 (3) While away from their homes or regular places of
16 business in the performance of duties of the Foundation,
17 members of the Advisory Council shall be allowed travel ex-
18 penses, including per diem in lieu of subsistence, in the same
19 manner as employees serving intermittently in the Govern-
20 ment service are allowed expenses under section 5703 of title
21 5, United States Code.

22 (e)(1) The Advisory Council shall elect a Chairman and
23 a Vice Chairman from among its members. The Vice Chair-
24 man shall perform the duties of the Chairman in the absence
25 of the Chairman.

1 (2) A majority of the Advisory Council shall constitute a
2 quorum, but a lesser number may hold hearings.

3 (f) The Advisory Council shall meet not less than 3
4 times each year. The Advisory Council shall meet at the call
5 of the President, the Chairman of the Advisory Council, or a
6 majority of the members of the Advisory Council.

7 TITLE III—VETERANS' BENEFITS

8 VETERANS' EDUCATIONAL ASSISTANCE BENEFITS

9 SEC. 301. (a) Title 38, United States Code, is amended
10 by inserting after chapter 32 of such title the following new
11 chapter:

12 "CHAPTER 33—REVISED POST-VIETNAM ERA

13 VETERANS' EDUCATIONAL ASSISTANCE

"Sec.

"1645. Definition.

"1646. Program.

"1647. Amount of entitlement.

"1648. Regulations.

14 "§ 1645. Definition

15 "For the purposes of this chapter, the term 'eligible vet-
16 eran' means any veteran who (1) initially entered the active
17 military, naval, or air service on or after the effective date of
18 the National Service Act, served on active duty for a period
19 of more than 180 days commencing on or after such date,
20 and was discharged or released from such service under con-
21 ditions other than dishonorable, or (2) initially entered the
22 active military, naval, or air service on or after the effective
23 date of the National Service Act and was discharged or re-

1 leased from active duty after such date for a service-con-
2 nected disability. The requirement of discharge or release
3 prescribed in the preceding sentence shall be waived in the
4 case of any individual who has served more than 180 days in
5 an active-duty status for so long as such individual continues
6 on active duty without a break therein.

7 **"§ 1646. Program**

8 "Except as provided in section 1647 of this chapter,
9 each eligible veteran shall be entitled to educational assist-
10 ance in the same manner and subject to the same conditions
11 as are veterans with no dependents who are eligible for edu-
12 cational assistance under chapter 34 of this title.

13 **"§ 1647. Amount of entitlement**

14 "Subject to the maximum limitation of 45 months of
15 educational assistance contained in section 1661(c) of this
16 title—

17 "(1) each eligible veteran who is inducted into the
18 Armed Forces under section 108 of the National Serv-
19 ice Act shall be entitled to 3 months of educational as-
20 sistance under this chapter for each 4 months of
21 active-duty performed by such veteran; and

22 "(2) each eligible veteran who voluntarily enlists
23 in the Armed Forces under the program of national
24 service established by title I of such Act shall be enti-
25 tled to 3 months of educational assistance under this

1 chapter for each 2 months of active-duty performed by
2 such veteran.

3 **"§ 1648. Regulations**

4 "The Administrator shall prescribe regulations to carry
5 out this chapter."

6 (b) The tables of chapters at the beginning of title 38,
7 United States Code, and at the beginning of part III of such
8 title, are each amended by inserting after the item relating to
9 chapter 32 the following new item:

"33. Revised post-Vietnam era veterans' educational assistance."

10 ANNUAL ADJUSTMENT OF VETERANS' EDUCATIONAL
11 ASSISTANCE RATES

12 SEC. 302. Section 3112 of title 38, United States Code,
13 is amended by adding at the end thereof the following new
14 subsection:

15 "(d) Whenever there is an increase in benefit amounts
16 payable under title II of the Social Security Act as a result of
17 a determination made under section 215(i) of such Act, the
18 Administrator shall, effective on the date of such increase in
19 benefit amounts, increase the rates of educational assistance
20 payable for veterans with no dependents under chapters 33
21 and 34 of this title, as such rates were in effect immediately
22 prior to the date of such increase in benefit amounts payable
23 under title II of the Social Security Act, by the same per-

1 centage as the percentage by which such benefit amounts are
2 increased.”.

3 TECHNICAL AMENDMENTS

4 SEC. 303. (a) Section 1601 of title 38, United States
5 Code, is amended by inserting “and before the effective date
6 of the National Service Act” after “December 31, 1976,”.

7 (b) Section 1602(1)(A) of such title is amended by in-
8 serting “and before the effective date of the National Service
9 Act” after “January 1, 1977” both places it appears in such
10 section.

11 (c) Section 1652(a)(3) of such title is amended by strik-
12 ing out “section 1661(a)” and inserting in lieu thereof “sec-
13 tions 1645 and 1661(a) of this title”.

14 TITLE IV—MISCELLANEOUS PROVISIONS

15 REPEALER

16 SEC. 401. The Military Selective Service Act (50
17 U.S.C. App. 451 et seq.) is hereby repealed.

18 DEFINITIONS

19 SEC. 402. For the purposes of this Act:

20 (1) The term “Armed Forces” means the Army,
21 the Navy, the Air Force, the Marine Corps, and the
22 Coast Guard.

23 (2) The term “Secretary concerned” means—

24 (A) the Secretary of the Army, with respect
25 to matters concerning the Army;

1 (B) the Secretary of the Navy, with respect
2 to matters concerning the Navy, the Marine
3 Corps, and the Coast Guard when it is operating
4 as a service in the Navy;

5 (C) the secretary of the Air Force, with re-
6 spect to matters concerning the Air Force; and

7 (D) the Secretary of Transportation, with re-
8 spect to matters concerning the Coast Guard
9 when it is not operating as a service in the Navy.

10 (3) The term "State" means each State, the Dis-
11 trict of Columbia, the Commonwealth of Puerto Rico,
12 the Virgin Islands, Guam, American Samoa, and the
13 Commonwealth of the Northern Marianas Islands.

14 SAVING CLAUSE

15 SEC. 403. This Act does not affect rights and duties
16 that matured, penalties that were incurred, and proceedings
17 that were begun, before its effective date.

18 EFFECTIVE DATE

19 SEC. 404. (a) Except as provided in subsection (b), this
20 Act shall take effect 6 months after the date of its enactment
21 or on such earlier date as the President may prescribe and
22 publish in the Federal Register.

23 (b) The Director of National Service, the members of
24 the Board of Trustees of the National Youth Service Founda-
25 tion, and the Director of the National Youth Service Founda-

1 tion may be appointed in the manner provided for in this Act
2 at any time after the date of the enactment of this Act and
3 shall be compensated from the date they first take office, at
4 the rates provided for in this Act.

96TH CONGRESS
1ST SESSION

H. R. 3603

To establish a Public Service System under which the young people of the United States shall be subject by random selection to induction for civilian, military, or military reserve service.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1979

Mr. CAVANAUGH introduced the following bill; which was referred jointly to the Committees on Armed Services and Post Office and Civil Service

A BILL

To establish a Public Service System under which the young people of the United States shall be subject by random selection to induction for civilian, military, or military reserve service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3

SHORT TITLE

4 SECTION 1. This Act may be cited as the "Public Serv-
5 ice System Act".

1 PUBLIC SERVICE SYSTEM

2 SEC. 2. (a)(1) There is established in the executive
3 branch of the Federal Government an agency to be known as
4 the Public Service System.

5 (2) The head of the Public Service System shall be the
6 Director of Public Service (hereinafter in this Act referred to
7 as the "Director") who shall be appointed by the President,
8 by and with the advice and consent of the Senate.

9 (b)(1) The Public Service System shall include a nation-
10 al headquarters, at least one State headquarters in each
11 State, and such local placement centers, appeals boards, and
12 other agencies as the President may establish to carry out
13 this Act. There shall be at least one local placement center in
14 each county or comparable political subdivision in each State
15 and there shall be at least one appeals board in each State.

16 (2)(A) Upon the recommendation of the Governor or
17 other chief executive officer of a State, the President shall
18 appoint a State director of the Public Service System for
19 each State.

20 (B) Each local placement center shall consist of three
21 members. The President shall appoint the members of each
22 local placement center from recommendations made by the
23 Governor or comparable executive official of the State in
24 which such center is located. To the maximum extent practi-
25 cable, the membership of each such center shall consist of an

1 equal number of males and females and shall be proportion-
2 ately representative of the race and national origin of regis-
3 trants within its jurisdiction. Each member of a local place-
4 ment center shall be a civilian who is a citizen of the United
5 States not less than eighteen years of age who resides in the
6 county or comparable political subdivision over which such
7 center has jurisdiction and who is otherwise qualified under
8 regulations to be issued by the President. Members of local
9 placement centers shall serve on a voluntary basis.

10 (c) The President may—

11 (1) prescribe such regulations as the President
12 considers necessary to carry out this Act;

13 (2) appoint, and fix, in accordance with the provi-
14 sions of chapter 51 and subchapter III of chapter 53 of
15 title 5, United States Code, relating to classification
16 and General Schedule pay rates, the basic pay of such
17 officers, agents, and employees as he may consider
18 necessary to carry out the provisions of this Act;

19 (3) utilize the services of any or all Federal agen-
20 cies and any or all Federal officers or agents, and
21 accept the services of all officers and agents of any
22 State and of private welfare organizations, in the ex-
23 ecution of this Act;

24 (4) purchase such printing, binding, and blank-
25 book work from public, commercial, or private printing

1 establishments or binderies upon orders placed by the
2 Public Printer or upon waivers issued in accordance
3 with section 504 of title 44, United States Code, and
4 to obtain by purchase, loan, or gift, such equipment
5 and supplies for the Public Service System, as he may
6 consider necessary to carry out this Act, with or with-
7 out advertising or formal contract;

8 (5) prescribe eligibility for, and regulations gov-
9 erning, the parole for service in the Armed Forces of
10 any person convicted of a violation of this Act;

11 (6) procure such space as the President deems
12 necessary to carry out the provisions of this Act and
13 the Act entitled "An Act to establish an Office of Se-
14 lective Service Records to liquidate the Selective Serv-
15 ice System following the termination of its functions on
16 March 31, 1947, and to preserve and service the Se-
17 lective Service Records, and for other purposes", ap-
18 proved March 31, 1947, by lease pursuant to existing
19 statutes, except that the provisions of section 322 of
20 the Act entitled "An Act making appropriations for the
21 legislative branch of the Government for the fiscal year
22 ending June 30, 1933, and for other purposes", ap-
23 proved June 30, 1932, shall not apply to any lease en-
24 tered into under the authority of this Act;

1 (7) determine the location of such additional tem-
2 porary installations as he may consider essential, uti-
3 lize and enlarge such existing installations, and con-
4 struct, install, and equip and complete the construction,
5 installation, and equipment of such buildings, struc-
6 tures, utilities, and appurtenances (including the neces-
7 sary grading and removal, repair or remodeling of ex-
8 isting structures and installations), as may be necessary
9 to carry out the provisions of this Act, and, in order to
10 accomplish the purposes of this Act, to acquire lands
11 or rights and interests in lands for temporary use by
12 donation or lease and to prosecute construction on such
13 lands prior to the approval of the title by the Attorney
14 General as required by section 355 of the Revised
15 Statutes of the United States; and

16 (8) utilize such personnel of the Armed Forces
17 with their consent, and such civilian personnel, as the
18 President considers necessary to carry out this Act.

19 (d) For purposes of subsection (c)(2), any officer on the
20 active or retired list of the Armed Forces, or any Reserve
21 component of the Armed Forces with his consent, or any
22 officer or employee of any Federal agency who may be as-
23 signed or detailed to any office or position to carry out the
24 provisions of this Act (except offices or positions on local
25 boards or appeals boards established or created pursuant to

1 subsection (b)(1)), may serve in and perform the functions of
2 such office or position without loss of or prejudice to his
3 status as such officer in the Armed Forces or Reserve com-
4 ponent or as such officer or employee of any Federal agency.

5 (e) In the administration of this Act, the Director may
6 accept voluntary services and gifts of supplies and equipment.

7 (f) The Director may make final settlement of individual
8 claims, for amounts not exceeding \$500, for travel and other
9 expenses of uncompensated personnel of the Public Service
10 System, incurred while in the performance of official duties,
11 without regard to other provisions of law governing the
12 travel of civilian employees of the Federal Government.

13 (g) The Director shall submit to Congress semiannually
14 a written report covering the operation of the Public Service
15 System. Such report shall include, by States, information as
16 to the number of persons registered under this Act, the
17 number of persons selected for civilian, military, or military
18 reserve service under this Act, the number of exemptions and
19 deferments granted under this Act and the basis for such ex-
20 emptions and deferments, and such other specific kinds of
21 information as the Congress may from time to time request.

22

REGISTRATION

23 SEC. 3. (a)(1) Except as otherwise provided in this Act,
24 every citizen of the United States, during the period begin-
25 ning on the date on which such citizen becomes seventeen

1 years of age and ending on the date that is ten days before
2 the date on which such person becomes eighteen years of
3 age, shall register with the local placement center that serves
4 the area in which the citizen resides, in accordance with the
5 procedures established in subsection (b) of this section.

6 (2) All citizens who have registered under the Military
7 Selective Service Act or prior corresponding provisions of
8 law shall be deemed to have satisfied the registration require-
9 ments of this subsection. Each citizen of the United States
10 who on the effective date of this Act has attained the age of
11 seventeen but has not attained the age of eighteen and who
12 has not registered under the Military Selective Service Act
13 shall register under paragraph (1) not later than the last day
14 of the six-month period beginning on such effective date. Citi-
15 zens of the United States who have attained the age of eigh-
16 teen on the effective date of this Act are not required to
17 register under paragraph (1).

18 (3) Any person who becomes a citizen of the United
19 States after attaining the age of seventeen and before attain-
20 ing the age of twenty-five shall be registered and treated in
21 all respects as having attained the age of seventeen on the
22 date of such person's naturalization, except that any such
23 person's eligibility for selection for service under this Act
24 shall not extend beyond the date on which such person at-
25 tains the age of twenty-six.

1 (b) The Director shall establish a registration procedure
2 that will allow citizens required to register under this section
3 to register by mail.

4 (c) Each local placement center shall, at the time that
5 an individual registers under subsection (a), provide such in-
6 dividual with detailed information on the nature and scope of
7 the operation of the Public Service System, as provided to
8 such placement center by the Director. Such information
9 shall include a description of enlistment opportunities in the
10 Armed Forces, a list of employment positions for acceptable
11 civilian service under this Act, and a description of the oper-
12 ation of the Public Service Lottery established under section
13 5.

14 (d) Each local placement center shall provide counselors
15 who shall explain the details of the operation of this Act. No
16 individual shall be disqualified from serving as a counselor to
17 registrants because of that individual's membership in a Re-
18 serve component of the Armed Forces.

19 (e) Each local placement center shall cause each regis-
20 trant to complete, or where necessary shall complete for each
21 registrant, such forms as may be required by regulations im-
22 plementing this Act, and such information shall be forwarded
23 to the national office of the Public Service System. Such
24 forms shall provide an opportunity for registrants to indicate
25 at the time of registration a preference for civilian, military,

1 or military reserve service. All information contained in such
2 forms pertaining to registrants shall be disclosed only to au-
3 thorized employees of the Public Service System and the De-
4 partment of Defense and the individual registrant.

5

CIVILIAN ENLISTMENT

6 SEC. 4. At least thirty days before the first day of any
7 month, any registrant may volunteer to be assigned to one of
8 the civilian positions in the Public Service System for which
9 registrants are needed for such month. Any registrant who
10 volunteers under this section may be assigned to a civilian
11 service position in the manner provided in section 11(b)(2)
12 and shall serve in the same manner as registrants selected in
13 the Public Service Lottery.

14

PUBLIC SERVICE LOTTERY

15 SEC. 5. (a) The Director shall establish a random lottery
16 (hereinafter in this Act referred to as the "Public Service
17 Lottery") to select registrants to serve in the Public Service
18 System.

19

(b)(1) Each registrant shall select a six-month period be-
20 ginning on the first day of any month to be subject to selec-
21 tion in the Public Service Lottery. Such period shall begin on
22 or after the date of the registrant's eighteenth birthday and
23 shall end on or before the date of the registrant's twenty-
24 sixth birthday. At least thirty days before the first day of any
25 period selected under this paragraph, the registrant selecting

1 such period shall notify the local placement center with
2 which such registrant is registered of the period selected.
3 Such registrant may designate in the notification required by
4 this paragraph his preference for either civilian, military, or
5 military reserve service.

6 (2) Any registrant who has not selected a six-month
7 period to be subject to the Public Service Lottery at least
8 two hundred and ten days before the first day of the month of
9 the twenty-sixth birthday of such registrant shall be subject
10 to selection in the Public Service Lottery during the six-
11 month period preceding the first day of the month of such
12 registrant's twenty-sixth birthday and shall be notified that
13 he shall be subject to such selection during such period.

14 (c)(1) On the first day of each month, the Director shall
15 select registrants from the Public Service Lottery by a
16 random selection of the social security numbers of the regis-
17 trants subject to the Public Service Lottery for such month.
18 The Director shall select for each month that number of reg-
19 istrants that equals the sum of the civilian positions for which
20 registrants are needed for such month, as indicated by the
21 Administrator of Civilian Placement under section 11(b)(1)
22 and the military and military reserves positions for which
23 registrants are needed for such month, as indicated by the
24 Secretary of Defense under section 12(a). Except as provided
25 in section 6(c), any registrant selected for any month shall be

1 assigned, in the order in which such registrant was selected
2 in the Public Service Lottery, to the division of service,
3 either civilian, military, or military reserve, for which such
4 registrant designated a preference under section 3(e) or
5 5(b)(1), unless—

6 (A) the Director determines that such registrant is
7 physically, mentally, or otherwise unfit for the division
8 of service designated by such registrant; or

9 (B) the available positions for such month in the
10 division of service designated by such registrant have
11 been filled by registrants who were assigned before the
12 assignment of such registrant.

13 Any registrant who, under the preceding sentence, is not as-
14 signed to the division of service for which such registrant
15 designated a preference shall be assigned to the division of
16 service that the Director considers most suitable for such reg-
17 istrant.

18 (d) The provisions of subsection (b) shall not apply to
19 any registrant who has been granted a deferment or exemp-
20 tion under section 7.

21 EXEMPTIONS AND DEFERMENTS

22 SEC. 6. (a) The following persons are exempt from serv-
23 ice in the Public Service System and from participation in the
24 Public Service Lottery:

1 (1) Personnel of the Army, Navy, Air Force,
2 Marine Corps, and Coast Guard, cadets and midship-
3 men of the United States Military Academy, United
4 States Naval Academy, United States Air Force Acad-
5 emy, and United States Coast Guard Academy, stu-
6 dents enrolled in officer procurement programs at mili-
7 tary colleges whose curriculum is approved by the Sec-
8 retary of Defense, members of Reserve components of
9 the Armed Forces, persons who served honorably on
10 active duty in the Armed Forces at any time before
11 the effective date of this Act, and persons who have
12 served honorably in organized units of the federally
13 recognized National Guard, the federally recognized
14 Air National Guard, the Officers' Reserve Corps, the
15 Regular Army Reserve, the Air Force Reserve, the
16 Enlisted Reserve Corps, the Naval Reserve, the
17 Marine Corps Reserve, or the Coast Guard Reserve, or
18 who are satisfactorily participating in scheduled drills
19 and training periods as prescribed by the Secretary of
20 Defense.

21 (2) Persons who for six consecutive months volun-
22 teer under section 4 for civilian service and who are
23 not assigned to a civilian position in the Public Service
24 System or persons who volunteer under section 4, who
25 are assigned to a civilian position in the Public Service

1 System, and who are performing such service or who
2 have satisfactorily completed such service.

3 (3) Persons found to be physically, mentally, or
4 otherwise unfit on a permanent basis, in accordance
5 with standards to be prescribed by the President, for
6 any public service, either civilian, military, or military
7 Reserve, under this Act.

8 (4)(A) Persons who, by reason of training and
9 belief, are conscientiously opposed to any participation
10 in the Public Service System established by this Act.

11 (B) In order to establish conscientious opposition
12 under subparagraph (A), a registrant must prove by a
13 clear preponderance of the evidence that service in
14 general in a civilian, military, or military Reserve ca-
15 pacity would be a violation of the most profound con-
16 victions of the registrant.

17 (b)(1) Except as provided in paragraph (2), any regis-
18 trant who, by reason of training and belief, is conscientiously
19 opposed to any participation in—

20 (A) military service;

21 (B) war in any form; or

22 (C) any combatant role in military service;

23 shall be exempt from induction under section 9.

1 (2) Any registrant claiming an exemption under para-
2 graph (1)(C) shall be exempt from induction under section 9,
3 only with respect to military service in any combatant role.

4 (3) In order to establish conscientious opposition under
5 paragraph (1)(A), a registrant must prove by a clear prepon-
6 derance of the evidence that any service in a military capac-
7 ity would be a violation of the most profound convictions of
8 the registrant. In order to establish conscientious opposition
9 under paragraph (1)(B), a registrant must prove by a clear
10 preponderance of the evidence that participation in war in
11 any form would be a violation of the registrant's most pro-
12 found convictions. In order to establish conscientious opposi-
13 tion under paragraph (1)(C), a registrant must prove by a
14 clear preponderance of the evidence that participation in any
15 combatant role in military service would be a violation of the
16 registrant's most profound convictions.

17 (c)(1) Any registrant who, by reason of training and
18 belief, is conscientiously opposed to any participation in mili-
19 tary or military Reserve service shall be exempt from partici-
20 pating in such service under this Act.

21 (2) In order to establish conscientious opposition under
22 paragraph (1), a registrant must prove by a clear preponder-
23 ance of the evidence that any service in a military or military
24 Reserve capacity would be a violation of the registrant's
25 most profound convictions.

1 (3) Any registrant who establishes conscientious opposi-
2 tion under this subsection, if selected in the Public Service
3 Lottery, may be assigned only to civilian service, regardless
4 of the order of his selection in the Public Service Lottery.

5 (d)(1) The following persons shall be deferred from serv-
6 ice in the Public Service System and participation in the
7 Public Service Lottery:

8 (A) Any person found to be physically, mentally,
9 or otherwise unfit on a temporary basis, in accordance
10 with standards to be prescribed by the President, for
11 any public service, either civilian, military, or military
12 Reserve, under this Act, shall be deferred so long as
13 the condition of unfitness continues.

14 (B) Any mother of any child who provides regular
15 care to such child shall be deferred so long as she pro-
16 vides such care.

17 (C) Any pregnant woman shall be deferred so
18 long as she is pregnant.

19 (D) Any person granted a family hardship defer-
20 ment by the local placement center in accordance with
21 paragraph (2).

22 (2) A registrant may present to the local placement
23 center, in writing, a claim of family hardship at any time
24 before or during participation in the Public Service System.

1 under this Act. Upon examination of the registrant's claim of
2 hardship, the local placement center may—

3 (A) reject the claim as a whole;

4 (B) determine that the hardship of the registrant
5 can be met if the registrant is placed in a civilian serv-
6 ice job, if one is reasonably available, that will enable
7 the registrant to reside with those members of the reg-
8 istrant's family who are substantially dependent upon
9 the registrant for personal services or for other forms
10 of personal assistance; or

11 (C) upon a finding that the registrant has a hard-
12 ship and a finding that subparagraph (B) is insufficient
13 to provide adequately for members of the registrant's
14 family who are substantially dependent upon the regis-
15 trant, determine that the registrant be granted a hard-
16 ship deferment from public service for as long as nec-
17 essary, and at the time the registrant attains the age of
18 twenty-five years and six months the registrant shall
19 be deemed to have participated in the Public Service
20 Lottery and not to have been selected during the regis-
21 trant's period of liability.

22 CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

23 SEC. 7. (a)(1) Under regulations to be promulgated by
24 the Director, each registrant shall be assigned a classification
25 with respect to exemptions and deferments established under

1 section 6 by the local placement center with which the regis-
2 trant is registered on the basis of information supplied by the
3 registrant to the local placement center. Any exemption or
4 deferment granted under this section shall be examined annu-
5 ally to determine whether the basis for such exemption or
6 deferment continues to exist.

7 (2) Whenever a registrant believes that he is entitled to
8 a classification different from that which has been previously
9 assigned, the registrant may request a reclassification by sub-
10 mitting to the local placement center in writing the facts
11 which the registrant believes entitles the registrant to a dif-
12 ferent classification. Within thirty days after the local place-
13 ment center receives a request for reclassification from any
14 registrant, the local placement center shall determine wheth-
15 er such registrant is entitled to a reclassification.

16 (b)(1) A registrant may appeal the classification given to
17 the registrant, or the denial of a request for a reclassification,
18 to the appeals board for the registrant's State. Any such
19 appeal shall be made to the appeals board on or before the
20 end of the thirty-day period beginning on the date that the
21 registrant receives notification of the classification by the
22 local placement center or of the denial of the request for a
23 reclassification and shall state the basis for the appeal.

24 (2) The appeals board shall refer all appeals under para-
25 graph (1) to a hearing examiner to hear testimony, make

1 findings of fact and conclusions of law, and arrive at a deci-
2 sion as to the merits of the registrant's appeal. The hearing
3 shall be held as near the area in which the registrant resides
4 as is practicable.

5 (c)(1) A registrant may appeal the decision of the hear-
6 ing examiner to the appeals board on or before the end of the
7 thirty-day period beginning on the date that the registrant
8 receives notification of the decision. The appeals board shall
9 review the whole record and affirm the hearing examiner's
10 decision only if supported by reliable, probative, and substan-
11 tial evidence. At its discretion, the appeals board may hear
12 further testimony.

13 (2) If the appeals board does not affirm the decision of
14 the hearing examiner, the appeals board may reverse such
15 decision or remand the classification to the hearing examiner
16 for the taking of further evidence.

17 (d) If the appeals board affirms the decision of the hear-
18 ing examiner, the registrant may appeal the decision of the
19 appeals boards to the Director on or before the end of the
20 thirty-day period beginning on the date that the registrant
21 receives notification of the affirmation. The standard of
22 review of the Director shall be the same as that of the ap-
23 peals boards under subsection (c).

24 (e)(1) Except as provided in paragraph (2), if the Direc-
25 tor affirms the decision of the appeals board, the registrant,

1 on or before the end of the 30-day period beginning on the
2 date that the registrant receives notification of the affirmation
3 by the Director, may file an action in the United States Dis-
4 trict Court for the district in which the registrant resides to
5 review the decision of the Director. The decision of the Di-
6 rector shall be reviewed in accordance with the standards for
7 review set forth in section 706 of title 5, United States Code.

8 (2) The decision of the local placement centers, appeals
9 boards, and the Director with respect to any classification
10 under section 6(b) shall be final and not subject to review
11 except as provided in this paragraph. No judicial review shall
12 be made of the classification of any registrant by any local
13 placement center, appeals board, or the Director under sec-
14 tion 6(b), except as a defense to a criminal prosecution insti-
15 tuted under section 20 after the registrant has responded
16 either affirmatively or negatively to an order to report for
17 induction.

18 (f) Any registrant who appeals a classification shall be
19 entitled to have counsel at all stages of the appeals process.
20 The Public Service System shall, at its own expense, provide
21 a lawyer for registrants unable to afford counsel. The hearing
22 examiner shall determine whether a registrant is capable of
23 paying all, some, or none of the cost of counsel. The decision
24 of the hearing examiner shall be subject to appeal in accord-
25 ance with the procedures for appeal of a classification.

20

1 PERIOD OF SERVICE

2 SEC. 8. (a) Each registrant assigned to civilian service
3 under the Public Service System shall serve for a period of
4 twenty-four consecutive months.

5 (b) Each registrant assigned to military service under
6 the Public Service System shall serve on active duty in one
7 of the Armed Forces for eighteen consecutive months and
8 shall have no obligation to serve in any Reserve component
9 of any Armed Force.

10 (c) Each registrant assigned to military reserve service
11 under the Public Service System shall serve on active train-
12 ing in a Selected Reserve of a Ready Reserve of an Armed
13 Force for six consecutive months and shall then serve in such
14 Selected Reserve in an active status for thirty-six consecu-
15 tive months.

16 INDUCTION IN EVENT OF WAR

17 SEC. 9. (a) Notwithstanding any other provision of this
18 Act, for the duration of any period of war declared by the
19 Congress, persons subject to this Act shall be liable for in-
20 duction for training and service in the Armed Forces, unless
21 exempt under subsections (a)(1), (a)(3), (a)(4), or (b) of section
22 6 or deferred under subsection (d) of section 6.

CIVILIAN SERVICE POSITIONS

1
2 SEC. 10. (a) Except as provided in subsection (b), each
3 Federal agency shall reserve for employment of registrants in
4 the Public Service System not less than—

5 (1) 1.25 per centum of the employment positions
6 in such agency during the first calendar year beginning
7 at least one hundred and eighty days after the date of
8 enactment of this Act;

9 (2) 2.5 per centum of the employment positions in
10 such agency during the second calendar year beginning
11 at least one hundred and eighty days after the date of
12 enactment of this Act;

13 (3) 3.75 per centum of the employment positions
14 in such agency during the third calendar year begin-
15 ning at least one hundred and eighty days after the
16 date of enactment of this Act; and

17 (4) 5 per centum of the employment positions in
18 such agency during the fourth calendar year beginning
19 at least one hundred and eighty days after the date of
20 enactment of this Act and during every year thereafter.

21 (b) The President may exempt any Federal agency from
22 compliance with subsection (a) or provide for a lower per-
23 centage for purposes of such subsection if the President de-
24 termines that such compliance would seriously impair the
25 performance of the responsibilities of such agency.

1 CIVILIAN PLACEMENT BUREAU

2 SEC. 11. (a) There is established within the Public Serv-
3 ice System a Civilian Placement Bureau (hereinafter in this
4 section referred to as the "Bureau") which shall be headed
5 by an Administrator of Civilian Placement (hereinafter in this
6 section referred to as the "Administrator"), appointed by the
7 Director.

8 (b)(1) At least thirty days before the first day of each
9 month, each Federal agency shall notify the Administrator of
10 the needs of such agency for Public Service System person-
11 nel for such month. The Administrator shall compute the
12 total number of registrants needed for civilian service for
13 such month and shall notify the Director of such number.

14 (2) The Administrator shall assign any registrant who
15 has been assigned to civilian service by the Director under
16 section 5(c)(1) to the civilian employment position for which
17 such registrant is most suitable. In determining the civilian
18 employment position for which a registrant is most suitable,
19 the Administrator shall consider—

20 (A) the qualifications of the registrant;

21 (B) the geographical location of the residence of
22 the registrant; and

23 (C) any employment preference indicated by the
24 registrant.

1 (3) Any registrant who has been selected from the
2 Public Service Lottery and who has been assigned to civilian
3 service under section 5(c)(1) shall submit to the Administra-
4 tor such information as the Administrator considers neces-
5 sary to carry out his responsibilities under this section.

6 MILITARY SERVICE ASSIGNMENTS

7 SEC. 12. (a) At least thirty days before the first day of
8 each month, the Secretary of Defense shall notify the Direc-
9 tor of the number of registrants needed for such month for—

10 (1) active duty service in the Armed Forces; and

11 (2) service in the Selected Reserve of the Ready
12 Reserves of the Armed Forces.

13 (b) In assigning any registrant to an Armed Force for
14 active duty or a Selected Reserve of a Ready Reserve of an
15 Armed Force, the Secretary of Defense shall consider—

16 (1) the recruitment needs of each Armed Force
17 and each Selected Reserve of a Ready Reserve; and

18 (2) any preference of such registrant for a particu-
19 lar Armed Force or a particular Selected Reserve of a
20 Ready Reserve.

21 COMPENSATION AND BENEFITS

22 SEC. 13. (a)(1) Registrants who are employed by a Fed-
23 eral agency in civilian service under the Public Service
24 System shall be compensated at a rate of pay to be estab-
25 lished by the President that will provide only for the basic

1 subsistence needs of the registrants. The President may
2 adjust such rate of pay to account for differences in the cost
3 of living among different geographical regions.

4 (2) Except as provided in paragraphs 3, 4, and 6, any
5 registrant employed by a Federal agency in civilian service
6 under the Public Service System shall not be deemed to be a
7 Federal employee and shall not be subject to the provisions of
8 law relating to hours of work, rates of compensation, leave,
9 classification, employee discipline, termination of employ-
10 ment, unemployment compensation, and Federal employee
11 benefits.

12 (3) Registrants employed by a Federal agency in civilian
13 service under the Public Service System shall have the same
14 hours of work, vacation days, sick leave, and annual leave as
15 new employees of such Federal agency have.

16 (4) Registrants employed by a Federal agency in civilian
17 service under the Public Service System shall be deemed to
18 be employees of the United States for purposes of the Inter-
19 nal Revenue Code of 1954 and of title VI of the Social Secu-
20 rity Act, and any service performed by a registrant in per-
21 formance of his duties under the Public Service System shall
22 be deemed for such purposes to be performed in the employ
23 of the United States.

24 (5)(A) Registrants employed by a Federal agency in ci-
25 vilian service under the Public Service System shall, for pur-

1 poses of the administration of chapter 81 of title 5, United
2 States Code, be deemed to be civil employees of the United
3 States within the meaning of the term "employee" as defined
4 in section 8101 of such title and the provisions thereof shall
5 apply except as hereinafter provided.

6 (B) For the purposes of this subsection:

7 (i) The term "while in the performance of his
8 duty" in such chapter shall not include any act of a
9 registrant—

10 (I) while on authorized leave; or

11 (II) while absent from the registrant's as-
12 signed post of duty, except while participating in
13 an activity authorized by or under the direction or
14 supervision of the Federal agency by which such
15 registrant is employed.

16 (ii) Compensation benefits for disability or death
17 for any registrant employed by any Federal agency
18 under the Public Service System under such chapter
19 shall be based on the monthly pay that such registrant
20 would have received if such registrant's employment
21 with such Federal agency had not been under the
22 Public Service System.

23 (iii) Compensation for disability shall not begin to
24 accrue until the day following the date on which the
25 enrollment of the injured registrant is terminated.

1 (6) Registrants employed by Federal agencies in civilian
2 service under the Public Service System may participate in
3 health care programs available to new employees of such
4 Federal agency in the same manner as such employees.

5 (b) Registrants serving in any Armed Force or any Re-
6 serve component of any Armed Force under the Public Serv-
7 ice System shall be subject to the provisions of law applicable
8 to members of such Armed Force or Reserve component, in-
9 cluding the provisions of law governing classifications and
10 rates of pay.

11 DISMISSALS FROM CIVILIAN SERVICE

12 SEC. 14. (a) Any registrant employed by any Federal
13 agency in civilian service under the Public Service System
14 may be dismissed from such position only for the following
15 reasons:

- 16 (1) Willful disobedience.
17 (2) Insubordinate conduct.
18 (3) Conviction of a felony.
19 (4) Grossly unsatisfactory performance.
20 (5) Excessive absenteeism.

21 (b) Any registrant who is dismissed by any Federal
22 agency under subsection (a) may, on or before the end of the
23 30-day period beginning on the date that the registrant re-
24 ceives notification of the dismissal, request a review of such
25 dismissal by the Civilian Service Review Board.

CIVILIAN SERVICE REVIEW BOARD

1

2 SEC. 15. (a) There is established within the Public Serv-
3 ice System a Civilian Service Review Board (hereinafter in
4 this section referred to as the "Board"), which shall be com-
5 posed of three members to be appointed by the President.

6 (b)(1) Upon the request of any registrant for review of a
7 dismissal by a Federal agency under section 14(b), the Board
8 shall notify such Federal agency of such request and require
9 such Federal agency to submit a report stating the grounds
10 for such dismissal within sixty days after receiving notice
11 from the Board. The Board shall provide the registrant the
12 opportunity for a hearing to be conducted within sixty days
13 after the report from the Federal agency has been received.

14 (2) After reviewing the report submitted by the Federal
15 agency under paragraph (1) and providing the registrant an
16 opportunity for a hearing, the Board shall—

17 (A) reinstate the registrant in his employment po-
18 sition with such Federal agency or assign the regis-
19 trant to a civilian position with a different Federal
20 agency, with full credit toward completion of the regis-
21 trant's twenty-four-month period of service for the
22 period from the date that such registrant began his
23 service to the date of reinstatement;

24 (B) reinstate the registrant in his employment po-
25 sition with such Federal agency or assign the regis-

1 trant to a civilian employment position with a different
2 Federal agency and impose any disciplinary measures
3 the Board deems appropriate, including a reduction in
4 the time served in civilian service by such registrant to
5 be credited toward completion of the registrant's
6 twenty-four-month period of service;

7 (C) issue to the registrant a certificate of complet-
8 ed service under section 19(b), if the Board determines
9 that such registrant should be reinstated without the
10 imposition of any reduction in the time served in civil-
11 ian service by such registrant to be credited toward
12 completion of the twenty-four-month period of service
13 of such registrant and such registrant would have com-
14 pleted his 24-month period of service but for his dis-
15 missal by such Federal agency; or

16 (D) affirm such dismissal.

17 (3) On or before the end of the thirty-day period begin-
18 ning on the date on which the registrant receives notification
19 of the decision of the Board, the registrant may file an action
20 in the United States district court for the district in which the
21 registrant resides to review such decision. The decision of the
22 Board shall be reviewed in accordance with the standards for
23 review set forth in section 706 of title 5, United States Code.

24 (c) Any registrant who is dismissed under section 14(b)
25 and who has exhausted the appellate procedures provided

1 under this section and any procedures available for obtaining
2 judicial appellate review of any decision of any United States
3 District Court with respect to such dismissal shall be ineligi-
4 ble for any Federal employment, any loan or loan guarantee
5 under the Small Business Act, any Federal funds in the form
6 of an educational grant, scholarship, loan, or loan guarantee,
7 or any home mortgage loan or loan guarantee.

8

REPEALER

9 SEC. 16. The Military Selective Service Act (50 U.S.C
10 App. 451 et seq.) is repealed.

11

TRANSFER PROVISION

12 SEC. 17. So much of the positions, personnel, assets,
13 liabilities, contracts, property, records, and unexpended bal-
14 ances of appropriations, authorizations, allocations, and other
15 funds employed, held, used, arising from, available or to be
16 made available in connection with the functions, powers, and
17 duties exercised by the Selective Service System immediately
18 before the effective date of this Act as the Director of the
19 Office of Management and Budget shall determine shall be
20 transferred to the Public Service System. The transfer of per-
21 sonnel pursuant to this section shall be made without reduc-
22 tion in compensation for 1 year after such transfer.

23

TECHNICAL AMENDMENT

24 SEC. 18. Section 5315(70) of title 5, United States
25 Code, is amended by striking out "Director of Selective

1 Service" and inserting in lieu thereof "Director of Public
2 Service".

3 COMPUTATION OF TIME OF SERVICE

4 SEC. 19. (a) Any registrant employed by any Federal
5 agency in civilian service under the Public Service System
6 shall receive credit toward completion of the registrant's re-
7 quired 24-month period of service from the date that such
8 registrant begins such employment, except that there shall be
9 excluded from the determination of such period—

10 (1) any time spent in legal detention or incarcer-
11 ation;

12 (2) any reduction in the time of service imposed
13 as a disciplinary measure under section 15(b)(2)(B); and

14 (3) any time after the registrant has been dis-
15 missed by the Federal agency with which the regis-
16 trant is employed and before the registrant has been
17 reinstated under section 15(b)(2), unless the registrant
18 is reinstated with full credit for time served under sub-
19 paragraph (A) of such section.

20 (b) Whenever any registrant has completed his term of
21 civilian service in the Public Service System, the Director
22 shall issue to such registrant a certificate of completed
23 service.

CRIMINAL PENALTY

1

2 SEC. 20. Any person who knowingly fails to register in
3 the Public Service System as required by section 5 shall be
4 imprisoned for not more than six months or fined not more
5 than \$500, or both.

6

DEFINITIONS

7

SEC. 21. For purposes of this Act—

8

9

10

(1) the term "Armed Forces" means the Army,
the Navy, the Air Force, the Marine Corps, and the
Coast Guard;

11

12

(2) the term "registrant" means an individual who
has registered in the Public Service System;

13

14

(3) the term "Secretary concerned" means—

15

(A) the Secretary of the Army, with respect
to matters concerning the Army;

16

17

18

19

(B) the Secretary of the Navy, with respect
to matters concerning the Navy, the Marine
Corps, and the Coast Guard when it is operating
as a service in the Navy;

20

21

(C) the Secretary of the Air Force, with re-
spect to matters concerning the Air Force; and

22

23

24

(D) the Secretary of Transportation, with re-
spect to matters concerning the Coast Guard
when it is not operating as a service in the Navy;

1 (4) the term "State" means each State, the Dis-
2 trict of Columbia, the Commonwealth of Puerto Rico,
3 the Virgin Islands, Guam, American Samoa, the Trust
4 Territory of the Pacific Islands, and the Common-
5 wealth of the Northern Mariana Islands; and

6 (5) the term "Federal agency" means any depart-
7 ment, agency, commission, authority, administration,
8 board, or other establishment in the executive branch
9 of the Federal Government, including any corporation
10 controlled and wholly or partially owned by the United
11 States, but does not include the Armed Forces.

12 EFFECTIVE DATE

13 SEC. 22. (a) Except as provided in subsection (b), this
14 Act shall take effect on January 1 of the first calendar year
15 that begins not less than one hundred and eighty days after
16 the date of the enactment of this Act.

17 (b) The Director of Public Service, the Administrator of
18 Civilian Placement, members of the Civilian Service Review
19 Board, and members of State headquarters, appeals boards,
20 and local placement centers may be appointed in the manner
21 provided in this Act at any time after the date of enactment
22 of this Act and shall be compensated, as provided in this Act,
23 beginning on the date of appointment.

96TH CONGRESS
2D SESSION

H. CON. RES. 271

Expressing the sense of the Congress that the President should establish a commission to examine national service programs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 1980

Mr. PANETTA submitted the following concurrent resolution; which was referred jointly to the Committees on Armed Services, Education and Labor, and Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of the Congress that the President should establish a commission to examine national service programs.

Whereas there are enormous needs for manpower which are not being met;

Whereas a national service program of voluntary or mandatory service may help the United States to better meet needs in the United States for manpower and foreign challenges to the United States;

Whereas national service can help an individual to build strong character and to develop a sense of accomplishment and purpose;

Whereas the decision of President Carter to reinstitute registration for possible military service has increased the interest in national service programs; and

Whereas a full national debate on alternative national service programs should precede the taking of any actions to draft individuals into military service: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the President should establish a commis-
3 sion on national service which should examine alternative na-
4 tional service programs, the role of women in any national
5 service program, the necessity for drafting individuals into
6 any national service program, and the role of military and
7 civilian service in any national service program.

8 SEC. 2. Any commission established by the President
9 under this resolution should be—

10 (1) composed of members representing military
11 and civilian service agencies and include members who
12 are eighteen to twenty-five years of age;

13 (2) empowered to conduct public hearings and to
14 focus public attention on the issue of national service;
15 and

16 (3) directed to complete and submit to the Presi-
17 dent and the Congress a final report on its findings not
18 more than one year after the first meeting of the com-
19 mission or eighteen months after the establishment of
20 the commission, whichever occurs first.

Mr. WHITE. Our witnesses this morning will be Hon. Samuel S. Stratton, Hon. Jim Lloyd, Hon. Paul N. McCloskey, Jr. had a conflict. He would like to have been here but could not attend. We will also hear from Hon. Robert McClory, Hon. John J. Cavanaugh, Hon. Jonathan B. Bingham, Hon. Leon E. Panetta, and Donald J. Eberly, executive Secretary, National Service Secretariat.

Our first witness this morning will be a senior member of the Armed Services Committee who has provided leadership on a number of defense issues. I am anxious to hear his comments on selective service and national service proposals. We welcome Congressman Stratton this morning.

STATEMENT OF HON. SAMUEL S. STRATTON, A REPRESENTATIVE FROM NEW YORK

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

I agree with the remarks that were attributed to Mr. Lloyd. I think the discussion of registration, which is, of course, the item that is presently before the Congress, should be considered in connection with a broader spectrum, and it is in that spirit in fact that I come before the subcommittee this morning, not pushing any particular piece of legislation but anxious to try to make a couple of suggestions that would relate to the things that you are specifically considering.

I come here this morning with the purpose of supporting the request for legislation to provide for the selective service registration of young men—although I share the subcommittee's reported view that this registration should not be extended to women—and also to express my strong belief that, in light of our present international situation, this subcommittee ought not to stop with registration but—as our NATO commander, General Rogers, urged yesterday—ought to move on to examination and classification of the eligible age group members, and beyond that to initiating a limited, novel draft system to provide trained manpower for the Individual Ready Reserve (IRR).

As members of the subcommittee are well aware, the House Armed Services Committee recommended a year ago that we reinstitute registration for the draft to facilitate our ability to respond promptly and effectively to a possible emergency in Europe. Unfortunately, as we all remember, that proposal was opposed by the President and by the Secretary of Defense—although it was warmly supported by the Joint Chiefs of Staff, and according to the polls, was also favored by a majority of the American people. As it turned out, however, the administration's opposition was decisive, and our suggestion was defeated by over 100 votes.

Now the President, in the light of the Iranian and the Afghanistan crises, has come to Congress on his own initiative to request us to approve virtually the same plan—except for the women—that he said some 5 months ago was not needed.

Mr. Chairman, I believe that registration should be reinstated. I am glad that the President has come to recognize the wisdom of that program. I believe we should give the President the authority he seeks, and I believe we should do so by an overwhelming vote.

In my judgment, Mr. Chairman, nothing could demonstrate more convincingly both to our allies and to our adversaries, that America

has indeed changed course in these past 5 months, that we do mean business, that we do intend to defend our basic national interests, and that on this point the President and the Congress are united.

I am profoundly disturbed by the resistance that has surfaced recently in the House Appropriations Committee to appropriating the funds necessary to get that kind of registration reactivated.

Because, obviously, a country whose leaders are openly hesitant—or who appear to be openly hesitant—about making available for military service the manpower needed to defend its basic interests, is hardly likely to offer any convincing deterrent to a determined foe.

For that reason, Mr. Chairman, it seems to me that we would be making a serious mistake in the Armed Services Committee not to report out a piece of legislation that specifically provides to the President the authority needed to register 19- and 20-year-old men, as he has requested. It is true that the President already has that authority. It is true that he could accomplish the registration of men on his own, without additional legislation, by Executive order. But I don't think that would be the best way to go in these difficult times.

The President has said that resuming registration is also an important symbolic act. What would it symbolize? It would symbolize, as I have already said, that the Congress and the President are united in our determination to do whatever is necessary to deter further Soviet aggression in the Persian Gulf and to take whatever other action may be needed—not only in terms of weapons, but also in terms of American manpower—to carry out that policy.

Considering the various things that have occurred over the past few years that might lead the Russians to think that we're weak and have lost our courage, it is especially significant that we disabuse our Soviet friends of that notion by a strong and united posture on the one issue in military defense that requires the greatest physical and political risk—manpower.

I realize that we may be precipitating a debate in the House and even a filibuster in the Senate—either over the registration of women, or over the whole idea of any registration at all. But it seems to me it would be far better for us to face up to this challenge and to defeat it rather than trying to sneak registration in by way of the back door. If our legislative processes are strong enough to enable us to take just the first baby step toward solving our military manpower problems, then I am not sure anybody is going to have much confidence in our ability to utilize that manpower effectively once we get it.

So, I urge the subcommittee to report out a registration bill. And if it doesn't come out, I intend to offer one myself in the full committee.

But there is another reason for reporting out an actual bill. That is because, in the circumstances in which we find ourselves, registration alone is simply not enough. All by itself registration does not put a single additional man into uniform. As the current debate in the Appropriations Committee points up, the only advantage of registration is that it gives us a saving of from 17 days to 3 months, depending on what witnesses you listen to, once actual mobilization comes.

But, Mr. Chairman, as most of the members of this subcommittee are aware, if we propose to do nothing about our military manpower until the day for mobilization, if we propose to do nothing until we are hit with another Pearl Harbor, God help us.

We need to get our manpower situation in hand long before the attack comes or, as they say in Europe, before the balloon goes up. If we wait until then it won't matter if we have 17 days or 3 months to get organized. We'll be in deep trouble already. After all, as some of us may have forgotten, we had the draft in operation for over a year before Pearl Harbor hit. We'd have been in far deeper trouble if we hadn't.

The only real purpose of registration—if we talk honestly—and I think we have got to talk honestly—is to start out on the first step toward providing some form of draft whenever it may be required. There is nothing to be gained by trying to pretend that all by itself registration does much of anything to solve our problem. Even the symbolic effect means nothing unless we are prepared to carry out the further steps which may logically follow on the heels of registration.

The first of these is the examination and classification of the young men who have been registered. We need to know which ones are physically and mentally qualified for military service, and which are not.

But examination and classification have a further beneficial result. According to the Commander of the New York National Guard, and the National Guard Association itself, the mere act of classification—determining the 1-A's and the 4-F's—could dramatically generate volunteers for both the Guard and the Reserves. This is because if a young man knows he is 1-A, and is therefore likely to be the first called for military service in the event of an emergency, he is very likely, as we found in the case of Vietnam, to volunteer for the Guard or the Reserve rather than wait to be called up for the regulars later on.

The commander of the New York State National Guard estimated that if the 212,000 young men who would be registered in New York under the President's proposal were classified, at least 4,000 of them would be likely to volunteer for the National Guard; and that would fill all the New York Guard's current vacancies.

Yes; examination and classification would cost some money. But at least we would be getting some recruits for that money. As it is now, we are spending millions of dollars annually on recruiting for the Guard and the Reserves and we are getting zilch.

I urge the subcommittee to include this further authority in the bill you report to the full committee.

Finally, I believe we must move on to the next stage of meeting our manpower problem—or, at the very least, begin talking seriously about the reinstitution of some form of the draft promptly enough so that we can generate the additional manpower that will be required to man all our new weapons systems, the Rapid Deployment Force, the old battleships and the mothballed carriers that we are planning to provide for an expanded Indian Ocean Navy that we will be basing in Somalia, Oman, and Kenya and all these other places we plan to operate out of.

I know it is considered to be pretty daring to be talking about reinstituting the draft, especially in an election year. It is supposed to be politically dangerous. But the American people really aren't all that dumb. Why do you get a driver's license unless you're going to get a car to drive?

Actually, the polls already indicate that a substantial majority of Americans favor a return to the draft. What good is it for us to have a

list of the names and addresses of the men who are eligible for military service unless we make sure that before we have to call upon them for that service they have the training they need to do their job and to protect their own safety?

Many people these days seem to think that it comes down to an either/or choice between the draft on the one hand and the Volunteer Army on the other. I don't think that's necessary at all at this point. The Volunteer Army has its problems, Lord knows, but we don't need to scrap it now. What we do need, however, what we are desperately short of, is additional manpower to meet possible emergencies, fill in our Reserves and our Guard Forces. That's where a limited draft would pay big dividends.

Many people today when you mention the draft also think in terms of our Vietnam experience—Reserves staying home, draftees carrying on the battle abroad. And most of the draftees being people who weren't lucky enough to get college deferments.

As I am sure you are aware, we're not thinking today about that kind of draft. There should be no educational deferments. And what I have in mind is a different kind of draft—one along the lines long recommended by our colleague from Mississippi, Mr. Montgomery, and taking a leaf from the book of some of our European friends. And, incidentally, there are only three countries in the world—United States, Great Britain and Canada—that don't have a draft.

Take Switzerland, for instance, a very peaceful country. Every able-bodied young man is called up for military training at age 20. He stays in for 5 months, then returns home bringing his rifle with him. He puts it behind the door. They don't worry about registering arms in Switzerland. Thereafter for the next 12 years—12 years, mind you—he reports annually for 3 weeks of summer refresher training.

We could do something like this, but on a more limited basis. Rather than calling up everybody who reaches the age of 18, all 2 million of them which might—at first at least—overwhelm our training facilities, we might, for example, call up some 100,000 or 200,000 of them a year by lottery, as General Rogers suggested yesterday. The training could be for 4 months instead of 5, and we would keep the young men in the Individual Ready Reserve status for 5 years instead of 12, and require only 2 weeks of summer training instead of 3.

At any rate, such a procedure would give us, over the next few years, as we begin to rebuild our conventional military forces, a substantial pool of capable, trained reserve military manpower, and would do it without too much disruption in personal lives. And we would have this trained manpower available before an emergency struck rather than waiting for the kind of crash registration, classification and training program that some—who are now opposing the President's idea—seem to think would serve us well in any new Pearl Harbor that we might find ourselves confronted with.

I would like to urge the subcommittee to develop and report out that kind of legislation—now, in this session of Congress. Even if it doesn't pass, the House Armed Services Committee will be pioneering the field once again—just as we did with the registration proposal which we recommended to the House a year ago. That's, after all, what we're for here in this committee—to recommend what we be-

lieve is necessary for our defense, and then work to sell it to the rest of the Congress, and sometimes even to the Department of Defense.

But if that doesn't prove to be possible, then at least we have this plan as something to talk about when the debate begins over registration. Instead of arguing registration in a vacuum, instead of pretending that registration has some special military power all of its own, we will have a perspective in which to explain it, a plan and a program of where we think this country really should be going if we really do mean to stand up to the Russians under the provisions of the Carter doctrine, and do it in a more convincing way than just putting our flags out in the corridors of the House office buildings and cheering on the U.S. hockey team at the Lake Placid Winter Olympics.

Mr. WHITE. Thank you very much, Mr. Stratton, for your very strong statement. We appreciate your advocacy for defense and, of course, your position.

Mr. Kazen.

Mr. KAZEN. I, of course, welcome the testimony of our colleague. We have known for quite some time, and he has made known to us on the committee, his feelings, and I commend him for reiterating them here this morning.

Let me just ask you one question. On page 2 you refer to the resistance that has surfaced recently in the House Appropriations Committee to appropriating funds necessary to get that registration reactivated. Aren't you of the opinion that that is a very small minority on that committee that feels that way?

Mr. STRATTON. Well, my impression was——

Mr. KAZEN. Or just what is the situation? I have been home the last 2 weeks, and all I know is what I have read in the newspaper. Now you tell me.

Mr. STRATTON. I wouldn't say a small minority, Mr. Kazen, because the vote in the subcommittee was a tie vote. I talked last week with a number of members of the committee, members that ordinarily are strong supporters of defense, and they seem to be turned off. They are turned off largely, I might say, by what they regard as not very effective explanation or presentation on behalf of the Defense Department, and their feeling is, well, if it is only a difference of 17 days and 3 months, and if we are never going to have any draft anyway, why do we need to get into this situation.

It is my understanding that the majority leader has been personally canvassing the committee, and I imagine he may be able to twist enough arms so that we can get a majority out of the Appropriations Committee, but contrary to what you and I originally thought, the majority is not as large as we would suspect.

Mr. KAZEN. Well, I think you put your finger on it. This committee is the proper place for the recommendations to come from, and all we can do is go according to what we have been able to learn from the scanning of the world situation, the sources of information that this committee has that I don't think any other committee of Congress has, which information is not available to any other committee of Congress, and just tell the American people what we think ought to be done in order to preserve democracy in the Western World, and then it is up to people to say whether they want it or not. All we can do is show it to them, and I think that arguments like yours are very convincing, and I thank you for them.

Mr. STRATTON. I agree with you, and I think, as I said, I think the American people recognize this. I think the American people are a little bit ahead of some of their representatives in Congress, whose experience in the military goes back to the Vietnam war, and they are still hung up on the Vietnam syndrome. They feel that it is going to be politically damaging to vote for even anything that has the word "draft" connected with it remotely, and I think that is a mistake, and, as I said, I believe that if our committee takes a bill out there on the floor and argues it, that we will be able to build up a record so that the Members will understand what is involved, and the Appropriations Committee will have to go along with supplying the money.

Mr. KAZEN. I think that everybody has to understand that none of us wants a draft, none of us wants any more veterans of wars in this country, but if we don't, then this is something that we can prevent by taking measures such as the ones that are proposed before this committee.

Mr. STRATTON. That is right. My idea is that a draft would be a significant deterrent. What the Russians have when they look at the United States now is that they see us sort of hedging on Cuba, not doing very much about the 50 hostages in Iran after 120 days, and they figure the United States just doesn't want to risk anything. They don't want to get involved. And if 5 months after the House has turned down registration, we come around and support it by a substantial majority, with the President of the United States and the Secretary of Defense on our side, they will say, "My gosh, these guys really do mean business, and maybe we better back off from any more hanky-panky in the Persian Gulf."

Mr. WHITE. Thank you, Mr. Kazen.

Mrs. Holt.

Mrs. HOLT. Thank you, Mr. Chairman, and thank you, Mr. Stratton, for an excellent statement, as usual. I think what you are trying to point up is something that we so desperately need to point up in this country.

I remember, and you remember, when we first started our hearings in the full Armed Services Committee, and a young Congressman, who had just come into the Congress, after listening to the testimony of the Defense Department, said: "Why don't we tell the American people what condition our military is in? They don't know."

I think this is where we have really failed, and this is the merit in our trying to bring this message that we are not trying to start anything. We are trying to avoid a war, and this is why there are so few countries in the world that don't keep a standing military, that don't insist that their people stay trained, because that is the way you keep the peace, and there isn't much freedom left in this world today. I think we have seen that. There aren't many countries where people can sit around and debate this kind of issue. This is the kind of thing that we are told to do, and it is so important that our people do understand the great need, and we are not doing a very good job of it. So, I, for one, appreciate very much your efforts in trying to get us to face up to this and get the message out to the people how important it is if we don't want to get involved in another war.

Mr. STRATTON. Thank you very much.

I think Switzerland is a very good example because by being ready and prepared and trained and having the old flintlock gun behind the door, nobody wants to tangle with the Swiss.

Mrs. HOLT. The gentleman is absolutely correct. The two hot spots in the world where we have kept the peace for the last 30 years have been in NATO, where we have said loud and clear that we don't want any shenanigans, and in South Korea, where a very dangerous situation existed where anything could have happened, and we have demonstrated we don't want it to happen, and we are not going to tolerate it. So I think you have made an excellent point.

Thank you, Mr. Chairman.

Mr. WHITE. Thank you, Mrs. Holt.

Mr. Montgomery.

Mr. MONTGOMERY. I apologize to you and to the members of the committee for being late. The Veterans of Foreign Wars testified before the Veterans' Affairs Committee.

Mr. STRATTON. I said some kind things about the gentleman in my prepared statement. I will repeat them.

Mr. MONTGOMERY. I plan on the VFW mentioning your name tonight.

I certainly agree with your statement. I have looked at it. The chairman and Mrs. Holt and myself and others went down to the White House yesterday to talk about the registration. It is sure a good feeling for us who believe in a strong defense to hear that the Joint Chiefs of Staff, the Secretary of Defense, and the White House totally support registration, and, Sam, I may mention that since they have gotten into this situation, they have found that you just can't start registration overnight. They have found out that trying to get the different departments to work together of the Federal Government is almost impossible. So I think we can't gamble with the security of this Nation by delaying registration. I know you would like to move ahead with classification and also a limited draft. I don't think we can get to classification now or the limited draft to shore up the individual Ready Reserve, which we absolutely need, to fill up this replacement pool in case we did have an emergency. The individual Ready Reserve are the first ones to be called out. I think we are going to have to just take it a step at a time and hope we can get registration.

Mr. STRATTON. As I say in my statement, that may well be the case, but I think at the very least by discussing the individual Ready Reserve limited draft we point up the direction in which registration is headed, why, it makes some sense rather because we have got to get these people trained before the crisis hits rather than after.

Mr. MONTGOMERY. It would be a totally chaotic condition here if we didn't have peacetime registration and we had to mobilize and the Congress had to give the President authority. I don't know how we could do it. I think we would just have to tell the people to report who wanted to serve and had some skill, and that would be a terrible way to have to do it, but it doesn't make sense not to move ahead and make some plans and some preparation. Thank you.

Mr. STRATTON. Thank you very much.

Mr. WHITE. Thank you, Mr. Montgomery.

Mr. Stratton, of course, the shortest distance between two points is a straight line, and therefore I think the committee was looking to having the President issue a Presidential proclamation to get it done so we didn't run into the filibuster that you indicated in your statement. Now, I think I can speak for the committee, if I know the members of the committee, if the President does not issue a Presidential

proclamation, I think this committee would very likely take further action and report out some kind of a bill to put on the floor, but one point I would like to make—while it may not satisfy your specific recommendations—would not the votes that will inevitably arise in the appropriations bill on the floor of the House relating to selective service and registration be some test, some signal, that you felt was important nationwide and to foreign powers that would be observing?

Mr. STRATTON. Well, I think if the vote turns out favorable, it would certainly have some effect, but this is why I am upset by what is happening in the Appropriations Committee, and I think that if the decision were made and the debate and the bill were carried, as Mr. Kazen has suggested, by the Armed Services Committee, which really has more knowledge on these matters than the subcommittee which handles it in Appropriations—it is not the Defense Appropriations Subcommittee, you know, that handles that thing; it is the HUD and Independent Agencies Subcommittee, headed by Mr. Bolling—I think we would then be in a better position to build a favorable climate for whatever action the Appropriations Committee might take.

I think the one thing, as I have said, is that we ought to go into this thing as though we really meant business. If we are going to be frightened by some Senator who has threatened to filibuster over in the Senate or some member of our own committee who has threatened to tie us up on the floor and take the matter to the Supreme Court, I think it is going to make us look a little weak. That is all. I don't think we give the kind of a signal that is going to rock Brezhnev sitting in the Kremlin, and that is what I would like to try to do.

Mr. WHITE. I am sure the members of the full Armed Services Committee will certainly be active on the floor when the vote does come up in any event because the issue of funds for selective service would be in the bill one way or the other.

Mr. STRATTON. We won't have any priority when that comes up because it comes up from another committee.

Mr. WHITE. I think you will be in the forefront of that as well. I think you are right, there was probably not sufficient testimony nor sufficient substance given on the risk and the problem we have that was presented before the committee. I suspect that the administration is now trying to cope with that and supplement what they earlier said. You put your finger on the trouble when you spoke about the inadequacy of our Reserves, and I say this also for the benefit of those who may be listening.

I might also say that your plan that you suggest is a very imaginative one and is in the area of possibilities that we may be considering at a future time. I might say in my opinion we have not exhausted all of the possibilities as yet this side of drafting for the Reserves, such as I have been advocating for the last several years, the reinstitution of citizens military training camps which did provide fair numbers of personnel for the Reserves. I think the Defense Department has to utilize their imagination and go historically to many other options that are still existing, and having exhausted all of those, I think we can sell to the people and the Congress something in the nature of what you are speaking about.

I wish the President wasn't in need of a proclamation for selective service registration so that issue would be addressed and the

Appropriations Subcommittee would be working on a reality rather than a plan.

Mr. KAZEN. Mr. Chairman, let me explore one other thing with the Congressman while he is here. Where in the world did the testimony come from that only 17 days would be saved by registration in case we ever had to reinstitute the draft? Seventeen days, my gosh, you can't put in a phone call or get any people to begin registering in one town much less in the entire country.

Mr. STRATTON. It is my understanding in talking to some of the members of the Appropriations Committee that was the testimony of the Director of the Selective Service, I believe.

Mr. WHITE. I was going to say, if the gentleman will yield—

Mr. KAZEN. Yes, certainly.

Mr. WHITE. This was a statement that was made at the time the administration was attempting to fight registration, and it is extremely unrealistically optimistic. They don't disavow this now, but I think they are very uncomfortable with the plan that they had, and especially considering the great record the Postal Service has made in delivering mail promptly of recent days. So I think now they are probably edging more toward what we have advocated on the floor at the time, which was 2 months. General Rogers said 3 months in his testimony yesterday, but I didn't want to preempt your answer.

Mr. KAZEN. It seems totally unrealistic.

Mr. STRATTON. This is something Mrs. Schroeder is projecting. I am just saying it doesn't make a great deal of difference whether it is 17 days or 3 months, because if we wait until, let's say, the Soviet Union launches a full-scale attack on Abidjan and Basra and the Arabian oilfields, we are not going to be able to stop that with the manpower we generate in 17 days or 3 months. We have got to be ready with it now.

Mr. KAZEN. We wouldn't be depending on that phase of it to stop them. We would be depending on those people that we have now. It would be the replacements we would be worried about at that time.

Mr. STRATTON. We wouldn't even have time to get them over there, which is one of our problems, of course.

Mr. KAZEN. I understand, but right now we are talking about the retaliatory position that we would have, and we certainly wouldn't be calling Jack Doe and telling him to come out of his classroom.

Mr. STRATTON. I would hope not.

Mr. KAZEN. But what does worry me is the fact that we may not have the time to follow through and to relieve and to supplant some of the Regulars and Reserves that would be the first line of defense.

Mr. STRATTON. Yes; I think you are right. This is the thing that bothers me, that I don't think time is on our side. I don't know how much time we have got, but I think it is probably a lot less than what we would like to see. So that is why we have got to start moving.

Mr. KAZEN. Thank you, Mr. Chairman.

Mr. WHITE. Mr. Stratton, thank you for your testimony this morning. It will be noted and taken into consideration.

Our next witness is Hon. Jim Lloyd, Representative from California.

Mr. LLOYD. Mr. Chairman, I would ask that Mr. McClory join me since he and I are talking in the same area.

Mr. WHITE. We are pleased to have Congressman Lloyd, who has spent a career in the service of his country and is now in a second

career in the House of Representatives and is very knowledgeable in such matters.

We are also pleased to have Mr. McClory, who is the ranking member of the Judiciary Committee.

Mr. McCLORY. I spent a brief time in the U.S. Marine Corps Reserves.

Mr. WHITE. I do know that.

Mr. McCLORY. Between the wars.

Mr. WHITE. I have also been in the Marines.

Mr. McCLORY. That is a very good time to fulfill your military commitment, I have found.

Mr. WHITE. Mr. Lloyd, you have a prepared statement. Do you wish to refer to your statement?

Mr. LLOYD. I would ask you now, Mr. Chairman, that my prepared statement be accepted for the record.

Mr. WHITE. Without objection, the entire statement will be placed in the record.

STATEMENT OF HON. JIM LLOYD, A REPRESENTATIVE FROM CALIFORNIA

Mr. LLOYD. Thank you for the opportunity not only to be here but in the holding of these hearings, which I happen to believe are critically important at this time, particularly in the light of the change as referred to by Mr. Stratton on the part of the President with regards to "registration," which I predict or which I project into potential draft, obviously.

I am a cosponsor along with my colleague, Mr. McCloskey, from California, of the National Youth Service Act, which, of course, addresses itself to the registration of all 18-year-olds, and you will note that I said all. I include female as well as male.

I think there are options in it. I will go over it very briefly. It has four options, the first of which, of course, is to go into the service for 2 years, and to have access to the GI bill of rights.

The second option is you go in for 1 year and you are in the Ready Reserve for a period of time, 5½ or 6 years.

Incidentally, all of this is conjecture. We are not locked into any of this. We are just talking about the concepts of this.

The second thing is that you go in for 1 year. You have then obligated Reserve duty for a period of time, 5½ or 6 years, at which time you are free and clear.

The third option is that you provide a national service such as VISTA, Youth Corps, Forestry Service, and so forth. This does not have with it an educational benefit.

The last is the "hell no, I won't go," situation, where an individual says, "I refuse to participate in any of it." He or she does not participate. They are only obligated in the event of a draft to be immediately called up into the service, and that is in essence the tradeoffs.

Obviously, we are talking about a great many more people than the armed services say they need at this point. Obviously we are talking about a great deal of money. I have estimated somewhere between \$30 billion and \$40 billion would go into this.

You have heard a comment with regard to the Swiss system, and I would point out to you that the Swiss system is mandatory for all

males. It does not mandate the female, but I would address myself to that specific issue.

I think that it is clearly evidenced that our country desires that male and female be treated equally, and that they be allowed the opportunity to move into the same circles, the same opportunities, and I hear people who say, "Why can't we pass the ERA?" And the answer is we are getting closer every day on those kinds of things. We find that the attitude of Congress has loosened up considerably. Your colleagues have changed their attitudes toward that.

My personal position was I voted against women in the military services academies. When that didn't pass, I was one of the first people to appoint a woman to the academy. I accepted the will of the people, and I understand there are dynamics of change.

I also view in the historical application of military involvement, I view what occurred in Vietnam as a disaster to our country. I think that in light of history several hundred years from now this will go down as one of the most devastating periods historically of the United States, equal to the Civil War, and so as a result I think it is important that we really go very carefully at a time when we have some time.

I think to rush headlong into a draft is to do exactly what we have done in the past and is inviting disaster. The young people today, very frankly, are a whale of a lot smarter than I was when I was first registered in 1942. As far as being involved with the military—and there is no question about the fact that I was very patriotically motivated—but to say that I was naive is just a total understatement. I clearly didn't understand what was really going on.

It came as a real shock to me when I was in combat, that people were really shooting at me, and then it came as an equal shock that I was supposed to shoot back, and I have often said jokingly the only reason we won the war is that the Japanese had to have people who were, frankly, more naive or dumb than I was. Maybe that was the case, but certainly they couldn't have been much worse off than I was. I really didn't know what was going on. I learned quickly, I want you to know. I did survive and I did understand in the final analysis what it was all about.

I don't want the young people of our Nation to be catapulted into a situation that they do not understand. I think it clearly is important that we meet our obligations. I absolutely support the concept of keeping our military forces up to a reasonable level, and that is to meet the obligations not only of what we perceive our foreign policy to be, but also the obligations of what it takes in time to bring a military group together.

Let me give you an example. In 1917, in World War I, a young man could be a fighter pilot once he arrived in France within 2 months, 3 months at the most. He was qualified as a fighter pilot and would be on "combat patrols."

In World War II to fly a fighter aircraft, which is what I was trained to do, took a minimum of 12 months. No matter how badly we needed them in 1942 and 1943, we just couldn't jam them through any faster, and we did a pretty rush job.

I remember very clearly going through that training, but today to provide or to prepare a young man to fly the sophisticated equipment such as the F-15, 16 and 18, it takes a period, depending upon its application, of between 2 to 4 years. You do not have a qualified

fighter pilot much before 4 years, and that is a person who can adequately handle the total of the system. He can fly the airplane, he may understand some specifics of the system, but in its integration in the teamwork phase, which is required to fly that weapon system, it takes a minimum of 2 years and by the end of 4 years he is operating pretty efficiently.

I would remind you if you review wars in the light of history, most wars do not last longer than about 2 to 4 years. So obviously what we would be training is the next generation of combat pilots, and we may not see the need for that at that point.

What we need is now in the light of the current war situation. Let me give you some figures and I will turn it over to my colleague, Mr. McClory, after I have made a plea for what we are trying to do here.

At the present moment the All-Volunteer Force is simply not working. It is not working because it does not provide the system with people who have the capabilities that we need to operate the current systems. There is no indication that 1980 is going to get any better. For instance, we also have a reduction in the availability pool of men. We have gone from 2.1 million down to 1.7 million, which means that you have to have a higher percentage of these people who would come into the service.

At a base in Germany, for instance, we have a problem with our enlistees. We had 875 enlistees who read at the 9th grade level or below, and the training manuals have been reduced from a 12th grade to an 8th grade level, and now we are getting down to a 5th grade level. We are doing it with pictures, which is perfectly all right. I don't mind. We have to seek the level where we can operate this equipment.

But I would point out to you that the capability of the individual who is to operate these weapons systems has risen as the complexity has risen. The concept of the guy with the steel helmet and a gun with a bayonet, fewer and fewer of these people are needed, but they are needed very badly when we need them.

I also would not put women in that kind of combat situation. That is insane. The physical characteristics are such that carrying a pack or sustained hand-to-hand physical combat is simply not required, and to say that they can perform in that area is ridiculous.

In addition to that, now in operating an aircraft, I would remind you that I had the opportunity to fly with a Capt. Connie Ingle about 3 weeks ago at Williams Air Force Base. We were flying an F-5, and I think you would all agree that as far as the understanding and operation of the weapons systems I know as much as anybody in Congress does. I will tell you, as a guy who has been a flight instructor in this arena, that this girl can fly an airplane. She would have to go through weapons training, etc., which she has already asked for. She could perform a combat role because she understands her machine, and big, bulging muscles are not required to operate that equipment. It is a computer operation and pushing buttons has not been a very difficult situation. It might allow us to use people with lesser physical capabilities, but all in all, as you have already indicated and as indicated by my predecessor and colleague, Mr. Stratton, you have got to beef up the military programs or spending money for any of this hardware is just folly. There is no point in it whatsoever.

We have to meet that kind of a commitment, and we meet it now, but try to find a system which is fair to all, which allows everybody to participate without waivers or sneaking out of the system some way. I think a system that says I am going to pick one of you and you are going to be selected to be shot in the morning is a lousy system. I think that everybody should take their chances equally, which is why I believe that everybody should participate in the areas of national defense, and if we are not prepared to do that, then clearly we have to ask ourselves what is it we are doing as far as national defense is concerned.

Thank you very much, Mr. Chairman, and distinguished colleagues, for the opportunity to make this presentation this morning.

[Statement of Hon. Jim Lloyd follows:]

WRITTEN STATEMENT OF HON. JIM LLOYD

I would like to thank Chairman White and the subcommittee for holding this hearing on the concept of national youth service and the several bills involved. Also, I appreciate the opportunity to testify to you. As you probably know, I am a cosponsor of Representative McCloskey's bill, H.R. 2206. I support this bill because I think the time has come for the Congress to take the lead in acting on this national service idea. I believe that at some point in the future we will return to some type of draft and that we should now plan for it by instituting a system superior to the very poor ones we had in the past.

I know many of you share my deep concern over the present All Volunteer Force system. I am concerned because it is becoming increasingly evident that the system is failing. As I'm sure you know, all four branches of the armed services failed to meet their recruitment goals last year. So far, all indications are that these goals will not be achieved again this year. It should be added that these goals were significantly reduced prior to last year in anticipation of not being able to meet the previous, higher goals. It seems to me that the goals should be set based on manpower needs, not how far short we fell the prior year.

The above statistics are common knowledge, but it disturbed me to find that the Individual Ready Reserve is also severely short of manpower. This reserve is supposed to be our main defense in case of major attack until emergency draftees are trained. However, it currently contains only 408,000 men, while estimated need is 900,000. At one time, prior to the All-Volunteer Force, this reserve had over 1 million men in it.

The future for the present manpower policy looks even bleaker than its present state. According to one independent observer, there exists a "general consensus" that the armed forces will not be able to maintain the already low levels of manpower into the mid-1980's. This is because the number of eligible men for recruitment will drop from the present 2.1 million per year by 1987. This change will require the recruitment of one out of every 4.6 men instead of the present requirement of one out of every 5.6 eligible men.

Not only the quantity, but the quality of the enlisted personnel has dropped. One news article has noted that one base in Germany 875 enlistees were found who read at or below the ninth grade level. My distinguished colleague, Pete McCloskey, has noted that the basic army training manual has been reduced from a twelfth grade to a ninth grade to a fifth grade reading level. Finally, in fiscal year 1977, 57 percent of army enlistees read at or below the ninth grade level. Can we afford this type of soldier with our advanced, modern military equipment?

With the present manpower policy failing to meet our needs, the time has come for us to make a change. If we wait until an emergency arises we will not have the time to design a system different from the past draft. Now, while we are at peace, we should design a system that is both efficient and equitable. The administration has made few moves in this direction, so we in Congress must take the initiative.

Our past draft was inequitable because, first, the lottery system required great sacrifice from the unlucky few and left untouched many others. It is easy to see how such a system had difficulty maintaining popular support. During the latter part of the Vietnamese conflict, the college exemption made the draft even more unfair. From 1969 to 1973 the percentage of blacks in the Armed Forces increased from 11 percent, approximately their percentage of the entire population, to 18

percent. This reflects the fact that a lower percentage of blacks could afford to take advantage of the college exemption.

Under the All-Volunteer Force, the above discrimination against minorities is increasing, not decreasing. Looking at the history of recruitment since 1973, one can clearly see that when the economy turns downward, as in the 1974-75 recession, recruitment increases. Those most hurt by the unemployment during the recession, the people in lower economic groups, were undoubtedly forced to be more open to the possibility of going into the armed forces. The Army should not be an employer of last resort, nor should we force those of lower economic status to fight our nation's battles while the wealthy remain untouched.

Finally, on the subject of fairness, I must comment on an area that should be discussed today and will definitely be discussed in your hearing tomorrow: women in the military. First, women, for a long time, have been making substantial contributions to our military effort. They now constitute approximately five percent of our total manpower and that number will certainly increase. In fact, the recruitment program has been actively seeking an increasing number of women to replace dwindling male recruits. I believe that women must be included in any registration, draft, or national service plan that is implemented. This is the only fair way to handle the situation. I am not advocating women in combat, but it is well known that many non-combat positions need to be attended even in a time of war. Also, if women are excluded, a lengthy court case will undoubtedly take place that will probably delay implementation of any plan. Let's avoid this if we can.

A third major area of concern I would like to discuss is the timing of the proposals before you. We are now at peace, we can see the handwriting on the wall about our current manpower system, and we have a golden opportunity to act constructively before a crisis arises. I support national youth services now because it is a system, if designed properly, that will result in equal responsibility placed on all and will therefore be accepted by the nation. In addition, the civilian service will provide training and experience for our youth and will get many good projects done in the areas of conservation, health, etc.

I would like to summarize by saying that national youth service is definitely needed today for our vital national defense, that we have the chance now to create a system that is equitable and efficient, and that Congress must take the responsibility by moving forward on this project under its own initiative. We have a responsibility, not to set up any commissions or committees to review that idea, but to establish a plan right here in this subcommittee, right now, that will deal with a pressing national problem. Thank you.

Mr. WHITE. Thank you for your statement.

Mr. McClory, do you have a statement you wish to present for the record, too?

Mr. McClory. Yes, I do.

Mr. WHITE. Without objection, Mr. McClory your statement will be placed in the record.

STATEMENT OF HON. ROBERT McCLORY, A REPRESENTATIVE FROM ILLINOIS

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

I am very proud to have the opportunity to appear here before the committee in support of the National Youth Service Act and to be associated with my distinguished colleague, Jim Lloyd, and with Pete McCloskey, both of whom are highly decorated and honored veterans of the wars. We are proud of them, and I am proud to be with them.

I might say that my cosponsorship of this legislation occurred more than a year ago, and it seemed to me and it seemed to us who joined in sponsoring the legislation at that time that we did have a very urgent need to implement and to beef up our Military Establishment, both with regard to the active service and, more particularly, even with regard to the Reserve components, and, consequently we tried to answer these two questions in this legislation.

It seems to me that what the McCloskey, Lloyd, McClory bill does more than anything else is to make the young people aware of what their opportunities are for the service, military and nonmilitary service, because I don't think that the TV ads which show a couple of brave Army recruits jumping out of an airplane and parachuting to Earth are the kinds of inducements that get the people to enlist into the volunteer military, and consequently we are not reaching the youth of America today with volunteer military programs that are being conducted. I might say that I have the center for the Volunteer Army in my congressional district at Fort Sheridan, Ill.

In the legislation, we have included both young men and young women between the ages of 17 and 18. I assume that at age 18 these elections would become active because, in my own experience as the principal sponsor of the equal rights amendment in 1972, I recall specifically the testimony of all of the proponents of ERA, that ERA was something that the women wanted, including the opportunity or the obligation which might occur with regard to military duty on the part of women as well as men. In other words, they regarded this as a demeaning of their role in our American society if they were to be excluded from service to their country. They want to support the national security equally with that of men. As my colleague has indicated, we have since altered the statute with regard to our military academies, and I have had the opportunity to appoint able women to the academies as well as men.

Now, I think that the former Secretary of the Department of Defense, Melvin Laird, has very recently articulated the situation with regard to the military, the overall personnel of the military, more graphically than anyone else, pointing out that overall we are down 16 percent as far as the fulfilling of quotas is concerned, but also—and just making one reference to the Marine Corps itself, which is the Reserve duty that I had—only 10 percent of the marines who were recruited remain in the service after their 2 years of commitment. So that it is the retention which is involved as well as the original recruitment, and I think it is largely because of the failure of the concept of comparability which we have been deficient in, in which we have failed, but there may be other reasons as well, as I have stated.

This program that Pete McCloskey and Jim Lloyd and I have conceived and are projecting is one which I believe is superior to that recommended by the President and others that I have come in contact with, and it seems to me it provides the answer to military personnel and provides the answer with regard to providing the kind of personnel in our military.

I might say with 1 year, just registering 1 year, which is all that we recommend, it would provide a pool of 4 million, which is far more than we need to fulfil the needs of the military Active Reserve as well as the nonmilitary duty. So that I don't see that there is a need for the 2 years of registration to have a pool of 8 million when 4 million is sufficient, and, as indicated, those that select no type of duty at all, will be placed in this pool where they will be subject for a period of 6 years, I believe, to being subject to a selective service type program in case of a national emergency.

I think that the time has long since passed when we should have some such mechanism in place, and I am hopeful that we will act

promptly in response not to the invasion of Afghanistan and the problems in Iran, but to the overall needs of the Nation insofar as our national security requirements are concerned.

Thank you.

[Statement of Hon. Robert McClory follows:]

WRITTEN STATEMENT OF HON. ROBERT MCCLORY

Mr. Chairman, I am pleased to be here today to testify on the subject of registration for military service. Although I realize that the proposal receiving direct attention is the President's plan to resume registration, I wish to broaden the scope of my testimony somewhat and speak in favor of H.R. 2206, the National Service Act sponsored by Representative Paul McCloskey and cosponsored by myself and about two dozen other Colleagues.

The National Service Act recognizes in a forthright way that our military personnel problems require immediate attention and a comprehensive solution. As former Secretary of Defense Melvin Laird points out in his excellent AEI booklet entitled "People, Not Hardware," we are not meeting our recruiting targets; we are not getting the high quality of recruits we need; and we are not retaining the services of enough of the irreplaceable second- and third-termers, whose experience and special skills are vital.

The National Service Act would not be a complete remedy for all these ills, but it would put us on the right road. Perhaps the most important thing it would do would be to provide young people with the necessary information to make rational choices about their future. Under this bill, each 18 year old would be allowed to choose one of the following four options:

- (1) Two years of active military service followed by four years of education and training benefits.
- (2) Six months of active duty followed by 5½ years of service in the Reserves.
- (3) One year of civilian service.
- (4) A six year period of draft liability on a lottery basis in the event of national emergency.

As I have said, this plan would provide young people with information about their options, information I do not think they are now receiving. It would also be a flexible plan, giving young people the opportunity to serve their nation in a number of different capacities. The plan might very well serve as a focus for the patriotism of the young, giving them opportunities for service at a time in their lives when many of them are looking for such opportunities but are not sure where to find them.

The plan is superior to simple registration because it goes further towards dealing with the real problems we face in the military personnel area. It is not just a symbolic step, but a workable program. At the same time it is superior to the sort of selective service system we previously had in this country, with its mass of exemptions and deferrals and complicated classification system.

For these reasons, I urge this Committee to support not simply registration, but the McCloskey bill, the National Service Act, which offers an intelligent and immediate solution to a problem Congress must face either now or very soon.

Thank you.

Mr. WHITE. Thank you, Bob. I note that you have made your statement without reference to notes, which indicates you have thought about it a long time obviously.

Congressman Montgomery.

Mr. MONTGOMERY. Thank you, Mr. Chairman. I would like to welcome my two colleagues. I would like to just make a comment and ask a question. As I understand it, you would call up both men and women of a certain age. About 4 million would be called up. Would you call them up and put them in some kind of universal service? I have the impression from Bob that you would not call them up and you would only register. I got the impression from you and Mr. McCloskey that it would be universal service.

Mr. LLOYD. To answer your question, Mr. Montgomery, these options can be worked out. What I would suggest is that we put a bill in that deals with military service, and then we can work our will on the legislation which is really what it amounts to. There are all kinds of options that can go into this.

Mr. McCLODY. There are the four options that we can provide. The bill makes the young people fully aware of what they are, and I think the active military would meet all of its needs through offering the options to men and women at that age.

I think, likewise, and especially because of the strong educational benefits which flow from it, and the Reserve duty, which would be the second option, would likewise seem to me to be such that it would invite the young people to fulfill that, and then the nonmilitary.

Mr. MONTGOMERY. Would the young people be in the military or like the chairman talks about, CCC or citizens' military training? Would they actually go in the service?

Mr. LLOYD. They would actually go in the service. What we envisioned originally was everybody gets called up, and they may volunteer for whatever they want to volunteer for, whether it is Government service such as the VISTA program, or whether it is to go into the services themselves. They then make that option. Obviously, we sweeten the deal for those who take the option to go into the military services and once they put in their time will be eligible for the GI bill, which seems to be a major driving force.

Mr. MONTGOMERY. I think you go a step further than I would really want to go, but I am not really locked in that strongly. Actually you would be calling them up, but they would not go into the military service and take an oath.

Mr. LLOYD. That is their decision.

Mr. MONTGOMERY. That would be their decision. The big problem I have with it, Jim, is the logistics of calling up 4 million men and women a year, and maybe we never go longer in service now than maybe 1 year, and the turnover and the costs, you estimate \$30 million or \$40 million, which I think is pretty accurate—it might be a little low. I think the logistics of it is almost impossible.

Mr. LLOYD. But there are some other advantages that would accrue, Mr. Montgomery. For instance, one of the problems that we have throughout our society is the problem of certain basic national health problems, flu, for instance, venereal disease, things of that nature. There are clear indications that with the basic health concepts that go into it that we would be able to raise the level of our national health.

As you will recall during World War II we had problems with venereal disease. I use this as an example. It isn't the litmus test. At the end of World War II we had all but eradicated it. At the present moment it is rampant among our young people. In addition to that, we could also identify those who are having health problems, mental problems, things of that nature, and if we identify earlier in our society those individuals as they meet the requirements of that society, I think that we would be able to solve some social problems.

I think that, for instance, one of the major problems we have is in the area of nutrition, how to feed your family, how to take care of it, in the areas of family planning, in the areas of many of our social involvements. This would give an opportunity for people who may

not have had that kind of an opportunity at home to associate with young people who have had those kinds of opportunities and the total of our society would benefit.

Mr. MONTGOMERY. You know, what you say has merit to it. The problem we have, we can't even get a small registration through. We have a key vote on Wednesday, just to fund \$8 million additional funding to get peacetime registration going. It has got merit to it, but——

Mr. LLOYD. You have got to start somewhere.

Mr. MONTGOMERY. Well——

Mr. LLOYD. But if we go back to the old draft system, which is exactly where we are headed, we are going to have exactly the same attitudes that we had in the mid-1960's. This time if we bring those attitudes forward we will absolutely tear the basic thread of this society apart. I am convinced of that even if my colleague from New York is not.

Mr. MONTGOMERY. I disagree with you. You will be surprised at the young people who will come forward and register under the peacetime registration.

Mr. LLOYD. I would be happy if they would.

Mr. MONTGOMERY. Mr. Chairman, we have tried to think it through on this committee that we don't need women to register. That is not our problem. We need young men that we can call up to go in the infantry and go in the artillery and drive the tanks. Everybody wants to go into the noncombat supportive roles. Our problem is to get these men's names and know who they are, and if you bring women in under the proposal of peacetime registration, which I think we have a chance to get this year, you would overload the Selective Service System.

We found out down at the White House yesterday that they are having a hard time just coming up with proposals now for much less than you propose. Doubling the load from 2 million to an additional 2 million would certainly make it harder on them. So I still oppose women having to register.

I appreciate your being here. Somebody thought that I was you this morning, and said they were coming to hear you testify.

Mr. McCLODY. Could I just add this, Mr. Montgomery, and that is that we are talking about registration of young people at 1 year. Now, if we get into a draft situation or a registration system because of some kind of emergency and you are going to have to register people that have not been registered for the last 6 years, you are going to have many millions more. I would say also that the proposal that we are projecting is not one which requires the Federal Government to provide a job or a service for those who may select non-military duty, but as one which provides that opportunity for those who can be accommodated in that kind of service. The same with those that opt for active military, if there is a place for them, fine. If there are more that will volunteer for active military than you can accommodate, then, of course, it just seems to me you can't provide a military job for more than you require.

Mr. MONTGOMERY. We learned yesterday, Bob, from the experience we have had in the previous wars, yes, we get volunteers, but the volunteer is for the noncombatant positions. That is our problem today. We can't fill up the combat positions we need in the military.

Mr. McCLORY. I don't think we propose that they are given that kind of an option.

Mr. LLOYD. That has nothing to do with the options. We are not saying if you come in and serve—and let's say you are going to serve in the Army, and they have determined that your best service is as an infantryman—that is where you are going to go. But if they say you are going into a tank, that is where you are going to go. If they say you are going into the Quartermaster Corps, that is where you are going to. You know, they determine that.

Mr. WHITE. Thank you, Mr. Montgomery.

Mr. WON PAT.

Mr. WON PAT. Thank you, Mr. Chairman. I regret that I haven't had the opportunity to listen to the testimony of my distinguished colleagues. I apologize, Mr. Chairman, and to the other members of the committee.

Now, this proposal that you gentlemen are proposing, public service, that is to replace the Selective Service Act?

Mr. LLOYD. Yes, it is a method of selective service. Everybody at the age of 18 will be available for military service or other service involved. Indeed, if it turns out that there is a national emergency requiring military involvement, then every person of this age would be instantaneously inducted.

Mr. WON PAT. But in the absence of any emergency and during peacetime, the proposal envisions those eligible by age to register and be able to serve in these three categories?

Mr. LLOYD. Four categories, sir.

Mr. WON PAT. Four categories.

Mr. LLOYD. Yes, sir.

Mr. WON PAT. Now, one of the categories is civilian jobs.

Mr. LLOYD. Well, it is a civilian involvement. We call it national service, but it is civilian job involvement.

Mr. WON PAT. Would that job be related to defense?

Mr. LLOYD. Not necessarily. It could be the Forestry Service or VISTA. These are not defense-related activities, but they are service to the people of the United States. They are jobs. They are areas where clearly there is a need in our society.

Mr. WON PAT. Well, I thought that the purpose of Selective Service, of course, is to induct those eligible to join the service, so that they can, in other words, protect our country.

Mr. LLOYD. That is true. That is one of the concepts, but what I would like to point out to you, as indicated by my colleague, Mr. Stratton, there is no need to induct all of the people who would be eligible. What we are saying, in order to keep it fair, which has been one of the major complaints in the past, the unfairness of the system, in order to make it fair, we insure the fact that all people are going to participate. It is the participation which I think then drives the system. And, as Mr. Montgomery had indicated, he hopes—and I sincerely hope that he is right—that just by having registration we are going to dry up the system sufficiently that we won't have to worry about drafting. That is what the President has said. I don't believe it is going to work that way. I would like it to work that way, but I don't believe it will work that way.

The system Mr. McClory and I are talking about will insure the fact that all young people of this age will have the opportunity to

review what is available to them. If they don't wish to serve, they don't really have to, but they go into this pool for a period of 6 years. No matter what they do, they are going to be eligible in the event of a national emergency.

What we are trying to do is to address the unfairness of what has occurred in the past.

Mr. McCLODY. The principal inducement would be to go into the active military because the active military would provide a 4-year education or job training program, which would assure those that go into the active military of opportunities for useful service following their military duty.

Mr. WON PAT. You have provided that option for the registrant?

Mr. LLOYD. That is correct, sir.

Mr. McCLODY. Right.

Mr. WON PAT. But you will know the need for this service.

Mr. LLOYD. Naturally there are certain numbers that are going into certain MOS's now.

Mr. WON PAT. Are we going to leave it all up to their choice? We would not be able to fill in those areas that are needed.

Mr. LLOYD. That was, I believe, a point that was brought up again by Mr. Montgomery. I would like to clarify that. If you agree to go into the service—and that would be all of the services, the Army, the Navy, the Marines, and the Air Force—then you would be assigned in that area to those jobs that they felt that you were most needed for or you were best qualified for, whatever it may be. So it clearly answers that situation.

Yes, I presume that under the system it would be really possible for everyone to say either I won't go or, no, I am just going into the national service part, I won't go into the service. I don't believe that. I believe with many somewhere along the line you will have a sufficient number of people, including my own son, by the way, who is in the Reserves at the age of 25, who will say, "I have an obligation to serve my country. I want to be a part of that situation." I just don't feel, as Mr. Montgomery did, that we will get that kind of a reaction at this point.

I am trying to drive the system to sweeten the deal so we will get that kind of reaction so that we will not only have people in sufficient numbers, but I will remind you, Mr. Won Pat, that it is imperative that we get people of sufficient caliber. That is where we are really failing at the present moment.

Mr. WON PAT. I want to say I fully agree with you, and I feel that everyone of the age of 18 should be required to register. I believe that is the only fair way to do it.

Mr. WHITE. Thank you, Mr. Won Pat.

Mr. Stratton, do you have any questions?

Mr. STRATTON. Thank you, yes.

Mr. Lloyd, do I understand that your plan would register these people when they reach a certain age?

Mr. LLOYD. Eighteen, sir.

Mr. STRATTON. So every year another batch of 18-year-olds is registered?

Mr. McCLODY. Another 4 million.

Mr. STRATTON. Would this start immediately or when we get into an emergency?

Mr. LLOYD. It would start immediately. The problem we have is now.

Mr. STRATTON. OK. What do you do, let's say, if you have got a million people who elect the Peace Corps and we only have jobs for about 7,000 in the Peace Corps? How do you work that?

Mr. LLOYD. Well, when the jobs are filled, that is the end of it. Obviously we are going to have for the first time a great deal more people available to us than what we have had in the past. Part of the concept, by the way, comes from the old CCC. I think you remember that. I didn't participate in it, but I came awfully close, and I was well aware of it. In that case we will take everybody we could get at that point.

Mr. STRATTON. But if they go into the Peace Corps, we have trouble getting Peace Corps people into various countries now. Supposing everybody wants to come into that?

Mr. LLOYD. That is the end of it. If it takes 4,000 to fill it up, then when you reach 4,000, you have a few million left over that are going to go somewhere else.

Mr. STRATTON. You include service in hospitals and things of that kind?

Mr. LLOYD. That is correct, sir.

Mr. STRATTON. Aren't you going to drive out the people who are in the jobs there now? If a hospital can get everybody under this deal, why should they go out and hire anybody?

Mr. LLOYD. Well, they still have to pay for this, I mean.

Mr. STRATTON. They don't get into unions and negotiations and strikes and so on, do they, under this?

Mr. LLOYD. Obviously not. That is not intended.

Mr. STRATTON. Isn't this really just an attempt, as you said yourself, to sweeten the deal, that you don't want to upset anybody by suggesting that military service would be mandatory. So you put up a facade on it by appearing to indicate that there is some choice, but you put on this a monstrous kind of thing where you have got perhaps 2 or 3 million people going into all kinds of civilian duties in the hope that maybe you are going to get enough people to fill the military needs. Isn't it like burning down the house in order to get the pig roasted?

Mr. LLOYD. Well, I don't think it is quite that way. I think, Mr. Stratton, that one of the problems that we face in our society is to bring our young people back into or reorient their thinking. At the present moment many of our young people are very negatively oriented toward the military, and the gentleman is correct. I don't use words such as facade and I don't use words such as monstrous, but you are correct when you say let's sweeten the deal. The answer is it does, and I will say only this, Mr. Stratton, that I believe the system I am talking about would be infinitely more acceptable to the young people of this Nation than the one you are talking about.

Mr. STRATTON. If there is some individual who doesn't want to go into the combat arms, he is obviously not going to choose the military if they are going to put him where he doesn't want to go. So if we are talking about people who don't want to serve anywhere except in the special services and the PR branches and things of that kind, they will end up in the other part. So that what happens if you don't get any people to volunteer?

Mr. LLOYD. They will go to Canada.

Mr. STRATTON. What happens if you don't get any people volunteering for the military?

Mr. McCLODY. You would have to declare a national emergency and revoke the civil service part.

Mr. STRATTON. But you have a \$30 billion overhead.

Mr. McCLODY. But the inducements are for active military duty. I think the inducements would be such that a higher percentage would opt for that opportunity.

Mr. STRATTON. Why would anybody go into the military who doesn't want to go into the military just because he can go into the Peace Corps if he wants to, which he can do at the present time?

Mr. LLOYD. Because we mandated. Let us go back to Ground Zero, Mr. Stratton. You and I are both trying to solve the same problem. We are obviously trying to solve it with a different methodology. I am trying to, as you pointed out, to sweeten the deal. I think that I am going to get a bit more with sugar than I am with vinegar. I think that telling some people in today's world you are going to go in, you know, goodbye dear, I'll be gone for a year. You remember the song as well as I do, since your hair is as gray as mine, and you are going to drive the system and you are also going to drive some young people into decisions that I don't want them to make. I don't want them to rush off to Canada or some other place, and you know that is being talked about at the present moment within our college campuses and other areas. I want our young people to participate in the system, but I also want to achieve Mr. Stratton, the same things that you do. I am just using a different method.

Mr. WHITE. Thank you very much, Mr. Stratton. I want to thank both of you. Don't go away, I have some questions of you. I want to commend you for your initiative and your objectivity.

I would like to make some statements, which is a compilation of what has been testified to here. I was under the impression that the original McCloskey bill called for a draft into public service as well as for military service, but your options indicate this is only for volunteering for that purpose.

I have also noted the problem Mr. Stratton pointed out of having the billets filled up in the public sector, and then you would have the danger of spilling over into a lot of other public jobs, which could displace some of the work force of the Nation, and if you do have those billets filled up, which I think you would very quickly, then, of course, what you are doing is not giving them the option, and you will have certain requirements that, therefore, you are going to have to draft a certain number of people who will not have these options anyway, so you are only giving the options to a few people. That is the problem.

So really for the purpose of the consideration, I think that had it come to the point of whether the young people of this Nation actually owe a certain number of years to the U.S. Government, or are we talking about the defense of the Nation? That is the question.

Our objective, of course, is the security and national defense of this Nation, and what you are then doing by your plan may be a cohesion to public service because you are saying volunteer—but you are saying it with a hot breath down their backs—for public service.

Now, as to having women registering, the problem we have with this is considering that we are most involved with national security,

we don't know whether this committee should base their decision on sociological results, psychological and sociological results, or whether we should really hone in on the national security.

All of the testimony we have had up to this time, I might say, is that the registering of women is principally a gesture, that it is a matter of equity; otherwise it would go to the courts.

Mr. LLOYD. May I respond?

Mr. WHITE. Let me finish here.

Then we asked the question: While you displace men that could go to combat, how many billets would you have that women could fill. So he said some 19,000. Are you then suggesting the registration of some 4 million women to fill a need for 19,000?

Women are volunteering very well. The administration has said that by 1985 13 percent of the military will be women, and they will be volunteers, and they are very good volunteers.

Now, you were going to say something, sir?

Mr. LLOYD. I agree with the gentleman if we do get the volunteers, none of us would be here today. I also agree that women are volunteering better than are men. In addition to that, the quality of the volunteer to operate the equipment, whatever it may be, women are doing better than men, in the volunteer areas.

In addition to that, the gentleman has said we would register 4 million versus 19,000. I would point out to you for every person you have in a combat role, it takes at least seven—and these numbers go back and forth. You may pick and choose. In aviation it is definitely higher, but obviously more people have to drive trucks, answer telephones, push buttons than people who are combat-oriented.

As a person who is combat-oriented, there is a certain spirit. It was a fighter spirit, and I want you to know that even to this day I take great pride in the fact that I belonged to one of the most exclusive fraternities in the world as a fighter pilot, and interestingly enough, those of us who have participated in that arena have a common bond even with those who are enemies.

I met a Japanese ace the other day. We were talking about being in World War II and the areas we were in, comparison of the equipment, and so forth.

I would say that kind of a person—very frankly, my kind of a person—it doesn't take very many of us. You don't have very many of the jobs for them anyhow, but if you can identify those people—and we did very well, for instance, in World War II—this adds a great deal to your military capability.

Last but not least, in this whole situation I, frankly, believe that the progress of this whole thing will be that we probably won't put women into the registration, we will probably see it go into the courts. When we get all through with it we will go through spending a lot of dough that belongs to the American public simply because we did not face the issue at this time.

You can rest assured that as surely as you and I sit here today, right across the way, over in the Supreme Court, this same issue will be discussed within the next 3 to 5 years.

Mr. WHITE. You know the Justice Department has rendered an opinion which indicates that it would not be unconstitutional. I don't know of any bill that we have passed that doesn't have some testing in the Supreme Court, and maybe we need to know that actually.

You didn't address the question about the obligation to serve the Nation as such and also the question about the needs are so many, and therefore you are going to have to draft the same number of people and you are only giving a certain number the opportunity to select the option.

Mr. McCLODY. Mr. Chairman, what I would like to say, you know, when you talk about including women in a registration program, some will oppose that by saying, "Well, you want to put women in foxholes." You know, that is an emotional way of defeating that sort of thing, whereas we are not discussing that subject at all. In my view we are talking about an awareness program. We are talking about providing information to all of the young people of this age as to what their opportunities are for national service or public service, and if we talk about opting for active military service we are not saying that you can go into a public relations role or you can go into intelligence, or you can go into the community services part of the military or something like that.

We are talking about active military, with the discipline that the active military entails, with assignments under a disciplined organization which will provide the personnel where the personnel are needed, and likewise with regard to the public service. We are not talking about one signing up for the Peace Corps; we are talking about a person who says, "I am willing to have a year of public service," in the National Institutes of Health, in a forestry service, in a CCC type of organization, in a youth center, any number of roles where there are urgent needs for young people to serve and where literally millions of young people want to serve if they are provided with the opportunity and the inducements for that. Then it has this safeguard, it seems to me this very important safeguard, and that if you don't want anything you are in a pool and you are in a category where in case of a national emergency, which the President or the Congress could declare, you are subject to whatever assignment the Nation requires. You will go wherever you are required to go, but it seems to me that this, as my colleague, Jim Lloyd, indicates, this is going to avoid young people saying, "Well, we are going to leave. We are not going to register. We are going to fight the draft," and all of those other things that could loom as horrendous handicaps to a registration program and a service program, so that if you take a fellow like Congressman Pete McCloskey, highly decorated, a marine hero, likewise an active anti-Vietnam proponent, I think that you find the combination of elements in this individual that perhaps uniquely can devise this type of program in which strong militarists or strong defense proponents, such as Jim Lloyd and I would subscribe to, and which it seems to me can provide the overall support which we want from the youth of America.

Mr. WHITE. I understand that your proposal, while it does address filling the Reserves, which is highly important at this time, and would therefore get a poor response, in an emergency also does have the effect of filling an all volunteer, which we do not seek at this time except through other incentives, on a volunteer basis. Your program is extremely interesting.

Congressman Lloyd did address a letter to me asking that the Congressional Budget Office do a study to determine the comparative costs of the proposed plan to the costs of the all-volunteer recruitment

as proposed by the President, and all youth training and youth programs now financed by the Federal Government, which you propose to combine, and we have attached a letter to the Director of the Budget Office yesterday asking for such a study.

Mr. LLOYD. I thank you, Mr. Chairman.

Mr. WHITE. I do appreciate your giving your testimony and I thank you very much.

Our next witness is Congressman Jonathan B. Bingham, from the State of New York.

STATEMENT OF HON. JONATHAN B. BINGHAM, A REPRESENTATIVE FROM NEW YORK

Mr. BINGHAM. Thank you very much. I apologize. I have no prepared statement. I thought Congressman McCloskey would be here, and I would appear with him as a panel member, but I do have some things to say.

First of all, let me by way of background say that in 1970 I introduced legislation. That was, of course, in the middle of the Vietnam war. I introduced legislation very similar to the McCloskey bill, and at that time what I had in mind was to provide options that would get us away from all of the miserable business of who was a genuine conscientious objector and all of that, and I felt that it would be a useful plan at that time. It didn't get very far.

I am a cosponsor of the McCloskey bill, but I do want to make clear one thing that hasn't, I think, been made fully clear here, and that is that the McCloskey bill is not a substitute for the registration proposal. The McCloskey bill is a substitute for reimposition of the draft. I think it is fundamental that we understand that because there is an element of compulsion in the McCloskey bill.

Now, the idea behind it is that you offer these various alternatives, and another thing that I think has not been made clear, particularly perhaps in the testimony of Mr. Lloyd, whom I greatly admire, but I think he is thinking more in terms of universal service than I was when I introduced this.

The major number of people, I would guess, who face these options at the age of 18 would take their chances on being drafted and wouldn't sign up for either the military service or the civilian service. This would be particularly true under the terms of the Cavanaugh proposal, which I have just now had a chance to look at in detail, and I must say I think of all of the plans the Cavanaugh proposal is the best plan because I think he has thought through some details that we really hadn't faced up to.

For example, he preserves the option for the true conscientious objector based on religious principles. He preserves that option at all stages, and I think that is valuable.

He also reduced the period of service, the period of risk for being drafted from 6 years to 6 months. If you look at page 2 of Mr. McClory's statement he makes the options very clear, and No. 4 is a 6-year period of draft liability on a lottery basis.

Now, that might seem like a rather unattractive option because it is so long. The Cavanaugh bill, on the other hand, limits the period of liability for being drafted on a lottery basis to 6 months. So that what I think you have, let's say, in the Cavanaugh plan is a plan that

would, first of all, certainly increase the number of people signing up for the military because they would have unquestionably an incentive to sign up that they don't now have. You would also have a limited number of people available for civilian service. That option isn't all that attractive because it doesn't carry the GI benefits and so on, and so I think it would attract most of the people who have a genuine desire to serve in some civilian capacity.

The rest would take their chances on being drafted, and what would happen to them at that point would be determined by the needs for personnel at that point. Under the Cavanaugh bill even if they are drafted they still have a certain option that they can retain their right to do civilian service instead of military service if the military needs have been met at that point, and I think that is an improvement over the McCloskey proposal.

I want to make clear that in supporting these ideas I am not at this point ready to say that I am for going ahead with imposing the obligation to serve. That is, I am not ready to say that we need the draft.

I am very disturbed about the current status of the Armed Forces. As I understand it—and if the administration were to call for the draft, I would very seriously consider supporting it, but until they do, I am not prepared to say that I am for the draft, and therefore you might say you are not really for the McCloskey bill. I am for the McCloskey bill if there is to be a draft or some variant of it, and the Cavanaugh bill is a variant of it.

Let me make two more comments that I think would be of interest to the committee in a general way. Last year—by the way, before the Afghanistan business—I sent out my annual questionnaire to my constituents, and I have this question. I sent it to, as I say, all of my constituents. So that it goes out to perhaps 100,000 people. Some Congressmen think we should begin drafting young military service. Please indicate which of the following statements coincides most closely with your own opinion:

The military draft should be restored now: 27 percent.

While the draft is not needed now, we should have registration; 39 percent.

Now, this is an urban district, middle to low income, a lot of poverty I get, to my dismay, very few applicants for the academies, which disturbs me. We have had some good appointees, but I imagine it would come as a surprise to you to know that I got this year perhaps 16 applications for the three service academies.

Mr. WHITE. You can share some of mine.

Mr. BINGHAM. But in spite of that, here's a district of that character that comes back with a total of 66 percent who are either for registration or for the draft. I think that is significant.

The other question I asked was, whether if the draft were reinstated, would you favor or oppose the system under which potential draftees could choose between voluntary military service, nonmilitary, service such as joining the Peace Corps, VISTA, and so forth, or taking their chances on being drafted.

That is essentially the McCloskey-Cavanaugh option. In favor, 62 percent, opposed 26 percent, no opinion 12 percent.

Finally, Mr. Chairman, on the issue of whether you should include women in registration, I gather the issue is probably pretty moot at

this point. This committee has, I gather, fairly clearly indicated it is not going to report such legislation, and so has the subcommittee concerned of the Appropriations Committee.

I would just like to say that in my family—and I have three daughters and a wife, who think a lot about women's rights—they are all for women being included in whatever system is imposed, and so I go along with that. I think it is politic.

Mr. WHITE. Thank you, Mr. Bingham.

You know the concern I have is that a young person is more likely to be called to draft if there were just a 6-month eligibility or vulnerability because of the selective service may not be able to crank up in time to bring in those that they need, so they might be inclined to call up and then cancel because they buy time that way, whereas, for the 6 years or whatever length of time you have, while the person does have a longer time of eligibility, I think as the years go by, I think his chances probably diminish.

Mr. BINGHAM. Mr. Chairman, that is certainly a question that is debatable. I think that Mr. Cavanaugh has dealt with that issue in a very intelligent way. Every 6 months you would get a new pool of about 2 million people, 2 million males to draw from on this system. Maybe 6 months is too short. Six years strikes me as maybe too long. I wish there was some way. Nobody knows what the choices would be, and I wish there was some way that we can have a pilot program to try it out. I don't know how you would do that because to have this option you have to have the compulsion, underlying compulsion of the draft.

We had some work done on this at the Yale Law School in 1970 by a seminar that devoted their entire time for a 6 month period to studying this proposal and its legality. One thing comes through very clearly—you cannot have a system of civilian service made compulsory unless it is alined with the draft. The constitutionality of it hangs on the draft, because otherwise you run into the prohibition against involuntary servitude.

So any service plan you come up with has to be linked with the draft and dependent on the draft for its constitutionality. That is the point I make.

Mr. WHITE. That is why you call for volunteering for civilian service rather than drafting into civilian service?

Mr. BINGHAM. Well, yes, although under the Cavanaugh plan there is an element of possible compulsion. That is the person who decides to take his chances on the lottery could then be drafted, and if there are enough people, that if the military doesn't need all that are being drafted, at that point the civilian service might get some of those. So there is an element of compulsion there. But I think the compulsion, after all, I guess for decades, we have had the system that those who choose to be CO's can be required to perform civilian service.

If I might just add a word, I think that one of the greatest things about something like the McCloskey or Cavanaugh plan is that you, by and large, you get away from this miserable argument of what is a conscientious objector. That was really what was so bad about the system during Vietnam because to be a CO you had to prove that it was religiously based. Yet there were a lot of young people—and I talked to some of them—I talked to one young man, I remember vividly, who was prepared to go to jail for his conviction that it was

wrong for him to serve in Vietnam. He wasn't religious. He didn't claim to be. If he had been religious, he would have been all right. He said, "My conviction is such that I am prepared to go to jail." He didn't go to Canada, he went to jail, and I might say, I admired that young man tremendously. It is not fair to say only those who claim conscientious objection on religious grounds can opt out. This plan gets away from this.

Mr. WHITE. The other problem that I see in all plans that have been presented by you and the previous two Congressmen, and Mr. McCloskey, too, is the options don't necessarily feed the combat roles. If you are talking about certain volunteer opportunities individually, if the options are filled, then he doesn't really have an option because he has to go into combat. So you are only talking about those who are called. The early ones will be the ones who have the option to exercise and the others will probably have to go to the combat arms. You may have a certain demoralization, a charge that they are being treated unfairly because the option has been denied them.

Mr. BINGHAM. Mr. Chairman, you would know more about this than I do. I would suppose if people were motivated to enlist in the military service, you would get a certain number of people who would enlist, let's say, for the Air Force.

Mr. WHITE. Nobody wants to get shot at. That is the problem. They want to go into something, and that is one of the reasons they volunteer. They want to go into some portion of the service that doesn't require them to carry a pack, to march, to dig, to drive tanks, or be under fire.

Mr. BINGHAM. As Mr. LLOYD said, it seems to me that legislation could be so drafted that if they do opt for military service, then it would be up to the services to decide where they serve.

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

Mr. Won Pat.

Mr. WON PAT. Thank you, Mr. Chairman.

Greetings, Mr. Bingham. It is a pleasure to have you before us today. I followed your comments. Now, there are areas I don't agree with you and the McCloskey or Lloyd version.

My conviction is that the draft is designed to get people into the service so they can protect the country. That is my general conviction. Now, the idea of having people register so they can opt for a civilian job, I don't think that is relevant unless you understand those jobs are related to the military.

Now, we know that many of those inducted will not want to go out on a combat mission. I remember the Vietnam situation, and I have heard a lot of reports where our own people ran away from the battle to escape it. They don't want to face the realities, and I think that is what is happening today—that many of our young people did not want to even register or be drafted into the military service for the simple reason they don't want to go into combat.

Now, finding a way to just get people to register by sweetening some legislation is not going to really accomplish our objective in having our young people prepared to defend our country in case of a necessity. Now, a lot of people, of course, think that it is their constitutional right to do as they please and they should not be drafted. I do not subscribe to that, of course. That is why I also believe that women

should also be drafted. Now, in the case of whether they should go into combat, that is a matter that should be decided because of the very nature of women that they may not be able to perform, you know, in combat, although many women today in the military are doing very well with respect to supportive activities.

Now, my feeling is that we should go ahead with the registration of men and women and to draft should it be necessary. That is my feeling on the matter.

Thank you, Mr. Chairman.

Mr. WHITE. Thank you very much, Mr. Won Pat.

Mr. Stratton.

Mr. STRATTON. Thank you, Mr. Chairman, and, Mr. Bingham, I remember when you offered this proposal in 1970, and I remember mentioning to you that I thought it was a very ingenious proposal, and in fact, I still think it is an ingenious proposal.

I am a little bit perplexed as to exactly what you mean when you say you are talking about the same kind of thing that Mr. Lloyd was talking about, because, as he explained it, it sounded a bit different. Are there two different McCloskey bills, or was he just sweetening the pot a little bit, as he indicated, in presenting it to us?

Mr. BINGHAM. Mr. Stratton, I was confused, too. It seemed to me that Mr. Lloyd was talking about something much closer to national service with an option, whether it be military or civilian, which means if you just take men you have to cope with 4 million men a year.

Mr. STRATTON. That is what I understood Mr. McCloskey's plan to be.

Mr. BINGHAM. That seemed to me to be so. If you look, however, at the summary of the McCloskey bill, as it appears on page 2 of Mr. McClory's testimony, where the options are clearly stated, and as I said before, my guess would be that people being what they are, most of them being pretty optimistic, and especially if it were a peacetime thing and if their chances of being drafted were not very high, that, I don't know, 70 or 80 percent of the young people, maybe more, would choose option 4 and take their chances. I really didn't understand quite how Mr. Lloyd was relating his support of the McCloskey bill to his talk of these large numbers.

Mr. STRATTON. In any event, your proposal then, what you understand to be Mr. McCloskey's proposal is that in the event there is a draft any individual can get out of the draft by accepting a civilian service job.

Mr. BINGHAM. Correct.

Mr. STRATTON. And you rely on the fact that some people might think that they would be lucky and not be drafted at all, and therefore would not take the step to go into a civilian job, and therefore would get hooked, and we might get enough people that way to fill the needs of the service?

Mr. BINGHAM. Well, that is true, plus the fact that the option of enlisting for military service contains the attraction of having additional benefits. I think it has been the experience, and one of the difficulties that we have been suffering in recent years—and I am sure that you agree with that is that when there is no draft underlying situation, you don't get the enlistments that you get when there is a draft.

Mr. STRATTON. No question about it. But there aren't any benefits, as I understand it, that accrue at the present time where we are talking about pouring on benefits. My feeling is that we have gone about as far as we can go in trying to get people in by sweetening the pot with money.

I think the proposal that this committee has been entertaining is some kind of educational benefits to accrue to service, is that true, Mr. Chairman?

Mr. WHITE. Yes; we have had several educational options that we are looking at, some of which have already been passed by the floor. We are hoping the Senate will adopt them.

Mr. STRATTON. So the way this gets away from the conscientious objector problem that you mentioned is simply by giving every person the opportunity to be a conscientious objector?

Mr. BINGHAM. That is right to the extent that you could not prevent it from being used that way by people who want to avoid military service but who do not have a religious or moral objection.

Mr. STRATTON. Now, there was one thing that I probably didn't understand. I thought that you said, but I am sure you couldn't have meant that, that if the military needs have not been fully met, they can't volunteer for civilian service. I am not sure you couldn't have said that, but maybe you were saying that if there isn't a slot open in the military of the type that an individual wants to volunteer for, then all he can do is either take his chances or go for a civilian job, is that right?

Mr. BINGHAM. I was referring there to the Cavanaugh bill. I gather you are to hear from Mr. Cavanaugh later today, and he should perhaps explain it. But looking at the summary of the provisions of his bill, which appears at the end of his statement, the original options are similar to the McCloskey bill. That is, you can volunteer for military service or volunteer for civilian service, or take your chances on the draft.

Where it differs is, if you take the latter option there is still a question about what type of service you go into, and that is discussed on page 2 of his summary of the bill.

Mr. STRATTON. I think if I could just make one comment. My time has run out. What this does, it still has the same problem, which is that we are operating on the assumption that the young people of America are not interested really in providing any service to their country, even when we are faced with a peril, and that we have to set up a kind of costly, cumbersome, and probably ineffective arrangement to either hoodwink them into the draft—and I don't think that is going to produce—first of all, I think it is a canard on the young people of America today. I don't think we have got the same kind of attitude that we had back in the case of Vietnam.

Second, it is not going to produce the kind of military that we need and most of all, it is not going to send any particular signal either to our allies or to our enemies that we really mean business. They will say, "Gee, these Americans are so bad off that they have got to kind of fool their kids into getting into the military service," and that doesn't speak very highly for our ability to deter somebody who is as determined as the Russians or other forms of communism.

Mr. BINGHAM. If I could respond. You are very clearly for reimposition of the draft, and maybe that is the proper position. I want to

say again that I don't think that Cavanaugh or the McCloskey plan are even relevant so long as you are just discussing registration.

Mr. STRATTON. As you know, my statement went beyond registration.

Mr. BINGHAM. Yes, I know. I read your statement.

Mr. STRATTON. That is my point.

Mr. BINGHAM. I do think if you reimpose the draft, then, I don't see any weakness involved or any suggestion of weakness in giving the kind of options that these plans call for.

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

Mr. BINGHAM. Thank you, sir.

Mr. WHITE. Our next witness will be Hon. John J. Cavanaugh, Representative from Nebraska.

We regret that you have opted to leave Congress voluntarily. We know that your testimony is totally objective, therefore, and without any political considerations whatever, so we welcome you.

STATEMENT OF HON. JOHN J. CAVANAUGH, A REPRESENTATIVE FROM NEBRASKA

Mr. CAVANAUGH. Fortunately, this is not an institution where there is any move afoot to draft individuals into service, so I am taking the option of terminating my voluntary service.

I thank the chairman for the opportunity to be before his subcommittee once again and to present my views on this most critical issue.

Mr. WHITE. Did you wish to have your statement placed in the record, or did you wish to refer to it?

Mr. CAVANAUGH. I will try to move through it rather quickly, Mr. Chairman, but I would request that it be included in the record.

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

Mr. CAVANAUGH. President Carter's proposal to reinstitute registration of American citizens for conscription into the military service of the Nation is meeting increasing resistance in the Congress and mounting criticism among the American people. The President's proposal for draft registration has been increasingly besieged by the question posed by James Reston in the New York Times on February 13, 1979, "Registration for What?" In a February 10, 1979, Sunday editorial, the Washington Post concluded its examination on the registration proposal with the query, "What precisely is the question to which registration for the draft is the answer?"

Registration for conscription cannot be understood and accepted without first providing the public with the justification for conscription itself.

It is inherently inconsistent for the President to maintain that the All-Volunteer Force is fair, effective, adequate and "performing its mission well" and argue at the same time that our Nation is not adequately prepared to meet the challenges of the Soviet Union in the absence of the implementation of a registration system. It is this fundamental inconsistency which has confused and frustrated the American people, the press, and the Congress.

It is unfortunate that the President has called for young Americans to again register for the draft but has not provided them with a comprehensive explanation of when and why they would be drafted.

The All-Volunteer Force is not an adequate, equitable, or affordable method of providing the manpower necessary to protect our Nation's security and preserve our leadership in the world. The All-Volunteer Force is a failure and the American people know it.

The longer this Congress and the President delay in acknowledging and addressing the real and substantive deficiencies of the current system the greater the danger to our Nation's leadership and security.

There is evidence that the American people are already ahead of the President and the Congress in perceiving the problem and conceiving the solution. On Sunday, March 2, 1980, the Washington Post reported "The latest Gallup poll shows 59 percent voting for a return to the draft and 36 percent opposed."

I set out for the committee here substantial evidence that this committee has heard over the last several years with regards to the cost and the manpower shortages which our current military manpower system has resulted in.

While the ability of the Armed Forces to attract adequate numbers of young Americans into service has decreased, the quality of those they do attract has plummeted.

Again, according to the Department of Defense, "In the last 5 years the number of male high school diploma graduates entering the enlisted force has declined from an All-Volunteer Force high of 245,000 in 1976 to 192,000 in 1979," a drop of 22 percent. If we take into account the fact that the population of 18-year-olds actually grew by 4 percent between 1975 and 1979, the decline experienced in male high school diploma graduates entering military service was actually 25 percent. And, according to Assistant Secretary of Defense Pirie, "Compared with the draft of the early 1960's, instead of taking markedly fewer of those from the lower end of the acceptable range, we are in fact taking more."

While we must question the cost and the adequacy of the All-Volunteer Force, it is the gross inequality of this system that cries out for us to end it.

The most onerous and outrageous aspect of our current military manpower system is the increasing reliance of the system on the poor and the black of our society to provide the men who will first be asked to fight and die to protect us all. The All-Volunteer Force has proven to be an unjust and inequitable system of economic and racial conscription, a system in which those who have the least in our society are offered the opportunity to be trained to risk all in exchange for the very thing which they have been denied by the society they are asked to defend, a job.

Again, I bring to your attention the testimony of Defense Secretary Pirie, "Blacks enter the enlisted ranks in percentages higher than that of the enlistment age black population due to the scarcity of jobs and opportunities in the private labor force."

Can anyone honestly say that the 47,840 black Army accessions, 36.2 percent of the total of 129,284—NPSO in 1979 were voluntary when we know that last month 25.9 percent of all black Americans between the ages of 16 and 24 said they wanted work and could not find it?

In 1970, when the Gates Commission concluded its study on the feasibility and desirability of instituting the All-Volunteer Force, the Commission reported to the President and the Congress:

We have concluded that the racial composition of the Armed Forces cannot be fundamentally changed by the ending of the draft. The mental, physical, and moral standards for enlistment will ensure that neither force recruits an undue proportion from minority groups or the poor.

The Commission went on to project the effect of the All-Volunteer Force on the racial makeup of the services:

The best estimate of the proportion of blacks in the All-Volunteer Force is 14.9 percent, compared with 14.1 percent in a mixed force of conscripts and volunteers.

The Gates Commission was wrong. In the case of the Army, the Commission was 170 percent wrong. In 1979 blacks comprised not the maximum 14.9 percent predicted by the Gates Commission, but 32 percent of the total Active Army enlisted strength and 21 percent of the total active duty of all the armed services.

The truth is, we have been using the All-Volunteer Force as a social safety value to relieve our society from the consequences of our failure to provide true equality of economic and employment opportunity for this Nation's minorities. At the same time we have relieved all those members of our society who are enjoying its maximum benefits from any obligation to contribute to the protection, preservation, and improvement of the Nation. This is a grievous wrong and must be stopped.

Neither we nor the President can continue to delude ourselves and the American people about the grim realities of the current deficiencies and injustices of our present military system. We have created a system which cannot be used. The only defensible reason for asking a free people to register for conscription into the service of their Nation is to justify the conscription itself. I believe if the facts are honestly, accurately, and vigorously presented to the American people, they will respond. The fact is that a system of conscription is necessary if we are to continue to meet the goals and protect the interests of our people. We cannot fairly and effectively continue to carry out the great burden of the world's leading nation without the collective commitment of our people to share the obligations that come with leadership. I believe our people will respond if they are asked. I believe they are waiting to be asked again to contribute to their Nation.

I have previously submitted a proposal to establish a comprehensive system of national service (H.R. 3603). In the "Presidential Recommendations for Selective Service Reform" prepared pursuant to Public Law 96-107 and submitted to the Congress on February 11, 1980, the President reviewed each of the proposals for national service and concluded: "The (Cavanaugh) alternative is the most promising of the four models in the context of this report." The President's report contrasted the Cavanaugh proposal, H.R. 3603, with that of Representative Paul McCloskey, H.R. 2206, and concludes that the Cavanaugh proposal would be less costly and more closely related to meeting our Nation's needs.

So long as our Nation and this Congress determine that it is essential to our preservation to maintain a large and ready military system, justice demands the obligation for meeting the manpower needs of that

system must be shared as equitably as possible by all of the beneficiaries of our society.

Our country does, in fact, have many needs beyond those of the military which are equally essential to our national interest.

The care and protection of our national resources, the health care and social needs of our poor and elderly, the redevelopment and revitalization of our urban areas are all areas of current commitment by our National Government. These needs, as our military needs, are becoming increasingly difficult to meet at the current cost.

We do not need to find new ways to spend our National Treasury; we need to find a better way to meet our currently identified needs and goals, both military and civilian.

We must, therefore, initiate a system of universal registration for public service for all young Americans between the ages of 18 and 26 years from which our country's manpower needs, both military and civilian, could be met.

Under H.R. 3603, each agency of the Federal Government would be required to designate a specific number of positions as youth service positions which would then be filled by young Americans, either voluntarily or through the monthly conscription. These young people would serve either in the military or civilian youth service positions at a subsistence level of pay. We could, through this system, offer substantial relief to the current fiscal burden of our Government while not retreating from our legitimate and necessary national needs and assuring that the obligation or the burden of meeting these needs is more equitably distributed in addition to providing the opportunity for a meaningful utilization of the energies and abilities of young Americans.

In the fall of 1968 I was a freshman law student at Creighton University in Omaha, Nebr. Robert Kennedy came to the campus to campaign. During the course of his speech to the students, he told them he felt that the law which exempted them from military service while many of their fellow citizens who were poor and mostly black were fighting and dying in Vietnam was wrong. When the students booed he told them to look around the courtyard where they were gathered. He observed that there were few blacks, fewer Indians, and no poor, and he commented that in a democratic society we could not allow that kind of injustice. I have never forgotten that afternoon in Omaha as I have never forgotten something else Robert Kennedy said that year:

Since the days of Greece and Rome the word "citizen" was a title of honor. We have often seen more emphasis put on the rights of citizenship than on its responsibilities. And today, as never before in the free world, responsibility is the greatest right of citizenship and service is the greatest of freedom's privileges.

I, therefore, suggest to the committee the legislative proposal which I had previously submitted to you. I agree with many of the comments that previous witnesses have made today, and I think that the need for us to readjust our system is becoming increasingly apparent, and I hope that the activities of this subcommittee will bring that message first to our leadership and to the President, because I don't believe that he can expect to be successful in convincing the Congress or the American people of the need for a system of registration unless there is a candid reassessment of both our current abilities

and our current system of obligations that we have to sustain those abilities in this country. So I commend the subcommittee for keeping this issue alive and for its patience and tolerance in allowing me to testify on several occasions.

WRITTEN STATEMENT OF HON. JOHN J. CAVANAUGH

Mr. Chairman: President Carter's proposal to reinstitute registration of American citizens for conscription into the military service of the nation is meeting increasing resistance in the Congress and mounting criticism among the American people. The President's proposal for draft registration has been increasingly besieged by the question posed by James Reston in the New York Times on February 13, 1979, "Registration for what?" In a February 10, 1979, Sunday editorial, the Washington Post concluded its examination of the registration proposal with the query, "What precisely is the question to which registration for the draft is the answer?"

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There is evidence that the American people are already ahead of the President and the Congress in perceiving the problem and conceiving the solution. On Sunday, March 2, 1980 the Washington Post reported "the latest Gallup poll shows 59 percent voting for a return to the draft and 36 percent opposed."

While the adequacy and effectiveness of our military forces have seriously deteriorated since the establishment of the All-Volunteer Force in 1973, the cost and financial burden on our economy and society has continued to escalate.

According to a Library of Congress, Congressional Research Service study, defense manpower costs have increased from \$24 billion and 47 percent of the total national defense budget in 1964 to \$64 billion and 56 percent of all defense spending in 1979. In addition, other personnel related items such as veterans' benefits raise personnel costs to as much as 67 percent of total defense outlays. In contrast, the Soviet Union spends approximately 18-25 percent of its defense budget on manpower.

In spite of this relentless escalation in manpower cost, the ability of our military forces to attract an adequate number of young Americans to serve continues to decline at an alarming rate. According to testimony of the Assistant Secretary of Defense for Manpower, Robert Pirie before the Military Personnel Subcommittee of the House Armed Services Committee of February 19, 1980, the active duty forces fell more than 25,000 people short in recruiting in 1979 and no service was able to achieve its 1979 objective even though force levels had been reduced by 20,000 persons from 1978 requirements.

The prospects for the future are even darker for we are now past the peak years in the number of Americans who will reach 18 each year. In 1979, 2.1 million American males reached age 18. In 1985 this will decline to 1.8 million. And by 1995 fewer than 1.7 million men will turn 18 each year. It is pure folly or purposeful foolishness to maintain that the military services will be able to draught more young Americans from this dwindling reservoir.

While the ability of the Armed Forces to attract adequate numbers of young Americans into service has decreased, the quality of those they do attract has plummeted.

Again, according to the Department of Defense, "in the last five years the number of male high school diploma graduates entering the enlisted force has declined from an All Volunteer Force high of 245,000 in 1976 to 192,000 in 1979—a drop of 22 percent. If we take into account the fact that the population of 18-year-olds actually grew by 4 percent between 1975 and 1979, the decline experienced in male high school diploma graduates entering military service was actually 25 percent." And according to Assistant Secretary of Defense Pirie "compared with the draft of the early 1960's, instead of taking markedly fewer of those from the lower end of the acceptable range, we are in fact taking more."

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SUMMARY OF THE PROVISIONS OF THE PUBLIC SERVICE ACT

1. The Selective Service System will be replaced by the Public Service System. The Director of the Public Service System will be appointed by the President. Each state shall have a state director, a state headquarters, and an appeals board. Each county will have a local placement center with members serving on a voluntary basis and appointed by the President based on recommendations made by the governors of the states.

2. Every young adult will be required to register with the local placement center between his or her seventeenth and eighteenth birthdays. At the time of registration, the individual will receive information explaining the military and civilian service options available.

3. The individual will have the following options:

- (a) volunteer at any time between the ages of 18 and 26 for 18 months of active duty military service;
- (b) volunteer at any time between the ages of 18 and 26 for 6 months of active duty military service followed by a 3-year active reserve commitment;
- (c) volunteer at any time between the ages of 18 and 26 for a 2-year period of service in an approved civilian service position;
- (d) elect any 6-month period between his or her 18th and 26th birthdays during which to expose himself or herself to a random selection process for induction into: (i) the active duty armed forces for a period of 18 months, or

(ii) the active duty armed forces for a period of 6 months followed by a 3-year period of service with the active reserve, (iii) the civilian branch of the Public Service System for a period of 2 years.

4. Individuals who do not volunteer for public service and who choose to submit to the lottery will be allowed to indicate their preference for military, military reserve, or civilian service. Each month the Director will determine the manpower needs of the three divisions of the Public Service System, and will select that number of registrants required, assigning them to the division for which they have indicated a preference and for which they are qualified. If the division that the registrant has selected has been filled for that month, he or she will be assigned to another division. Those individuals meeting the established standards for conscientious objection to military service will be assigned to the civilian division. If an individual has remained in the lottery pool for the six-month period and has not been selected for service, his or her obligation will cease, except in the event of a national emergency.

5. The current system of veterans' benefits will be made available only to those volunteering or selected for military active duty for a period of eighteen months or more. Military pay rates will not be affected by this Act. Those volunteering or selected for civilian service will receive a subsistence wage during their period of service.

6. Every federal agency will be required to designate a minimum of 5 percent of its employment positions to be filled by Public Service registrants. The Congress will annually earmark certain funds in the budget for each agency for these civilian service positions. Included in the Act is a four-year phase-in period, designed to provide for gradual placement of individuals into those positions created by attrition and promotion within the agencies. The Act establishes a Civilian Placement Bureau which will process the monthly personnel requests of the federal agencies and assign those selected for civilian service to the positions for which they are best suited and for which the individual has indicated a preference.

7. Those persons who are found to be mentally or physically unfit for service will be exempt from participating under this Act, as will those individuals who meet strict standards of conscientious objection to the entire program. Those who are temporarily unfit, pregnant women and mothers caring for children, and those with family hardships will be deferred for so long as is necessary.

8. Individuals who knowingly fail to register will be liable for misdemeanor penalties not to exceed six months in jail and/or \$500. Those who fail to complete service after being selected in the service lottery will be denied any future federal employment, any loan or loan guarantee, grant or scholarship for educational purpose, any federal home mortgage loan or loan guarantee, and any loan or loan guarantee under the Small Business Act.

Mr. WHITE. Thank you very much, Congressman. You presented a very innovative idea.

I call on Mr. Won Pat at this time. Do you have any questions?

Mr. WON PAT. Thank you, Mr. Chairman.

Again, I was following your statement very closely. I think it is a very, very good statement. Is there any similarity between your proposal and the McCloskey-Lloyd proposal?

Mr. CAVANAUGH. Well, there is similarity of concept and of motive. My proposal is more modest in scope in terms of numbers that would be required to serve, and to a certain extent the nature of the service. My understanding of the McCloskey proposal is that he would allow for alternative service to military service to cover a broader range of activities than would be included under my proposal. What I do is set aside a certain portion of civilian government jobs—my estimate would be about 5 percent—designated as youth service jobs as the only acceptable alternative to military service.

Mr. McCloskey would allow, as I understand it, alternative service in the private sector as well as the public sector in approved categories of public service.

Mr. WON PAT. What about those who are not in the younger limit? You are saying, of course, that you are allowing about 5 percent for youth-related activities.

Mr. CAVANAUGH. Right.

Mr. WON PAT. How about up to a higher age limit?

Mr. CAVANAUGH. Well, the eligibility for service under my proposal is 18 to 26 years.

Mr. WON PAT. So all in that would be eligible under your provision?

Mr. CAVANAUGH. Everyone in that age category between 18 and 26 years would be eligible for service at some period of time within that age. Not all would serve. Only that number would serve which would be necessary to meet actually defined military manpower needs or to fulfill the designated civilian service needs, which would be approximately 5 percent of the various categories.

Mr. WON PAT. Would serving in such capacity mean they would be exempt from actual military service?

Mr. CAVANAUGH. If they secured a civilian service alternative job, they would then be exempt from further military service. That would fulfill their requirement. You see, what they have is several choices under my proposal. First, you would have the choice to volunteer for either military or civilian service. You have the choice to expose yourself to random selection or conscription. You would only be exposed in peacetime for a period of 6 months. You could determine that you did not want to volunteer and that you would put yourself at risk to be selected. You may not be selected in that 6 months.

If the military manpower needs were met and your number was not called, or the civilian manpower needs were met and you were not called during the 6 months of your exposure, then your obligation would be extinguished without ever having served at all, unless there were a national emergency, in which case all would then be called.

Mr. WON PAT. In other words, in case of national emergency everybody would be subject to this?

Mr. CAVANAUGH. Yes.

Mr. WON PAT. And does your proposal contemplate also the volunteering of women?

Mr. CAVANAUGH. It includes women as well as men, right.

Mr. WON PAT. Thank you very much. I think you have a good proposal.

Thank you, Mr. Chairman.

Mr. WHITE. Thank you, Mr. Won Pat.

I have just a few questions. There has been a vote call for 12:45. We have a few minutes with suspension of the rules, but let's go forward to a few questions.

Rather than ask you individual questions, let me state some of my concerns about the plan. Of course, you know we are meeting here to consider principally whether to go forward with standby legislation at this time for women. The President has already stated he is going to make a proclamation. What you propose is an actual initiation of a draft system now, is that correct?

Mr. CAVANAUGH. That is correct, Mr. Chairman.

Mr. WHITE. OK. I don't know how that would be received on the House floor, having been smarting from 5 months ago on registration alone.

Mr. CAVANAUGH. Mr. Chairman, if I just might, I think it is just very difficult to convince people of registration standing by itself. It is very hard for either the public or Members of the Congress to listen to an argument that says our forces are fine and adequate and capable of meeting our needs, but we have to have a system by which we can conscript people to supplement those forces. It is inconsistent.

Mr. WHITE. Let me respond to the statement that you felt was an inconsistency. I submit to you there is not an inconsistency when you think this way, that the All-Volunteer Force isn't doing so well. We will grant that. The purpose of standby registration is for backup forces, and while those who go out of active service do go into the Reserves, our principal idea is to supplant troops in the event of an emergency by training them for combat roles, and it is this disparity which we are trying to cure. In your program you have one option which concerns me a little bit. Is that any 6-month period between his 18th birthday for induction to active duty for 18 months, and that is 6 months active duty? The problem is this: that places the manpower pool in limbo. Of course, at that time, say, a person opts for 26. Then the situation could change. They could be married. They could think about escaping their obligation and think of all kinds of ideas. There might be more people drafted at that time than would be needed, and therefore, when they would get to that time, when they are 26, they are not needed, which throws the program into some kind of an imbalance and you might have imbalance at any point at that time.

You would give an option for a person to serve in the military at 26 or at the age of 25, at which time, believe it or not, although you are only slightly over the hill, John, and we are a little bit more over the hill, but 26, when a young person is not as physically or mentally attuned for combat roles, because, having been in combat myself, I know that the younger people make the best soldiers because they don't think about the problems as much. They are not as likely to deter from charging the hill or whatever it takes. And so you do have a problem at that point.

Mr. CAVANAUGH. I think that is a keen observation and a fair comment of one potential inadequacy in the proposal, but it is not an unmanageable one. It seems to me that you could, while extending the obligation perhaps to age 26, constrict the exposure period of time to 21 or whatever, forcing the individual to make a decision because I would agree with you, my observation of human nature would be that many people would be prone to say, well, I do have this obligation at age 18 and put it off for no deliberate purpose.

Mr. WHITE. Hoping maybe that Congress might change its mind.

Mr. CAVANAUGH. There may be a whole variety of justifications for procrastination. The conceptual reason that it was constructed as it was is to maximize the individual freedom for the person and say that you do have to share this obligation for service, but we want it done in a manner that allows you the greatest flexibility to plan for your own life and also from the point of view of the public service that provides a spectrum and a variety of people coming into the service, so that you don't have all 18-year-olds, because there are different needs.

Mr. WHITE. Before we go on over to vote, let me ask you the last question. What happens if an emergency arises while you have got

all these other contractual arrangements that are still in limbo, with persons who have not been actually taken into the service under one of their options, what happens to the public service people in the event of an emergency?

Mr. CAVANAUGH. The public service people would continue to serve. I was a little troubled by Jack Bingham's commentary on the public service proposal that it could be used as a substitute for conscientious objection. That is not the purpose of the public service proposal. It is possible that in times of conflict it could be used for alternative service for conscientious objectors. I think you still have to have a conscientious objector section that addresses itself specifically to moral objection.

Mr. WHITE. I am talking about all of these contractual arrangements. We are tied up and people say, "Wait a minute. I am supposed to be in public service when I am 25."

Mr. CAVANAUGH. I don't think that it would be that complex an arrangement. You are only talking about 5 percent of the public service.

Mr. WHITE. Or say they go in at 26.

These are points we can discuss further insofar as our time is drawing near to vote. We are going to recess the committee at this time, and, Congressman, we appreciate your testifying. We hope even when you leave Congress you will continue to have your presence here so we can draw from the benefits of your incisive thinking.

[Whereupon, a recess was taken for a rollcall vote.]

Mr. WHITE. The committee will resume.

At this time, we are pleased to have Congressman Leon E. Panetta, who has been patiently waiting to testify.

We are pleased to have you here this afternoon. Did you wish to have your entire statement placed in the record?

Mr. PANETTA. Yes, I would like to ask unanimous consent to have it made a part of the record.

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

STATEMENT OF HON. LEON E. PANETTA, A REPRESENTATIVE FROM CALIFORNIA

Mr. PANETTA. I will try to summarize some of my thoughts.

I have introduced, along with other cosponsors—and I might indicate both Congressman McCloskey and Congressman Cavanaugh, who presented the major testimony with regard to their proposals on a national service system. They are cosponsors of my proposal, House Concurrent Resolution 271, which calls upon the President to establish a high level Commission to examine national service options.

I think as a result of the testimony that has been presented before your subcommittee this morning, as well as the beginnings of the debate on a national service system, it has been pointed out that many questions that have been asked about the system concerning about just exactly how it would operate, and more importantly I think is the question of the debate on the issue itself, which really hasn't taken place. There have been discussions, there have been issues raised, but we really have not had, I think, the kind of national debate

that needs to take place on a question as broad and comprehensive as implementing a national service system at the Federal level. It is for those reasons I have introduced this.

Similar proposals have been introduced on the Senate side. The Senate proposal introduced by Senator Tsongas would provide for the Commission to operate over an 18-month period. My proposal would provide for a 1-year period. I think that the issue of national service is not just going to go away regardless of whether Members are for or against registration, regardless of whether Members are for or against the draft. I think the real focus of attention has to be, and those issues obviously have to be discussed and debated on their own merits. We have to look to the future. We have to look to where this country is going to go with regard to manpower needs with regard to national service in this country. That seems to me is essential to be addressed.

We seem to look to the past and we are not looking to the future in discussing the kind of options that I think need to be discussed.

For those reasons I have offered this proposal. My primary goal in doing it is to have a highly visible, highly public examination of our military manpower needs, including the Reserves, and our manpower needs in the civilian sector. The Commission should then devise recommendations for dealing with these issues within the context of a national service program. We need to explore whether mandatory service is the best option, whether such service should be restricted to military requirements, and whether both men and women should share equally in any future service program, whether voluntary or mandatory.

These are issues that have obviously been raised in talking about registration. You in particular are dealing with the issue, should women be included in the registration. It seems to me these questions raise the issue of service in the future, and they have been addressed and, unfortunately, we don't have the mechanism to truly address all of these issues and how they relate one to the other. These are obviously fundamental questions.

They raise the issue of the inequities of the draft. They raise the issues with regard to whether a Volunteer Army can succeed or not. I mean, regardless of where we come out on registration, you face the very real issue of deciding in fact whether the Volunteer Army is a viable thing for the future. I have some serious questions about that. I think you share those concerns, but if we are going to move beyond the Volunteer Army, then we ought to be discussing what kind of broad service requirements are going to be provided for the country. I don't think we can do it in the context of the present debate over registration. I think that is another reason to have this Commission address those issues.

I was recently appointed by the President as a member of the Commission on Foreign Languages and International Studies. We spent a year looking at the whole area of foreign languages and international study and a need to try to develop a greater emphasis in this country on the importance of language training both from the military point of view and security point of view, as well as the economic and diplomatic point of view. That Commission drew attention from all of the authorities in the country who were interested in that issue. We had hearings in the east coast, Midwest, west coast, and South in which people who were experts in this area testified.

We pulled all of that testimony together, provided a report to the President, and as a result of that there are several legislative initiatives that are now moving in the Congress dealing with trying to provide incentives for foreign language training.

What that Commission does is it provides that national focus. It provides the ability to have the Nation discuss and debate these various options, and it then focuses on some kind of recommendations that are then presented to the President and to the Congress.

There are obviously different ideas that have been suggested here both by Congressman McCloskey as well as Congressman Cavanaugh. I have my own thoughts on it. I do think it is important to look to some kind of comprehensive national service system.

I can tell you from the Budget Committee's perspective we have now been in the process of looking at potential reductions in the present budgets, and we are looking at some of the job programs that have been provided. We are looking at some of the other programs that have been developed. Some of these are succeeding. Some are not. Most of them are not. We can't simply eliminate those options without looking to the future as to what kind of job opportunity, what kind of service opportunities are going to be available in the future.

I think there is a great potential to do a great deal of consolidation on present programs that exist, that are targeting young people, and build them into this kind of national service system. I think it makes a great deal of sense, and I think in the end you will find that the cost will be much less than the system we are now implementing on a pretty haphazard basis. So I advocate through this Commission there be a thorough public examination of the service options.

I advocate strong leadership on the part of the Congress and the President, but I think we need to act now. I think this committee can't afford to simply wait until a draft is imposed to convince our youth that such a system is needed. We need now to solicit the creative ideas of our people in examining the national service options and to meet these national service needs. So I commend to you this idea, Mr. Chairman. I think to some extent the testimony that has been presented here this morning supports the basic thrust. Whatever you do with regard to women and registration, please do not ignore the need to look at this larger issue, and I think that gives you that vehicle.

Mr. WHITE. Thank you very much, Congressman Panetta. I really believe you have a very rational approach.

Before we would launch into any other complicated program, although the need we now feel is premobilization registration, standby registration is what it is entitled, this has some merit. Of course, in the case of the language commission you spoke on, this was, I should say, an alien program, a program with which Congress is not very familiar.

When you are talking about military needs and public service needs and so on, there is a great deal of expertise with respect to committees in this area. So you really have another option besides a commission, which would probably be principally advised by bureaucrats in the respective agencies rather than people who may have this expertise themselves. You could do this in-house within

Congress itself with respect to committees. You could have an ad hoc type of committee with a short span, utilizing the staff you already have, so that you won't build up an additional committee expense. You could take some members from this committee, some members of the Education and Labor Committee, other committees that have an input into certain public services to see what program can come out of it.

If it isn't adequate, then we have to think in terms of a national program. You would get something in public debate, maybe not all of it; otherwise we could go into the commission that you and other Congressmen have talked about. Or you could do one other thing. You could take this Commission and make certain that some of its membership worked on it.

Mr. PANETTA. That was going to be my suggestion. As we did with this other Commission, the members that were interested and concerned, we felt that there ought to be representation on a commission by Representatives in Congress. I would think it would be essential on this kind of Commission to have those who are familiar with military manpower needs to be a part of that Commission.

I would think that you would want to have Senators who hold comparable positions as members of this Commission. But then, in turn, you would reach into the academic community. You could reach into the youth themselves to participate in this kind of Commission, so that it has a broader sphere of input.

It worked very well, as I said, with regard to our approach, and I think it could work very well in this area because, as I said, it does impact on what I think has to be a major issue for the future. We are talking about service in this country. That needs to be talked about, and we don't have enough people that are doing it.

Senator Hayakawa made the remark the other day about the need to bring handicapped people into service. A lot of people laughed at it, but there is something to be said about whether handicapped ought to be in this kind of system, if there isn't a role for the handicapped in providing service to this country. Those are issues that need to be debated, and so often we seem to fall back in old patterns and old habits, I think this gives us the opportunity to really look ahead to something that is innovative that replaces some of the programs that simply are not working today. I think that is our real option.

Mr. WHITE. This is a question that only tangentially impinges on what you are speaking about, but it does go to some of the testimony we have heard this morning and this afternoon. Is there any non-Communist country in the world that you know of that has public service draft for the public service?

Mr. PANETTA. I have here an article that came out in U.S. News and World Report of March 10, 1980, and according to that article it says,

Europe's neutral countries—Sweden, Switzerland, Austria, Finland, and Yugoslavia—operate volunteer programs that can subject a person for callup for duty up to the age of 50.

I don't know whether that involves any civilian opportunities as well. I think the Swedish one does. Evidently Israel does to some extent involve civilian service, and I think the German component does, too.

Mr. WHITE. This is extremely interesting, and, of course, I might mention that we are intending in this committee—at least the intention of the chairman is to try to exhaust all options under the All-Volunteer Force because that is part of the problem right now. Many of the things that were said today are absolutely true. This is what the American public at one time opted for. So we are going to look into programs and if all other things fail we are going to have to indeed do something else. The American public is going to have this decision in this democracy where we speak of freedom, whether indeed we want to commit persons to public service other than military.

Mr. PANETTA. Mr. Chairman, I would commend you for that effort. I think that one of the things that has been raised is a credibility gap on the issue of supporting registration but not supporting a draft. People say, "Well, yes, but let's face it. That is a step towards imposition of the draft."

If in fact it could be shown that registration is the one component of looking to the need for mobilization but in fact it will be a real effort to focus on the needs of the Volunteer Army and try to support it, and see what can be done to try to support it, it may help to bridge that gap.

Mr. WHITE. This occurs to me that maybe registration is like going in the troubled zone with a pistol on your hip. You don't necessarily intend to pull it but it is there in case you need it. That is what we are thinking about on stand-by registration. We don't necessarily need it, but if the time comes we do need it, it is there, and it would take too long to develop and construct and go forward, and it would be disastrous otherwise. That is the only reason we are talking about standby legislation.

Thank you very much for your testimony today. We appreciate the presentation you made. We may talk to you further.

WRITTEN STATEMENT OF HON. LEON E. PANETTA

I want to first express my gratitude to Chairman White and the entire subcommittee for holding today's hearing on national service and for inviting me to testify. As you know, I have introduced H. Con. Res. 271, which calls upon the President to establish a high-level commission to examine national service options. I envision a commission lasting about 1 year, comprised of military and civilian representatives, along with a number of representatives from the 18 to 25-year-old age group.

Let me also add that I feel especially privileged to be joined at the witness table by a number of my distinguished colleagues who have come to advocate new approaches to the idea of national service in this country. I am particularly pleased to have Congressmen Cavanaugh and McCloskey, certainly the two leading advocates in the House of meaningful national service programs for our youth, as cosponsors of my resolution. Also cosponsoring H. Con. Res. 271 are Congressmen Bedell, Downey, Fazio, Gray, Lagomarsino, Lundine, and Weiss.

My interest in the concept of national service for America's youth is not new. I have long been concerned about the decline of the service ethic in America. And I have long considered various alternatives for reversing an apparent trend toward a "me first" ethic, as distinguished from an ethic which places a premium on service and on sacrifice for the common good.

Frankly, my concern about this trend has elevated into positive alarm in recent weeks. The President's call for registration of young men and women, apart from many areas of controversy about mobilization requirements and the viability of the All Volunteer Force, fails to address what I regard as fundamental questions about the shape of any future draft that may result from registration. In fact, my conviction that we should take advantage of this opportunity in the debate about registration to begin a national debate on the questions of national service com-

pelled me to introduce H. Con. Res. 271. My primary goal is to have a highly visible, highly public examination of our military manpower needs, including the Reserves, and our manpower needs in the civilian sector. The Commission should then devise recommendations for dealing with these issues within the context of a national service program. We need to explore whether mandatory service is the best option, whether such service should be restricted to military requirements, and whether both men and women should share equally in any future service program, whether voluntary or mandatory.

These questions are fundamental because it was the inequities of the past draft during an unpopular war which helped to give rise to a new generation of Americans which questions the very idea of public service. We must lay out in advance of a draft what kinds of service may be required of our youth. Otherwise, we risk alienating the very group we need to attract. A high-level commission which seeks out ideas from the people of this country would help to weld together a consensus on the subject of service. When foreign crises and domestic problems demand a unified America, what this country doesn't need is further division.

In principle, I believe that the primary approach to national service to be studies should be an enhanced and strengthened voluntary approach. Such a program should pay particular attention to a vigorous outreach effort. Such a program should encompass a broad range of service options including an expanded Teacher Corps, VISTA-type jobs, the Public Health Service, the Peace Corps, athletic programs, and conservation service patterned after the existing young adult conservation corps or the Youth Conservation Corps. There are, quite frankly, almost as many potential service opportunities as there are individuals willing to perform useful tasks.

Moreover, this outreach program, to my thinking, should incorporate information on active military and Reserve opportunities so that we present a unified, comprehensive, and comprehensible picture of service options.

Embarking on such a plan presupposes a conviction that America's young people are willing, perhaps even anxious, to perform meaningful service for the common good, whether in the military or not, but have simply not been given sufficient opportunity or encouragement to serve.

While such a system would truly be in keeping with the principles of a free society during peacetime, we also need to plan ahead toward a possible national emergency in which mandatory service may be necessary. And so we should develop contingency plans for the optimum service system which will have the understanding and the support of the American people. I would even venture that a viable service program, which includes service options in both the military and civilian sectors, could make a call for registration less divisive and controversial than it is today.

And so I advocate through this Commission a thorough, public examination of service options. I advocate strong leadership from the Congress and the President—but we need to act now. We certainly can't afford to wait until a draft is imposed to convince our youth that it is needed. We should begin now soliciting the creative ideas of our people in examining national service options to meet national needs.

As you may know, Senator Tsongas has introduced a bill on the Senate side to create a Presidential Commission on national service. His bill and my resolution are similar, although I have suggested that the Commission last only 1 year after its first meeting, while Senator Tsongas allows 18 months. I had planned to introduce legislation identical to the Tsongas bill, but I felt that a resolution could move more quickly through the Congress. It is my hope that this subcommittee will act expeditiously on this resolution and that the full committee and the full House will adopt it as soon as possible. The longer we wait, the more difficult will be our task. I urge your support for this measure. Thank you.

Mr. WHITE. At this time we are going to call Mr. Donald J. Eberly, Executive Director of the National Service Secretariat.

Mr. EBERLY. Thank you, yes, Mr. Chairman.

Mr. WHITE. Insofar as the chairman finds himself up against a number of other appointments, would you feel in the position to summarize your testimony and place your testimony in the record in full?

Mr. EBERLY. Certainly. It is a brief statement. I would like to place that in the record.

Mr. WHITE. Without objection the entire statement will be placed in the record at this point.

**STATEMENT OF DONALD J. EBERLY, EXECUTIVE DIRECTOR,
NATIONAL SERVICE SECRETARIAT**

Mr. EBERLY. To summarize it very briefly, it seems to me that national service is really at the nexus of the relationship between the society and its young people, as you were saying just a few minutes ago.

When I appeared here before, I outlined how a service plan might work, what its costs might be and how many young people might go into it. I would like to cite briefly four events in the past year that only fortify this conviction of mine.

First, we were told last summer that the Marine Corps needed 10,000 fewer men than previously, that they could manage OK without them, and yet to somebody who has seen the targeted figures for the Armed Forces shortfall just about each year since the All-Volunteer Force came into being, it is hard to escape the conclusion that this was done less for the requirements of the Marine Corps than the failure to obtain the necessary number and quality of recruits. If that conclusion is correct, what are the implications for future adjustments in force levels?

Second, in November the Carnegie Council on Policy Studies on Higher Education issued one of its final reports dealing with young people, and it says that our society has created a status which might be called "compulsory youth—a substantial time between dependence and independence, a twilight zone of uncertainty and ambiguity of status." In its report entitled, "Giving Youth a Better Chance," the council concluded that "there is a strong case for a large-scale youth service program quite apart from military considerations."

Third, the New York Times reported last week that an unpublished Government study had found youth unemployment to be much higher than indicated in official figures. I would say to the extent that the Government condones and perpetuates this situation, it is doing a disservice both to its future and to its young people.

Fourth, I would quote just one paragraph from the February 11 report, entitled, "Presidential Recommendations for Selective Service Reform." In its discussion on voluntary national service, it says this:

Any program that would compete for the same pool of qualified individuals as the military must be viewed as deleterious in its impact on the morale and discipline as well as on the force levels of the Armed Forces as currently staffed.

Now, it does not cite any competing programs, but one wonders how soon programs such as College Work-Study and Young Adult Conservation Corps will be labeled deleterious to the interests of recruiting for the Armed Forces, because there has been a lot of opinion and conjecture about the whole youth situation, but one fact that is pretty evident is that the youth population has entered a state of decline from 1.2 million 18-year-olds to 3.3 million by 1981 or so.

If inflation is the price we pay for failure in our economic policy, Mr. Chairman, I shudder to think of the price we shall pay for failure in our youth policy.

I don't believe the draft alone is the answer. That is only a one-way street. It would demand of young people that they fulfill their responsibility without making a reciprocal demand on the Nation to fulfill its responsibility to young people.

So I conclude with the same statement that you are making with Mr. Panetta just a couple of minutes ago, that this committee has

jurisdiction over military personnel in the Armed Forces and it ought to join with other relevant committees and interested persons here in the Congress to examine the various national service proposals that have been put forward to examine the various other problems we have addressed here in terms of the malaise among young people, the educational needs of young people, the unemployment among young people, and the community service needs of the Nation, which are enormous.

A study done for the Department of Labor about a year and a half ago suggested some things that needed to be done that were not now being done.

I have obviously reached my conclusion, but I think the next step is the one you have suggested or the one that perhaps the Commission focused on.

WRITTEN OF DONALD J. EBERLY

My name is Donald J. Eberly. Although I am executive director of the National Service Secretariat and senior policy analyst at ACTION, I am testifying today as a private citizen.

When I appeared before this Committee last year, I testified in support of a national service program that would express the nation's trust in young people by asking them to serve on the frontiers of human need. I outlined how such a program would work and gave estimates of the number of young people who would enter civilian service. That information is in the record so I will not repeat it here.

Events of the past year have fortified my convictions about national service and lead me to recommend to the Congress that it give to national service more serious and holistic consideration than it has ever given. The events of which I speak relate to force levels in the military services, the education and maturation of young people, youth unemployment rates, and the conflict between Federally supported youth programs and the personnel needs of the Armed Forces.

Last summer, the U.S. Marine Corps announced a reduction in its force level of 10,000. We were told they could manage all right without them. As one observer who has been noting the shortfall in meeting recruitment targets in recent years, it was hard to escape the conclusion that the target was lowered simply because they could not get the recruits. If that conclusion is correct, what are the implications for future adjustments in force levels?

A few months later, the Carnegie Council on Policy Studies in Higher Education reported that American society has created a status which might be called "compulsory youth"—a substantial time between dependence and independence, a twilight zone of uncertainty and ambiguity of status." In its report entitled "Giving Youth a Better Chance" the Council concluded that "there is a strong case for a large-scale youth service program quite apart from military considerations."

The New York Times reported last week that an unpublished government study had found youth unemployment to be much higher than indicated in official figures. To the extent the government condones and perpetuates this situation, it is doing a disservice both to its future and to its young people.

Finally, I will quote one paragraph from the February 11 report entitled "Presidential Recommendations for Selective Service Reform" In its discussion on voluntary national service, it says this:

"Any program that would compete for the same pool of qualified individuals as the military must be viewed as deleterious in its impact on the morale and discipline as well as on the force levels of the Armed Forces as currently staffed."

The report does not specifically cite any competing programs, but one wonders how soon programs such as College Work-Study and Young Adult Conservation Corps will be labeled "deleterious."

Mr. Chairman, if inflation is the price we pay for failure in our economic policy, I shudder to think of the price we shall pay for failure in our youth policy.

Some people say the draft alone is the answer. I disagree. The draft would be a one-way street. It would demand that young people fulfill their responsibility to the nation without the nation meeting its full responsibility to its future and its young people.

National service is not a panacea but it would relate to military personnel needs, to the "twilight zone" of youth's uncertainty and ambiguity, to youth unemployment, as well as to accomplishing major unmet public service needs of the nation.

So I conclude my testimony with a request that this committee, jointly with other appropriate Congressional committees, take a hard look at our de facto youth policy and consider national service as a deserving option.

Mr. WHITE. We are going to have to hurdle the philosophical question of compulsory versus voluntary in the nonmilitary area. That is the one thing we are going to have to address, and I assume that will be part of the public debate as well. I hope we can come up with some solution to review inventory, all aspects. We have tried several times to develop programs that would place young people into the work force and the work ethic, but we have been thwarted several times. We felt we had some good ideas that were very simple and they just didn't succeed.

I am not so sure that a Government program, a regimented type of program, is always the answer to some of the problems that you have addressed yourself.

Mr. EBERLY. I think the problem there, Mr. Chairman, has been the targeted nature of some of those programs. Of course, I am speaking—the whole statement is just for myself as an individual rather than as a civil servant. It seems to me that the war on poverty has been less effective in fighting poverty than the GI bill was immediately after World War II. That was done without stigma or targets or anything; whereas the military people and educational people predicted we will have a million people going into this because they extrapolated from the way the things were in the 1930's. There were 7 million people who took up the GI bill not only because of the scholarship but they had the broadening experience of getting out of their hometown, knowing they could do radar and fight trains, so they stretched themselves.

People are going to stretch themselves in national service. A lot of the programs we have today you can't get in unless you say I have been unable to get a job, I have not been able to make it in society. The national service will not ask that question. They will ask how can you best serve your country and your fellow man.

Mr. WHITE. Are you talking about national service on a volunteer basis?

Mr. EBERLY. I am talking about a voluntary basis as opposed to a mercenary army. I agree with Dr. Moskos that we are terribly close to a mercenary army. I agree with Father Hesburgh's view, from Notre Dame, if we have the kind of national service program we have been talking about here, in which the Government expressed its trust in young people by asking them to serve on frontiers of human need in civilian as well as other areas, that we would see a larger number of young men and women coming forward volunteering for military service as well as those going into military service because that bond of trust would have been restored.

Mr. WHITE. The question then is volunteer and that is the key, and, of course, that is the question that some of these bills don't address. They address it on the basis of coercion or on actual conscription, and that is where I think the basic defect is in the bill.

Mr. EBERLY. I cited the word "compulsory" from the Carnegie Council's report, because, although we think we have a volunteer

system today, the truth is that many young people not many blocks from here have little choice. It is the Army or jail, and sometimes they are up before a judge and that is the exact choice, you get into uniform within 1 month or you will be in a striped uniform.

Mr. WHITE. We try to discourage that, but I know that happens.

Mr. EBERLY. Other members of our society through their educational and economic benefits have a broader array of choices.

Mr. WHITE. Do you have any questions?

We appreciate your coming before us and waiting so long and patiently. You have made a contribution. We are going to review all these ideas. I think we are going to follow upon some of these collective ideas and get the input from various Members of Congress.

Senator Tsongas would like to have his testimony placed in the record at this point.

Without objection, it is so ordered.

WRITTEN STATEMENT OF HON. PAUL TSONGAS, A SENATOR FROM MASSACHUSETTS

Mr. Chairman, national service is an old idea that has never been more timely or more practical. I believe that a comprehensive program of service by Americans not only has the potential to meet many human needs at home and overseas but, in addition, can help make ours a more cohesive, caring society.

The benefits of service to others are shared equally between the recipient and the provider. This fundamental value of the service experience has been proven—powerfully and personally—to me and to thousands upon thousands of other volunteers.

My two years as a Peace Corps volunteer in a small Ethiopian town was a learning experience that surpassed any formal study. There I lived and learned with students whose lives had been vastly different from my own. The Peace Corps saw me only as a teacher, but I hope my Ethiopian friends know how much they taught me. We had a very personal sense of depending on each other, so it was natural for us to know that nations also must depend on each other. Nothing before or after that time has shaped my view of the world so deeply.

THE NATIONAL SPIRIT

The experience of service puts us in touch with problems on a human scale. Without such contact, public policy tends to be made in a bureaucratic dream-world. The real impact on people's lives is lost. But living in and learning about another's culture—whether in Ethiopia or in Appalachia—brings an understanding and an approach which embraces the human element. Volunteers do not forget their experiences with VISTA and Peace Corps. They carry the experiences with them into future careers.

A national service program would help young Americans understand the complexity of chronic problems. A new commitment to service could be the right medicine for our ailing national spirit. It might help turn our society away from the extremes of the "me" generation of the 1970s, with many fashion-conscious young Americans growing up unconscious of other Americans who are struggling for basic needs.

It is astonishingly ironic that, while many young people feel their lives lack meaning, many unmet social needs are crying for help. Day-care centers go unstaffed. Elderly citizens are shuffled away to inadequate homes because there is no one to care for them. Local community projects—energy conservation and neighborhood cleanup, to name but two—seek desperately needed manpower.

The list of human needs could go on. But, in analyzing potential programs, we must look at both the benefit to the so-called recipient and the benefit to the person who serves. In service, all the participants gain. The education of the service provider is a fundamental reason that I support a program of national service for America's youth.

THE CRITICAL ISSUES

It is clear that the idea of national service has tremendous potential for the United States in the 1980s and beyond. Despite limited opportunities for full-time

volunteer service at present, many young people find ways to participate effectively in public and private programs. The possibilities for expanding such opportunities in every part of our country are limitless. But, we owe it to ourselves and future generations to confront the unanswered questions that surround any national service program:

What types of service would be most beneficial? What should be the duration of service? What incentives for participation should be used? How can involvement of youth from all ethnic, economic, and regional backgrounds be assured? How much would it cost? How could existing programs be used to offset these costs? How would coordination among different levels of government, and with the private sector, be managed? Should national service be limited to youth?

Two of the most fundamental issues are voluntary versus mandatory service, and the relationship of a national service program to the military.

Personally, I favor a volunteer service plan. I feel that the benefits derived from the national service experience would be seriously compromised by compulsory service, whether civilian or military. The idealism of Peace Corps volunteers, for example, is a major factor in the quality of their work. The wonderful learning, sharing process experienced by providers of service to others cannot be expected from an unwilling worker in national service.

Regarding the military aspect, there is much confusion and much dissent. I oppose mandatory service and so, I oppose the draft. A system of national service should not be used as a "back door" method of filling the ranks of an all-volunteer armed forces. Fear that a service program will be compulsory has caused strong popular opposition. At the present time, I believe that a program of voluntary national service is more practical and is based on better principle.

PRESIDENTIAL COMMISSION

My legislation would establish a 25-member Presidential Commission to study this issue and report its findings within two years. At least seven of its members would be young people between the ages of 17 and 25. In past consideration of national service, young people have been seriously under-represented.

The Commission's mandate should be an open-minded, comprehensive inquiry into the range of national service possibilities. Many facets of national service deserve thorough analysis and debate. Whatever our opinions on specific features, it would be senseless to establish a Presidential Commission with preconceived conclusions.

The commission approach is preferable to legislation for a full-scale national service program at this time. If national service is to be successful, it will require a wide base of support. It must be well received by the intended participants, and by federal, state and local officials, and members of private agencies, who run the programs with volunteers. I fear that to go full steam ahead with a national service program now could alienate many of these people. They might see national service as an infringement upon their territory, rather than an expansion of the programs and services they provide. The Presidential Commission will make contact with these people during the study and involve them in the evolution of the idea.

Excellent groundwork has been laid for the Presidential Commission by the Committee for the Study of National Service. Last year, the Committee issued its report, "Youth and the Needs of the Nation." It is a valuable contribution to the debate. But, it has raised more questions than it has answered.

The Presidential Commission would also be able to discover more about the tremendous interest in national service among young Americans. The Gallup Youth Survey on National Service has found that an overwhelming majority of 13 to 18 year olds (71 percent) favor a voluntary system of national service. When asked whether they would be interested in participating in such a program, 22 percent said they definitely would, and another 32 percent said they might.

I held a conference on national service at Brandeis University in February, 1980, in conjunction with the Massachusetts Department of Education. We invited high school students from throughout the state to participate in the daylong event. There were speeches, films, seminars and panel discussions. At the conclusion of the conference, my staff distributed a questionnaire to the 250 participants. Even though many people had spoken out against a national service program during the course of the day, the results of the survey were astoundingly positive. The responses indicated that 164 participants favored a system of national service, while 26 were opposed. Twenty-five students thought national

service should be mandatory and 142 thought it should be voluntary. I will admit that this was not a scientifically designed poll. However, it does clearly demonstrate that when people, especially young people, achieve a clear understanding of what is meant by national service, they will support it overwhelmingly. We seek to provide many more citizens in this country with an explanation of these ideas. I am hopeful that a Presidential Commission on National Service, holding regional conferences, taking testimony, and talking with our young people, could do just that.

The idea of national service has widespread support among young Americans now, 70 years after William James first wrote in favor of it. James predicted that, through national service, young Americans would have "the childness knocked out of them, and would come back . . . with healthier sympathies and soberer ideas." As a new decade begins, our country cries out for the values inherent in national service.

ASSOCIATION OF THE UNITED STATES ARMY,
Arlington, Va., March 3, 1980.

Hon. RICHARD. C. WHITE,
Chairman,
Subcommittee on Military Personnel,
Committee on Armed Services,
U. S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Request that the attached statement from the Association of the United States Army be included in the record on hearings concerning the subject of National Service. The notion of manning the military services is of continuing interest to the Association of the United States Army and our views as contained in the attached statement will be useful to a full discussion of the National Service issue.

Cordially,

ROBERT. F. COCKLIN,
Major General, AUS Ret.,
Executive Vice President.

3 March 1980

A STATEMENT TO THE HOUSE ARMED SERVICES COMMITTEE, SUBCOMMITTEE ON
MILITARY PERSONNEL

Mr. Chairman: I am Major General Robert F. Cocklin, AUS Retired, Executive Vice President of the Association of the United States Army. The Association of the United States Army appreciates the opportunity to express its position on the subject of National Service. It is a matter to which we have given a lot of thought. In our view National Service is a poor alternative method for trying to assure proper manning of our armed forces.

While the extended debate over the issue of how to obtain needed military manpower continues, it becomes more and more apparent that there are no easy solutions in sight. Our Association recognizes the recruitment and retention problems of the other services; however, we will confine our discussion to the Army.

You are aware, I am sure, that the Army fell short of its recruiting goal in Fiscal Year 1979, leaving the service about 16,000 short of its congressionally authorized strength. But that is only part of the story. Since the central issue you are examining is mobilization manpower, let me remind you that the Active Army is more than 75,000 below the strength it should have on the first day of a mobilization while the Army National Guard and Army Reserve, which represent a major portion of the Army's combat power and the bulk of its combat support, are 88,500 and 86,000, respectively, short of their needed mobilization strength. The Individual Ready Reserve, the Army's only source of trained manpower in the age bracket for combat service, is at least 300,000 below its required size and contains many individuals whose past training would be of little value early in a mobilization. The Administration lists some 80,000 retirees who could be recalled to help meet part of the deficiency, but many of these do not match the skills required.

In the seven years that the all-volunteer system has been in existence, it is abundantly clear from the figures cited earlier, that is has not been successful in providing the manpower needed for our Total Army. It was never intended that the all-volunteer system provide all the manpower we need for mobilization.

To be sure, there are serious deficiencies in the military manpower area that have impacted on the all-volunteer shortages and need urgent correction, such as pay, health care, educational benefits, and the like. These will influence far more heavily the retention of trained people in the force than they will in meeting first term enlistment requirements. Nevertheless, these actions are most essential to a balanced force and your committee will ultimately have to deal with them. We will be prepared to give you our views on those issues at the appropriate time.

The problem that needs addressing right now has several ramifications. One is to get in place an operational system that will permit us to bring into the military forces the large numbers needed on mobilization to make up the shortages which exist right now. So far as we are aware there exists no such requirement in any other part of the government. Hence, going beyond the actual military requirement seems to us to be (1) less cost effective and (2) inflicting unnecessarily on the young artificial requirements for government service.

Those who support National Service talk about sending thousands of relatively untrained youngsters to work in the fields, the forests and the ghettos but we have never seen a corresponding indication of enthusiasm from the departments of Agriculture, Interior or Health and Welfare. This means, to us, that those thousands of people would likely spend their period of National Service doing unchallenging, unrewarding, make-work projects under the aegis of agencies that didn't want or need them in the first place, or, and even less to be desired, foster another burgeoning bureaucracy in a government already unable to manage effectively all its ongoing projects.

The Constitution clearly charges the Congress with the responsibility to raise and support our armed forces. There is no parallel charge to provide people to perform any other governmental function. Assuming that we all accept the notion that every citizen owes a debt of service to the nation when needed, we can rationalize clearly the basis for registering everyone for Selective Service as they enter a prescribed age bracket and exposing them equally and fairly to the changing needs of the military services. Nothing could be more simple or forthright.

Someone said recently, "If it ain't broke, don't fix it." And that sums up our thought on what this issue is all about. What needs fixing now are the existing dangerous military manpower shortages. The rest "ain't broke."

Thank you.

Mr. WHITE. There being no further witnesses and no further business, the subcommittee will adjourn until 2:30 today. Members of this subcommittee will meet in this room for the purpose of establishing the primary target on the budget. This is one of the necessary legislative processes.

There being no further business at this moment, the meeting is adjourned.

[Whereupon, at 1:30 p.m., the subcommittee adjourned.]





