

[No. 16]

FULL COMMITTEE CONSIDERATION OF REPORT OF SPECIAL SUBCOMMITTEE ON PROPOSED UNDERSEAS WARFARE LABORATORY, LOS ALAMITOS, CALIF.; AND H.R. 5784, H.R. 5787, H.R. 5788, H.R. 2630, H.R. 8375, H.R. 10242, H.R. 839, H.R. 5645, H.R. 8009, AND H.R. 11144.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., Tuesday, August 1, 1967.

The committee met at 10:04 a.m., the Honorable L. Mendel Rivers, chairman, presiding.

The CHAIRMAN. Let the committee come to order.

Members of the committee, this morning we have a very full agenda, as well as the construction bill, on the floor today. This is the last of our large bills, with the exception of the military pay bill, which, of course, is as important as any piece of legislation to come before this committee. We have very good reasons for waiting to bring up the military pay bill at a later date. As soon as we find out just what direction the civil service and postal bill is taking, then we will know exactly what we can do with the military pay bill. When the military pay bill comes up we will not require long hearings. All we need is a decision. And, of course, our committee has made great strides in this regard, and I am sure we can make a fast decision. It won't take us long. That is all we have left.

I want to thank the subcommittees very much—Mr. Hébert, Mr. Philbin and all of you—for the extraordinary work you have done in meeting your subcommittees' crowded agenda, making it ready for the full committee to act on your recommendations.

This morning I have a number of things I want to bring to the attention of the committee before I ask the subcommittees for reports.

The very first thing this morning is something that has caused me a lot of worry, and I have talked with Mr. Bates about it. So I want to report to the committee that pursuant to the authority vested in me by House Resolution 124, I hereby appoint a special subcommittee to conduct a full and thorough inquiry into various phases of our national security. The subcommittee will be composed of the following members: Mr. Hardy, chairman; Mr. Hébert; Mr. Stratton; Mr. Halleck; Mr. Dickinson.

Mr. Bates and I will serve as ex officio members.

The subcommittee will proceed immediately to determine the status of plans, including contingency plans, for achieving a military victory in Southeast Asia; the ability of our Armed Forces to simultaneously meet present commitments in Southeast Asia, as well as treaty obligations, including the availability of military equipment and present and projected force levels. In this connection, the subcommittee will inquire into the existence of "shortages" in equipment and/or person-

nel as well as the extent to which they may be affected or eliminated by directed reductions in requirements, tables of organization, combat support inventories, manning levels, and reserve stocks.

In addition, the subcommittee will inform itself with respect to projected time estimates for achieving a military victory in Southeast Asia, if a plan exists for such a victory, and the number of military personnel required to achieve either a military victory or the cessation of hostilities and in the establishment of a viable government in South Vietnam.

The subcommittee will also ascertain the extent to which our naval vessels require replacement, modernization, or weapons improvements; the present status of major weapons systems previously authorized and funded; and the existence of any plans, studies, or recommendations that may affect the assigned roles and missions of each of the four services.

For the purposes of the inquiry herein directed, the subcommittee will be vested with the authority granted and conferred in House Resolution 124 in the conduct of said inquiry. All witnesses testifying before the subcommittee will be sworn.

I hope it will be possible for the subcommittee to complete its hearings prior to the convening of the second session of the 90th Congress.

Gentlemen, this is a very important subcommittee, and Mr. Hardy, you have all the help you need, and you note that Mr. Hébert has agreed to serve on this committee because of his long, long experience in this regard.

Mr. HARDY. Mr. Chairman, I would like to express appreciation for the confidence which you placed in me to head this subcommittee, and particularly my appreciation for the selection of the members that you have assigned to work with me on this subcommittee.

I think unquestionably with the background of experience and knowledge and dedication of this group there will be assured a smoother working and effective subcommittee.

You may be certain, Mr. Chairman, that you will have the full vigor of this group working together to try to carry out the mission which you have assigned.

I think, Mr. Chairman, this is perhaps, without any doubt, the most difficult and the most significant assignment that I have had in the more than 20 years I have been in the Congress. I just want you to know how much I appreciate the confidence you have shown in me to head this, and how much I appreciate the membership you have assigned, and to tell you that you can count on us for the best effort we can make.

I do want to make this observation, however: The period between now and the 90th Congress is short, the second session of the 90th Congress, is short. We will do our best to meet that deadline, but there is going to be a lot of difficulty in trying to do it.

The CHAIRMAN. Mr. Hardy, today I am going to introduce a resolution to get additional money. I am going to ask for \$150,000 to be sure you won't be requiring any additional money.

I assume that you have Mr. Reddan as your top counsel for this committee, but I am going to make available to you additional specialized personnel who are qualified and who will be qualified to assist you in this undertaking.

This committee has been reading where other committees have gone into areas for which we are charged. Our investigations of some of the small things which you people have called to our attention—we have maybe in the past overlooked some of the very vital things to the security of this country.

One of the reasons I put Mr. Stratton on this committee, is his appreciation and concern about the status of our fleet, the weapons systems on this fleet, the training of the men aboard our carriers, and the weapons at hand.

Mr. Stratton knows a lot about this Navy. He is a Reserve captain. He has had the ASW—Antisubmarine Warfare Subcommittee—and he has given great attention to this.

I know that Mr. Stratton is going to give the same dedication to this assignment that he has given to other assignments.

While he outranks you on this committee, Mr. Hébert has agreed to serve with you, which is a compliment to the committee and a compliment to you, Mr. Hardy.

Mr. HARDY. It is, Mr. Chairman. And I would like to express a special appreciation to him for giving us the benefit of his wise counsel and effort on this subcommittee.

The CHAIRMAN. Big things are expected of you gentlemen, and I am sure that you will fulfill every feeling we have of the great job I know you will do.

Mr. Dickinson, you are a new member. That is a great compliment to you that Mr. Bates has elected you. Mr. Halleck, of course, has been in Congress longer than anybody on this committee. Only Mr. Hébert and I are next to Mr. Halleck in seniority overall in the Congress. Having been minority leader, majority leader, and so many other things Mr. Halleck has a vast store of legislative knowledge that most of us don't have.

Mr. DICKINSON. Mr. Chairman, I would like to join in with our chairman and express my appreciation for being placed on this very august and distinguished committee. Looking over the seniority represented on this committee, since I am new on the committee, I figured maybe I was to tote the water. I didn't know what else I could do. I sure appreciate the opportunity.

The CHAIRMAN. Whatever Mr. Hardy assigns you to do, you do it. Mr. HARDY. You will have to do more than that.

The CHAIRMAN. You will find out you will come out a very, very well informed young man. There will be plenty of work to go around. We know you will carry out your work. We know all about you, or you wouldn't be on the committee.

If there are no other questions, we will get to the next subject matter. The next thing is the draft.

Pursuant to the authority vested in me by Committee Resolution No. 4 of the 90th Congress, I hereby establish a Special Subcommittee To Monitor and Review the Operation and Administration of the Military Selective Service Act of 1967.

The special subcommittee will be composed of the following members:

F. Edward Hébert, Democrat from Louisiana, chairman; Alexander Pirnie, Republican from New York; and E. S. Johnny Walker, Democrat from New Mexico.

Mr. Bates and I will serve as ex officio members.

This special subcommittee will act as a legislative oversight subcommittee on all aspects of the Military Selective Service Act of 1967. In performing this function, the subcommittee will take such action as may be necessary to properly perform its mission and will, among other things—

(a) Review the semi-annual written report submitted to the Congress by the Director of Selective Service together with such other specific kinds of information which may be required by the Congress from time to time relative to the administration of the Military Selective Service Act;

(b) Initiate such inquiries as may, in its discretion, be necessary to attempt to respond promptly and fully to alleged irregularities and inequities in the administration and operation of the act when requested by Members of Congress;

(c) Institute such measures as may be necessary to insure that all local draft boards and the respective directors of selective service of the various States are apprised of the purpose of the subcommittee and its willingness to receive and consider, from such sources, pertinent recommendations and criticisms of the Selective Service System; and

(d) Submit annually to the chairman of the full Committee on Armed Services a written report outlining the subcommittee's activities for the previous calendar year together with such recommendations as may be indicated.

The subcommittee's attention is invited to the recommendation of the committee's "Civilian Advisory Panel on Military Manpower Procurement" with respect to monitoring the Selective Service System. This recommendation, which appears on pages 10 and 11 of the Panel's report, emphasizes that the proper monitoring of the overall operation of the System by a committee of the Congress would increase the level of uniformity without detracting from the present independent character of local draft boards.

The subcommittee should develop its procedures in a way that will effectively supplement the present audit procedures being carried out by the Director of Selective Service and in a manner that permits the subcommittee to assist in achieving a reasonable degree of uniformity throughout the Selective Service System.

You will recall, members of the committee, we are quite concerned about uniformity.

We are going to look into this very, very carefully.

Now, Mr. Herbert, you will select your counsel, and I guess I know who it will be. You all get busy as soon as you can. I have every confidence—and I am sure the committee does—in that subcommittee.

What is the next one?

Mr. BLANDFORD. Mr. Hardy's report.

The CHAIRMAN. Mr. Hardy, you have a report?

Mr. HARDY. Yes.

The CHAIRMAN. Gentlemen, you remember, I asked Mr. Hardy to go to California to look into a project out in the Pasadena-Los Alamitos area, concerning the antisubmarine warfare. On that subcommittee were Mr. Hardy, I think Mr. Irwin, and Mr. Smith of Oklahoma.

Mr. Hardy, I wish you would make your report.

Mr. HARDY. Thank you, Mr. Chairman.

Your subcommittee put in an intensive weekend in California, sir, inspecting the various sites and the various existing facilities.

The CHAIRMAN. I want everybody to listen now.

Mr. HARDY. We went first to Pasadena, where we went through the NOTS facility there. Then we went to Los Alamitos and went over the proposed area and had discussions with the civic leadership of that area. Then we went to San Diego.

Mr. Chairman, as a result of discussions with the city officials, chambers of commerce presidents, other civic leadership in all three of these localities, your subcommittee has come up with a unanimous report, the principal recommendations of which are that we retain the present laboratory at Pasadena, but provide it with new buildings adequate to do what is needed at this location, including the purchase of the property next door needed to give the site adequate room.

The CHAIRMAN. Let me interrupt you, Mr. Hardy.

This was for the purpose of establishing an undersea warfare laboratory. Now, they have one out there now, don't they?

Mr. HARDY. Mr. Chairman, maybe I should give a little more background.

Included in the full report which I have transmitted to you by the entire membership of the subcommittee, there are at present two facilities that are engaged in conducting laboratory work in undersea warfare.

The CHAIRMAN. Undersea warfare, one of our most vital areas.

Mr. HARDY. One is at Pasadena, and the other is at San Diego.

The one at Pasadena has, heretofore, been affiliated with the China Lake operation, but it is to be separated under a reorganization. And the proposal was to consolidate the entire activity at one location in Los Alamitos, which would have entailed moving of a facility from Pasadena and the facility from San Diego to the one location at Los Alamitos, with the construction of entirely new facilities to accommodate the entire operation, plus a new function involving a group of systems analysts, along with the headquarters establishment.

Now, your committee, your subcommittee in reviewing this situation took into account the recommendations of the Science Advisory Panel, which indicated it was not necessary these functions all be in one geographical location, and as a consequence, because of the existence of a very close relationship between the facility at Pasadena and the technical faculty people at Cal Tech, your subcommittee has concluded it would be unwise to move that facility from Pasadena.

A similar situation exists in San Diego, where there is a close working relationship between the undersea warfare activity there and the Scripps Oceanographic Institute, which is located nearby.

There is also a close working relationship with the scientific personnel at UCLA, the University of California at San Diego.

So your subcommittee, after examining all of the information available, discussing the subject with the officials at both of the installations, at San Diego and at Pasadena, finally reached the conclusion which is discussed fully in this report, but the key recommendations are, Mr. Chairman, that the laboratory be retained at Pasadena, that there be an acquisition of additional space which is adjacent to the property in Pasadena to continue with the functions now being per-

formed there, and retain the cooperation and the scientific advice and skills of Cal Tech.

Similarly, the subcommittee recommends that the functions now being conducted at San Diego be retained there so that they will continue to have the benefit of the scientific advice of the Scripps and UCLA group there.

Now, Mr. Chairman, it was estimated that, if either of these facilities were moved, at least 50 percent of the present personnel would refuse to move with them, and some estimates ran as high as 80 percent.

Your subcommittee did not feel that in either case it would be safe to try to move these facilities and lose all of that dedicated and competent personnel.

The CHAIRMAN. Gentlemen, this is the reason I asked Mr. Hardy, Mr. Irwin, and Mr. Smith to go out there. To begin with, there was a line item in the bill submitted by DOD to put this project at Los Alamos, and somebody had said—I think it was one of our counsel, Mr. Norris—that Admiral Martell, who is in charge of a task force charged with the responsibility of developing undersea warfare defenses, didn't know anything about this line item, or about this project being moved from its present location to Los Alamos. He knew nothing about it.

There were also some charges, I believe, Mr. Hardy bear me out, that the base at Los Alamos was announced to be closed, I think.

Mr. HARDY. That is correct. There was a statement made about a year ago that the Los Alamos facility would be closed in 5 years.

The CHAIRMAN. Anyway, to get all these things together and find out just what the facts were, I asked Mr. Hardy to go out there. I didn't put anybody from California on the subcommittee. Just to be positive I asked these gentlemen who have not had the great privilege of living in California, and the great honor to actually have come from California, and to have represented California, and all of those things, and furthermore, I wanted the committee to see California, because I want everybody to see this great country and discover it.

Mr. Hardy comes from Norfolk, and I wanted him to see we have another ocean besides the Atlantic. He found that out, too. Anyway, he went out there and made this fine report. That is the reason for the report, gentlemen.

Mr. HARDY. Mr. Chairman, if I might make one observation——

The CHAIRMAN. This is a unanimous report?

Mr. HARDY. It is.

I would just like to make this observation: I think the unanimous view of the scientists out there was that considering all of the factors, this is perhaps the best solution that could possibly be arrived at.

Your subcommittee really worked hard to try to come up with the best possible recommendation on this, and I would like to suggest first of all that we have at least an expression from Mr. Irwin and Mr. Smith, and after that, Mr. Chairman, I would ask that the report be adopted by the full committee.

The CHAIRMAN. Mr. Irwin, would you like to add anything?

Mr. IRWIN. No, Mr. Chairman. It was a pleasure to be with Mr. Hardy. He was a good chairman, although he worked us terribly hard. It was a pleasure.

The CHAIRMAN. You go around with Mr. Hardy and you will work. That is a fact.

Thank you, Mr. Irwin. I appreciate your serving.

Mr. Smith, would you like to say something?

Mr. SMITH. I might say a word.

Mr. Hardy is a most able chairman. He pursued the object at hand with diligence, just as he does here on this committee.

I appreciate the privilege of having had an opportunity to participate in this committee work, and I believe that the decision that was made is in the best interests of national defense, and will save the Government money in the long run, and I think Mr. Hardy has well covered in his statement this morning the basic precepts and considerations that we had to consider. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. CHARLES WILSON. Just a matter of information to me—

The CHAIRMAN. Mr. Wilson of California.

Mr. CHARLES WILSON. As you realize, Mr. Hanna has made quite a to do about this thing. Just for my own information is it true that Admiral Martell, did the subcommittee find out he did not know about this line item?

The CHAIRMAN. Ask Mr. Norris.

Mr. HARDY. Mr. Norris, our counsel, did go into that on behalf of the subcommittee.

The CHAIRMAN. Mr. Norris, sit down there and respond to Mr. Wilson's inquiry.

Mr. NORRIS. Mr. Chairman, I had two conversations in the Pentagon that related to this. I never discussed it directly with Admiral Martell himself.

No. 1 was with Dr. Raney, when he said he was chewed out by Admiral Martell for not telling him about this in advance.

No. 2 was from Commander Denton, who said everything came up later in the session after everything had been submitted to the Congress.

Mr. CHARLES WILSON. Mr. Chairman, again, was there any way of determining who was responsible for putting this in, or what the reason for it was?

Mr. HARDY. It is a little difficult, I think, Mr. Chairman—you mean as to who made the decision to put it in the bill?

Mr. CHARLES WILSON. Yes.

Mr. HARDY. It is a little difficult.

The CHAIRMAN. Only tell what you know of your own knowledge.

Mr. HARDY. What say?

The CHAIRMAN. Don't conjecture; just tell him what you know.

Mr. HARDY. I was just leading up to this. I don't think we have any definite information as to how it got in there, except for the fact there is available land to put it on. There was a desire on the part of the local community to have it. We did discover those two facts do exist. The local community wants it. The land is there. But beyond that, we couldn't find any compelling reason for putting it at Los Alamitos.

The CHAIRMAN. Do you have something else to say?

Mr. NORRIS. Yes. We had sought an opportunity to discuss the matter with Admiral Martell, but Admiral Martell was in the hospital with some ailment for a couple of weeks.

The second thing is, when the subcommittee was in San Diego, they had a session with Admiral Karaberis, who had preceded Admiral Abhau in the Antisubmarine Warfare Systems Projects office. He told

us that he had specifically asked to have a briefing on the matter; because he had not heard about it in advance, and he was afraid it was undercutting the systems analysis group he had put together for the operations, for which he and Admiral Martell were responsible.

The CHAIRMAN. Gentlemen, we have a responsibility. This is a vital area. As you know, Mr. Wilson, you must have the cooperation of these scientists. And you have your share of them in California. They are making a great contribution, and I want to be certain that we continue to get the help of these great men, because this is a vital area.

Mr. CHARLES WILSON. I am satisfied, Mr. Chairman, following Mr. Hardy's report, this is a thorough investigation, and I am sure that the right thing is being done.

The CHAIRMAN. I want to thank Mr. Hardy, Mr. Irwin, and Mr. Smith, because this takes time, to go out there over a weekend and interview all these people, and without objection, Mr. Hardy's motion is agreed to and without objection the report is approved.

What is the next one?

Now we come to Mr. Philbin, the distinguished ranking member. Mr. Philbin, you have three stockpile bills I wish you would report on.

Mr. PHILBIN. Thank you, Mr. Chairman.

H.R. 5784, H.R. 5787, H.R. 5788

Mr. Chairman and members of the committee, Subcommittee No. 1 met and received testimony on five stockpile bills on April 19, 1967.

The CHAIRMAN. Excuse me, Mr. Philbin, just a minute. I don't want to overlook the important thing.

We have a policy in this committee when we have a very distinguished visitor to present them to the committee. In that regard, we have Mrs. Porter Hardy here this morning. We are very happy to have you. [Applause.]

The CHAIRMAN. Mr. Philbin, you can see why I interrupted you.

Mr. PHILBIN. That is quite a delightful interruption. I am sure we all feel that way. We are happy to have this charming young lady here with us today.

Because certain problems were raised concerning some of the bills, we did not act immediately following that meeting. We met on May 24, 1967, and again reviewed these bills with representatives of the Government. We particularly looked into the reduction of stockpile objectives together with current and future production figures and current and projected consumption rates. I am happy to say that we unanimously reported out three of the bills. We have two remaining bills under further consideration.

We agreed to vote out H.R. 5784, a bill to dispose of 15 million pounds of molybdenum from the national stockpile; H.R. 5787, a bill to dispose of approximately 7,640 short dry tons of rare-earth materials from the national and supplemental stockpiles; and H.R. 5788, a bill to dispose of 1,200,000 pounds of bismuth from the national and supplemental stockpiles.

The remaining two bills that we are holding up concern magnesium and platinum. I am hopeful that we can find satisfactory solutions to some rather complex problems regarding the disposal of these two materials.

Mr. Chairman, I move that we approve without amendments H.R. 5784, H.R. 5787, and H.R. 5788.

The CHAIRMAN. Mr. Philbin, were these unanimous reports?

Mr. PHILBIN. These were unanimous reports, Mr. Chairman.

Mr. ARENDS. I second the motion.

The CHAIRMAN. Without objection, on the motion of Mr. Philbin, the committee approves H.R. 5784, H.R. 5787, and H.R. 5788, stockpile bills, and without objection each of them is approved, and Mr. Philbin will file them on the proper calendar.

I would also like to note that a quorum is present.

Mr. Lennon.

Mr. LENNON. Thank you, Mr. Chairman.

Mr. Philbin, with respect to your platinum and magnesium bills, is it likely that some reasonable area of agreement will be reached during this session of Congress in order that your committee could report out a bill in either of those two categories, on magnesium or platinum?

Mr. PHILBIN. I may say I am glad the distinguished colleague from North Carolina propounded that question.

We are doing the best we can on these bills. We are seeking now to strike a consensus, as we like to do, with the industry. GSA and some of the Government agencies are working in that area. The committee will continue to give these bills very careful consideration, I assure you.

Mr. LENNON. I thank the gentleman, because I know he is cognizant of the need, according to industry's point of view.

Mr. PHILBIN. Yes, indeed, we are; we are working on it. We hope to get good results.

Mr. LENNON. Thank you, sir.

The CHAIRMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. On the record.

Thank you very much, Mr. Philbin.

Who is next?

Mr. BLANDFORD. Mr. Hébert.

The CHAIRMAN. Mr. Hébert, you have a report from your subcommittee.

Mr. HÉBERT. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, Subcommittee No. 2 met on Monday, Tuesday, and Wednesday of this past week, July 24, 25, and 26, in both open and executive sessions for the purpose of considering 10 bills previously assigned to it by the chairman.

The subcommittee, after very careful consideration of these various legislative proposals, voted to report seven of these bills, and passed over three.

More specifically, the subcommittee took no final action on:

H.R. 585, to increase the membership of the Board of Visitors to the Naval Academy.

H.R. 5790, to amend title 10, United States Code, to permit members of the Armed Forces to accept fellowships, scholarships, or grants offered by a foreign government.

H.R. 8232, to amend title 10, United States Code, with respect to the retired grade and pay of members who have served under certain permanent appointments.

Of the remaining seven bills which were ordered reported by the subcommittee, three were reported with amendment:

H.R. 2630, to provide for the furnishing of a uniform and the presentation of a flag of the United States for deceased members of the National Guard.

H.R. 8375, to amend title 37, United States Code to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes.

H.R. 10242, to amend title 10, United States Code, relating to the authorized strengths by grade for medical officers on active duty in the Army, Navy, and Air Force.

The following four bills were reported without amendment:

H.R. 839, to amend title 10, United States Code, to provide that members of the Armed Forces shall be retired in the highest grade satisfactorily held in any armed force.

H.R. 5645, to revise the provisions of title 10, United States Code, relating to the recoupment of disability severance pay under certain conditions.

H.R. 8009, to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program.

H.R. 11144, to authorize an increase in the number of Marine Corps Reserve officers who may serve in an active status in the combined grades of brigadier and major general.

There is placed before each of the members of the committee a brief summary of each of the bills reported by the subcommittee, together with an explanation of the action taken.

With the permission of the Chair, I would like committee counsel to read these short statements into the record on each bill, at which point I would be happy to attempt to reply to questions from members of the committee.

The CHAIRMAN. Thank you, Mr. Hébert.

Mr. Slatinshek, you go ahead and read each of the short statements on each of the bills, so every member can have an opportunity to ask questions if they have any.

Mr. SLATINSHEK. The first bill was handled by Mr. Marshall, H.R. 2630. With your permission, Mr. Marshall will discuss it for the committee.

H.R. 2630

Mr. MARSHALL. The objective of this bill is to authorize the appropriate service secretaries to furnish a uniform to certain deceased members of the National Guard and present a flag of the United States to certain persons in cases where members of the National Guard die under honorable circumstances but are not covered by section 1482 of title 10, United States Code.

Briefly, section 1482 of title 10, United States Code, provides that the Secretary concerned may provide for the recovery, care, and disposition of the remains of Regular and reservists who die in an active duty or active duty training status, or who die on authorized inactive duty training or while undergoing treatment at the expense of the United States for injury or disease contracted during such duty or training.

This section—1482 of title 10, United States Code—therefore provides broad authority to the Secretary of the service concerned to properly provide for members of the Armed Forces who die under the circumstances outlined in the preceding paragraph. However, there is no authority for the Secretary to provide National Guard members or other reservists with either a flag or uniform if their death is not directly related to their Reserve status. The only exception occurs in instances in which such reservist had also enjoyed a veteran's status within the meaning of section 901 of title 38, United States Code. In such an instance, the deceased reservist with a veteran's status is entitled to a flag presented by the Administrator of Veterans Affairs.

In summary, active reservists who die under honorable conditions not related to their performance of training, and who do not have a veteran's status, are presently ineligible for the presentation of either a uniform or a flag at the time of burial.

The Department of the Army, on behalf of the Department of Defense, considers it desirable that such authority be provided in the law in instances in which the next of kin or other appropriate person requests them. The Department points out that the fraternity of the military does not draw the line depending on the cause or time of death when the circumstances are honorable. Therefore, the entitlement which the bill would provide is deemed desirable as evidence of the public service performed by the deceased citizen-soldier. The Department, however, recommends that the bill be broadened to include not only members of the National Guard but all members of the Ready Reserve of the Armed Forces.

COST

The Department estimates that the annual death rate of persons covered by H.R. 2630 with the amendment recommended by the Department is estimated as follows:

	Officers	Enlisted
Army National Guard.....	50	380
Army Reserve.....	55	515
Navy and Marine Corps.....	74	165
Air National Guard.....	32	68
Air Force Reserve.....	12	35

The Department further estimates that the annual cost of meeting requests for uniforms and flags would not exceed \$48,000 annually.

No funds have been requested to defray the costs which the enactment of this bill would create. DOD considers experience in administering these new provisions will provide a basis for ascertaining and including such costs in subsequent budget requests submitted to the Congress.

The subcommittee recommends favorable action on H.R. 2630 with an amendment which would broaden the bill to include not only members of the National Guard, but all members of the Ready Reserve of the Armed Forces.

The CHAIRMAN. Without objection, H.R. 2630 is approved.
Now, the next one—

MR. MARSHALL. Mr. Chairman, one point: This bill was amended to include the Ready Reserve, along with the National Guard.

The CHAIRMAN. Without objection the bill, as amended, will be approved.

Now, the next one.

H.R. 8375

MR. SLATINSIEK. The next bill considered by the subcommittee was H.R. 8375.

The bill makes five distinct changes in existing law. It would:

1. Authorize reimbursements to members of the uniformed services for the actual costs of parking fees, road tolls, et cetera, incurred during official travel performed in privately owned vehicles, as is authorized Federal civilian employees.

(Previously approved by House as H.R. 12615 of the 89th Congress, but not acted on by Senate—Report No. 1630.)

(Estimated annual cost—approximately \$5,291,000.)

2. Authorize the Secretaries of the services concerned to publish joint regulations which will permit the payment of travel allowances for members ordered from a temporary duty station to a newly assigned permanent duty station with an interim trip, if necessary, to the original duty station.

Under present law, a member who receives orders to a new permanent duty station while at a temporary duty station is entitled to allowances for travel to the old permanent station only if orders specifically direct his return to the old permanent station on official business. The proposed legislation will permit such travel and transportation allowances when members are required to return to their former stations because of the lack of opportunity to close out personal affairs at the original permanent duty station.

(Previously approved by the House as H.R. 8095, 89th Congress, but not acted on by Senate—Report No. 562.)

(The Department estimates increased annual costs of approximately \$62,000.)

3. Authorize the payment of a dislocation allowance to a member of a uniformed service whose dependents travel prior to the effective date of orders directing a change of permanent station when subsequently such orders are later canceled, revoked, or modified to direct transfer to another station. The change will alleviate financial hardships which now are created when orders are canceled, modified, or revoked for the convenience of the Government.

(Previously considered by committee as H.R. 12616 of 89th Congress, but no final action taken because of inconclusive testimony re retroactive aspects.)

(The Department advises that the cost of this change would be negligible.)

4. Authorize the payment of a dislocation allowance for a member of a uniformed service when his dependents make an authorized move in connection with his prolonged treatment (6 months or more) in a hospital. Under the present law, dependents are entitled to transportation but no dislocation allowance when a member is transferred from a duty station to a hospital for observation or treatment. The Comptroller General has ruled that the dislocation allowance is payable only when dependents move in connection with a permanent change of

station and that transfer to a hospital does not constitute a permanent change of the member's duty station. The change will alleviate the financial hardships which occur in such moves by dependents.

This is a new request by the Department. The Department estimates its annual cost of implementation will be approximately \$178,300.

No. 5. Authorize transportation of dependents and shipment of household goods incident to a member's transfer from sea duty on one ship to sea duty on another ship for a regular tour of duty, when the vessels involved have identical home harbors or home ports. Presently, such a transfer involved with two consecutive tours of sea duty preclude a member from entitlement to transportation of his dependents and household effects. The Department justifies this change by stating that in the absence of this change in the law "the member must either endure separation from his family for two consecutive tours, or personally assume the costs of reuniting his family * * *".

The Department states that it cannot predict the cost of this legislative change, but believes it would result in savings to the U.S. Government.

For example, the shipment of household goods would be less costly to the Government than the continued nontemporary storage for the second tour of duty.

This was not previously requested by the Department of Defense.

This is a Department of Defense legislative recommendation, as evidenced by the letter dated April 3, 1967, to the Speaker of the House of Representatives.

The cost of enactment of the proposal is as previously indicated and totals approximately \$5,531,300.

The subcommittee had no objection to the various provisions of H.R. 8375 as recommended by the Department of Defense except for the language which appeared in section 7 of the bill amending the definition of "permanent station" to include "the transfer of a member from sea duty to sea duty when the vessels or afloat-mobile units involved have identical home yards or home ports * * *".

The effect of this change, if enacted into law, would have created an entitlement in every instance in which such a transfer occurred, and therefore, in the view of the subcommittee, could lend itself to possible abuse.

The Navy therefore was requested by the subcommittee to provide language which would permit the Secretary concerned to authorize such travel, transportation allowances, and dislocation allowances, when they are justified so as to preclude possible abuses.

The Navy has submitted language, which, in the subcommittee's view, will accomplish this objective. The language would appear as a new subsection (i) of section 406 of title 37, United States Code, and would read as follows:

(i) Where a member is ordered to sea duty on a vessel or with a mobile unit and although otherwise entitled moves his dependents and household effects to other than the homeport or homeyard of the vessel or mobile unit because of anticipated extended deployment of such vessel or mobile unit, and he is subsequently ordered to a different vessel or mobile unit which has the identical homeport or homeyard, the Secretaries concerned may authorize the movement of the dependents, baggage, and household effects to the homeport or homeyard and prescribe transportation in kind, reimbursement therefor or a monetary allowance in place thereof, as the case may be, as authorized under subsection (a) or (b) of this section.

The language is clear on its face since it provides the Secretaries concerned with discretionary authority to provide the various transportation and monetary allowances ordinarily authorized on permanent change of station. The language clearly identifies the type of situation which is involved and requires Secretarial determination as to the individual entitlements.

In other words, if the member concerned cannot justify his failure to move his family to his original home port or home yard because of anticipated extended deployment of such vessel or mobile unit, the Secretary can and will deny him transportation allowances.

The amendment offered by the Navy also strikes from section 7 of the bill as introduced the language "or the transfer of a member from sea duty to sea duty when the vessels or afloat mobile units involved have identical home yards or home ports." This is the language which would have created an entitlement in every instance by identifying such a change as a change of permanent station.

The subcommittee recommends favorable action on H.R. 8375 subject to the amendment provided by the Navy Department. The subcommittee, therefore, recommends that H.R. 8375 be amended by striking all after the enacting clause and substituting new language in the form of an amendment incorporating the language previously cited.

The CHAIRMAN. Are there any questions on this bill? This is a very important bill, gentlemen.

Without objection, this bill, as amended, is approved.

Get to the next one.

Mr. SLATINSHEK. The next is H.R. 10242.

H.R. 10242

The purpose of this proposal is to permit each service Secretary the right to determine the grade authorizations (below general and flag officer rank) for medical officers of his service based on the needs of his service, under regulations to be prescribed by the Secretary of Defense.

Under existing law, the authorized officer strength by grade is fixed by statute—Army 10, United States Code 3202; Navy Chapter 545, 10 United States Code; Air Force 10, United States Code 8208.

These grade limitations apply to all officers, whether line or staff corps. Thus, the promotion opportunity for all officers, whether in the line or staff corps, has ordinarily been uniform.

The Department of Defense advises, by letter dated May 17, 1967, that, because of the unique and special problems that confront officers in the Medical Corps of the respective services, increased promotion opportunity for such officers is highly desirable. However, in order to cope with these special problems and afford increased promotion opportunity to officers of the Medical Corps, the Military Departments are faced, under present law, with the dilemma of either:

1. Continuing to offer the same promotion opportunities to medical officers as are afforded line officers and thereby ignoring the special consideration and problems that apply to the military physician, or
2. Taking these special considerations into account by affording the officers in question (medical officers) special and addi-

tional promotion opportunities, but at the same time, offsetting this action by reducing by a comparable degree the promotion opportunities of line officers.

Neither alternative is desirable and consequently the Department has recommended legislation which will provide physicians with special promotion opportunities without penalizing their line contemporaries.

In support of its recommendations, the Department of Defense advises that in order to insure the continued availability of a high level of medical competence in each of the armed services it is imperative that each service maintain an adequate career medical corps. However, because of the unusually high rewards available to physicians, both economic as well as professional in our civilian society, the military departments are finding the task of maintaining a career medical corps almost impossible.

Indicative of the inability of the armed services, to persuade physicians to accept a military career is the extremely high turnover of physicians in the Armed Forces. Nearly one-half of the military physicians are less than 30 years of age, fresh from internship or barely out of residency training.

Among the various increased incentives deemed necessary to cope with the problem is the development of greater promotion opportunity for medical officers.

The draft bill (H.R. 10242) recommended by the Department of Defense is limited to officer grades from O-4 to O-6 (majors to colonels) and excludes general and flag grade authorizations and promotions from its provisions. The Department advises that the promotion problem in respect to these flag and general officer grades is of such a nature and complexity that it wishes to continue to study the problem before recommending a suitable solution.

The Department of Defense estimates that the enactment of this proposal as introduced would result in a first-year cost of approximately \$2 million and annual costs thereafter of approximately \$500,000.

Hearings conducted by the subcommittee substantiate the need for increased promotion opportunity for medical officers are recommended by the Department of Defense. However, the Department had not addressed itself to the career retention problem of dental officers and, therefore, had not included them within the provisions of H.R. 10242.

Testimony received by the subcommittee strongly indicated that the dental corps of each of the three services is confronted with a similar career retention problem. For example, the annual turnover of the Air Force dental officer personnel is, at present, nearly 30 percent. In the fiscal year period 1958 to 1966, the Air Force retained only 4.5 to 6.5 percent of those dental officers eligible for separation after completion of their obligatory 2-year period of active duty.

Since H.R. 10242 is fundamentally a permissive authorization it provides the Secretary of Defense with a management tool to take action whenever a need becomes apparent in respect to accelerated promotion opportunity. The subcommittee therefore believes that this legislation should properly be amended to make this management tool available to the Secretary for possible use in coping with career retention problems in the dental corps as well as the Marine Corps.

The subcommittee subscribes to the view that increased promotion opportunity will provide increased career incentives for medical and

dental officers. Therefore, it was not persuaded that this accelerated promotion authority should be limited to officer grades or colonel and below. Consequently, the subcommittee amended the bill to remove this restrictive provision recommended by the Department.

The subcommittee recommends favorable action on H.R. 10242 with an amendment which would:

(a) Extend the provisions of the bill to officers of the dental corps and,

(b) Also include flag and general officer grades within the provisions of the bill.

That concludes the statement, Mr. Chairman.

(Charts relevant to H.R. 10242 are as follows:)

YEARS OF ACTIVE DUTY OF MILITARY PHYSICIANS AND DENTISTS, 1964

Years of active duty	Physicians		Dentists	
	Number	Percent	Number	Percent
Total	12,237	100.0	6,299	100.0
1	3,192	26.1	2,898	46.0
2	2,820	23.0		
3	802	6.6	713	11.3
4	683	5.6	266	4.2
5	512	4.2	189	3.0
6	475	3.9	171	2.7
7	437	3.6	171	2.7
8	531	4.3	148	2.3
9	550	4.5	150	2.4
10	268	2.2	130	2.1
11	153	1.3	119	1.9
12	140	1.2	107	1.7
13	75	.6	57	.9
14	105	.9	72	1.1
15	87	.7	70	1.1
16	124	1.0	102	1.6
17	119	1.0	102	1.6
18	152	1.2	133	2.1
19	198	1.6	123	2.0
20	187	1.5	129	2.0
21	159	1.3	71	1.1
22	91	.7	74	1.2
23	73	.6	86	1.4
24	84	.7	79	1.3
25	65	.5	49	.8
Over 25	38	.3	16	.3
	117	.9	74	1.2

PHYSICIANS AND DENTISTS IN ACTIVE SERVICE IN RELATION TO TOTAL ACTIVE PHYSICIANS AND DENTISTS IN THE UNITED STATES, 1966

	Physicians ¹		Dentists ²	
	Number	Percent distribution	Number	Percent distribution
Total active in the United States	292,200	100.0	97,000	100.0
In active service:				
Department of Defense	13,400	4.6	6,300	6.5
Army	5,600	1.9	2,600	2.7
Navy	4,000	1.4	1,800	1.9
Air Force	3,800	1.3	1,900	2.0
Public Health Service	2,400	.8	500	.5
All others	276,400	94.6	90,200	93.0

¹ Source: American Medical Association Directory Report Service, vol. 17, Supplement No 60, Apr. 4, 1966.

² Source: American Dental Association, as of July 1965.

The CHAIRMAN. Gentlemen, this is a bill by Mr. Bennett. Mr. Bennett was way out front in his leadership on this.

It just does not make sense to have this severe shortage of medical personnel, both physicians and dentists, and DOD to do nothing about it.

We have extreme shortages. We have cases of these men being passed over and released when they wanted to stay in and were doing a good job. This is just ridiculous—ridiculous. In every civilian community there is a shortage of physicians and dentists. I want to thank the committee for going into this, Bill, as fully as you have, and for your report. It gives the Secretary of Defense an excellent management tool to alleviate these conditions.

Now, nobody can charge this committee with not grasping the gravity of the situation and trying to do something about it. We must not permit our military to go without adequate numbers of experienced career medical personnel, both physicians and dentists.

Mr. Hébert has been toying with the idea of pressing his bill to establish a military medical academy for military medical officers. We may have to come around to that, because there is an extreme shortage. And to pass over physicians and dentists, the same as you do line officers, and release them when they are needed, with good fitness reports, is just plain ridiculous.

It is like Mr. Bennett has always said, it is so ridiculous it is ridiculous. That is what Mr. Bennett says.

That is why we want to do something about it.

Without objection, the bill is approved as amended.

Mr. RANDALL. I agree; I think the subcommittee should be particularly commended for its action, and I call the attention of the chairman to the subcommittee which you created on dental care for dependents, going into this problem as far as dentists are concerned.

The CHAIRMAN. You have not made your report yet, though.

Mr. RANDALL. I understand. I want to mention this. At that time the distinction between doctors and dentists was brought out. I think we all should recognize they are in the same category, the dentists and doctors are in exactly the same category. It is so good to see the dentists have been included in this bill.

The CHAIRMAN. I know Mr. Byrne will get his report out pretty soon, pretty soon, Mr. Byrne. Get that out just as fast as you can, because we have to prepare to get this dental care for these dependents.

I am very insistent on that. These dependents need dental care. They have to get it. I know you will make a great report.

Mr. MACHEN. Just a point of information, Mr. Chairman.

Aren't they normally required to serve a minimum of 2 years, once they go on active duty?

Mr. SLATINSIEK. That is correct.

Mr. MACHEN. Why is there a great drop in your percentage in the first and second year on the statistic table? It drops from 31—I don't know what the 2,800 is—then it drops in the second year down to 802, in your statistics, coupled with that report.

Why wouldn't they have to have almost the same? They have to serve 2 years.

The CHAIRMAN. Can you explain that to Mr. Machen? If you can't let Mr. Blandford do it.

Mr. SLATINSHEK. I can't explain this one. This is a Department of Defense table you have reference to. However, it appears to be simply a difference in reporting.

The CHAIRMAN. Naturally you can't explain that.

Now, you will notice that the DOD—did you get the answer Mr. Machen?

Mr. BENNETT. We can let it go, but I think I might be able to answer it.

What was the question you asked?

Mr. MACHEN. Well, on that table, in connection with the report it shows first year, on active duty, 3,100. Then there is a figure of 2,820, right under it. I don't know what that refers to. But second year it drops down to approximately one-fourth of the 3,100, only 602; yet they are supposed to have 2 years of active duty.

Mr. BLANDFORD. I can explain it.

Actually, the 1 year is those with less than 1, and those with more than 1 year, and then you drop off at the end of 2 because your obligated service has been completed. They did that for dentists; they just gave you a combined total.

What they are trying to show you immediately after they complete the 2 years of obligated service, practically everybody goes out.

Mr. BENNETT. That is correct.

The CHAIRMAN. That is particularly true of the junior officers.

You notice that the Pentagon said they wanted to study this. This is a very historic and well-practiced Pentagon pastime. So they can study all they please. We will have to make the decision.

Without objection the report of the subcommittee is approved, and Mr. Hébert, you will get the proper calendar, and follow it through. Without objection the amended bill is approved.

Now, the next one.

Mr. SLATINSHEK. There are four other bills which were reported by the subcommittee, and these were all reported without amendment.

With the permission of the Chair, I will briefly review each of these.

H.R. 839

H.R. 839 is identical with the bill previously reported out by this committee last year and passed by the House, H.R. 2450. There are no changes in it, and it was supported by the Department of Defense. (The report on H.R. 839 is as follows:)

AMENDING TITLE 10, U.S. CODE, TO PROVIDE THAT MEMBERS OF THE ARMED FORCES SHALL BE RETIRED IN THE HIGHEST GRADE SATISFACTORILY HELD IN ANY ARMED FORCES.

PURPOSE

The purpose of the proposal is to provide that members of the Armed Forces shall be retired in the highest grade held in any of the Armed Forces provided the service performed was satisfactory as determined by the Secretary of the Department concerned.

JUSTIFICATION

This proposal would entitle a member heretofore or hereafter retired to be advanced on the retired list or retired in a higher grade in which he has served satisfactorily *in an armed force other than the armed force in which he was serving* at the time of retirement. Existing law precludes this result.

Except in the cases of certain Air Force members, retired pay based on such higher grade would accrue from the date of enactment. In the case of an Air

Force member who previously has retired in a grade lower than the highest grade in which he had served satisfactorily in the Army, the higher pay would accrue from the date of retirement but not earlier than June 29, 1948.

Additionally, the bill would correct an omission in a law pertaining to the naval service, which authorizes advancement to a higher *temporary* grade in which an individual previously has served satisfactorily but not a higher *permanent* grade. In any case, a member who is retired in, or is advanced on the retired list to, the highest grade in which he has served satisfactorily, may elect to receive retired pay based on any lower grade in which he has served satisfactorily.

This bill is identical to H.R. 2450 passed by the House of Representatives during the 89th Congress, but not acted upon by the Senate.

DEPARTMENTAL POSITION

The Department of Defense has no objection to the provisions of this bill.

COST

The Department estimates that enactment of H.R. 839 would generate an estimated cost for Fiscal Year 1968 of \$2,530,914. The normal annual cost for subsequent years is estimated as \$798,456.

SUBCOMMITTEE RECOMMENDATION

The Subcommittee recommends favorable action on H.R. 839, without amendment.

The CHAIRMAN. Without objection.

What is the purpose of it?

Mr. BLANDFORD. Highest grade for retirement.

The CHAIRMAN. Without objection.

Mr. SLATINSKIEK. The next bill is H.R. 5645.

H.R. 5645

Mr. SLATINSKIEK. This is a Veterans' Administration recommendation.

The executive branch had requested a very minor change in the recoupment provisions relating to disability severance pay to take care of hardship situations that occur when a veteran subsequent to his separation from the military experiences a rather dramatic change in the degree of his physical disability. This change will simply permit him to concurrently pay back his severance pay and receive the difference in compensation, as a result of the increase in this disability.

The CHAIRMAN. This obviates the needs of introducing separate legislation for all these overpayment things?

Mr. SLATINSKIEK. No, sir. Actually, what this amounts to—perhaps I ought to read it. It is very simple.

The purpose is to modify the statutory requirement relating to the recoupment of disability severance pay. The change would permit the concurrent receipt of disability compensation from the Veterans' Administration while at the same time limiting the rate at which the disability severance pay will be recouped by the Federal Government.

Under present law, disability compensation payments from the Veterans' Administration are not authorized until a member has paid back the entire amount of severance pay provided him upon his discharge from the military service for medical disability rated at

less than 30 percent. Therefore, in those cases in which a veteran experiences a dramatic increase in his degree of disability after his discharge, he is nonetheless precluded from receiving any monthly compensation benefits until the total amount of monthly compensation benefits withheld equal the amount of severance pay previously provided him.

This is a Veterans' Administration legislative proposal approved by the Bureau of the Budget.

The Veterans' Administration, by letter dated February 7, 1967, to the Speaker of the House of Representatives, recommended enactment of this legislation. The Speaker's letter, however, failed to identify possible cost implications of this measure. However, it appears that no additional cost will accrue to the Government as a result of enactment of this proposal.

The subcommittee recommends that the committee act favorably on the bill without amendment.

Mr. BATES. He gets the reduced figure until the amount is paid back?

Mr. SLATINSHEK. Until the amount withheld equals the amount of severance pay. It does not penalize his family which is now the case.

The CHAIRMAN. Without objection, 5645 is approved.

Is this without amendment, too?

Mr. SLATINSHEK. Without amendment, Mr. Chairman.

H.R. 8009

The CHAIRMAN. The next is H.R. 8009.

Mr. SLATINSHEK. The next bill is H.R. 8009, to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program.

The purpose of the bill is as indicated in the title.

The present language of the Dependents' Medical Care Act as authorized by Congress in Public Law 89-614 limits the program of financial assistance to private institutional care for disadvantaged dependents to care in—"institutional care in private, nonprofit, public and State institutions and facilities * * *."

The language quoted above, therefore, precludes the use of so-called profit-type private institutions despite the fact that the care provided by such institutions may be available at a reasonable cost and may be the only institution in the area providing such care.

The original restriction was that recommended by the Department of Defense because of concern over the possibility of excessive costs. The Department of Defense now finds that this prohibition is both unnecessary and actually unduly restrictive.

The application of this restriction therefore creates an unnecessary burden on military families.

The Department of Defense, by letter dated June 12, 1967, supports the bill without amendment and recommends its enactment and points out that the "advance approval" concept under which the program now operates affords the Department an ample opportunity to exclude from participation those private profit institutions not offering quality care or which have unreasonable charges.

The Departmental letter also points out that there is in existing law (10 U.S.C. 1079(f)) a provision which already excludes the use of any private institutions when public facilities are adequate and available.

The Department estimates that the enactment of this legislation will result in annual increased costs of approximately \$50,000.

The subcommittee recommends that the committee act favorably on the bill without amendment.

The CHAIRMAN. Gentlemen, the law now doesn't include these institutions, and Mr. Leggett's bill makes them eligible.

Mr. SLATINSHEK. That is correct.

The CHAIRMAN. That is all it does.

Without objection.

Mr. Leggett, that is a fine piece of legislation. I want to congratulate you. It is going to serve a fine purpose. Without objection, this is approved.

Mr. SLATINSHEK. The final bill considered by the subcommittee is H.R. 11144.

H.R. 11144

(The report on H.R. 11144 is as follows:)

AUTHORIZING AN INCREASE IN THE NUMBER OF MARINE CORPS RESERVE OFFICERS WHO MAY SERVE IN AN ACTIVE STATUS IN THE COMBINED GRADES OF BRIGADIER AND MAJOR GENERAL

PURPOSE

The purpose of the proposal is to increase the statutory ceiling on the authorized number of Marine Corps Reserve general officers from the present ceiling of 10 to a new ceiling of 15. This would be accomplished by modifying Section 5458 of 10 U. S. Code.

JUSTIFICATION

Section 5458 of title 10, U. S. Code, now establishes a ceiling of 10 on the number of Marine Corps Reserve general officers who can be maintained in an active status (Ready Reserve). This statutory ceiling is not adequate to meet either general mobilization requirements nor does it provide an adequate promotion opportunity to officers in the grade of colonel.

Under conditions of general mobilization, Marine Corps general officer requirements will increase by 16 above the peacetime level.

At the present time there are 76 active duty general officer billets authorized the Marine Corps Establishment, of which 72 are filled. However, in the event of mobilization, there would be required an additional 20 general officers to meet mobilization billet requirements. Therefore, the gap between this total requirement for 92 general officers and the present 72 filled positions could largely be met by increasing the number of available Reserve general officers. (Shortage of 20 general officers—today only 10 of these could be met by available Reserve general officers—under the provisions of the bill—15 of these billets could be filled by Reserve general officers.)

In addition to mobilization requirements, an increase in the number of Reserve general officer billets is desirable to provide a reasonable promotion opportunity for Reserve officers in the grade of colonel.

At the present time, during the period FY 1968 through FY 1971, the promotion opportunity for this grade will average 1.2% if there is not an increase authorized in the number of Reserve general officers as recommended by H.R. 11144.

For purposes of comparison, the promotion opportunity to Rear Admiral in the Naval Reserve over the same period will average 4%.

If the Marine Corps were provided the recommended increase of 5 Reserve generals, the promotion opportunity for Marine Corps Reserve colonels over the same 4-year period would average approximately 3.9%.

EXECUTIVE BRANCH POSITION

The Department of Defense, by letter dated 24 July 1967, advised that it strongly supported the provisions of H.R. 11144.

COST

Enactment of the proposed legislation will have no appreciable effect upon available appropriations.

SUBCOMMITTEE RECOMMENDATION

The Subcommittee recommends that the Committee act favorably on the bill without amendment.

The CHAIRMAN. I want to thank the committee. They had General Walt appear, the first time General Walt has appeared before a committee of Congress. He made a splendid presentation. Mr. Hébert told me about it.

This is vital. The Marines are very highly expanded now. We have four divisions. The Marines are fighting a character of warfare they have never been called on to fight before. This is very very much needed.

Without objection.

That is all of the committee reports, gentlemen. I have one other matter to bring before the committee.

Gentlemen, I plan to appoint a special subcommittee in the very near future to keep the committee informed on the status of the National Guard.

It is past time right now for people to criticize the Guard. They are doing it every day in the paper. Everybody is trying to get somebody off his back.

As you know, the President, in his message to the American people Thursday night, directed the Secretary of Defense to "issue training standards for riot control procedures to National Guard units across the country."

He said the training would begin immediately. The conditions that exist in the Nation today require us to ascertain just how effective our Guard units are when they serve in their capacities as members of State militia.

After all, their equipment is furnished by the Federal Government, and their training is paid for by the Federal Government, and it is incumbent upon this committee to ascertain whether our Guard units have the necessary equipment and whether they have received the kind of training they need for this type of duty. And finally, what we can do as a committee to help the Governors of every State in the Union to control the riots that confront them and threaten them.

If additional training facilities are required, then they should be authorized immediately. If new weapons are required, they should be obtained immediately. There is only one language that rioters understand, then, and that is the language of power, and the fear of physical destruction. The sooner rioters and looters find out that they are going to meet serious deadly opposition, the sooner these riots will stop.

I will announce the appointment of the subcommittee in the very near future. I want to tell you that I am planning to appoint such a committee. Of course, we can't make the Governors issue orders, and we can't make the Governors do anything, but we are going to have to do what is our own responsibility; give the Guard everything they

need for the fulfillment of their constitutional mission, because, after all, the Guard is the Governors' Army.

As I said on the floor the other day, everytime there is a riot or somebody sees smoke coming up on the other side of the hill, we can't send the U.S. Army in there. This can't happen. The Guard is for this, to keep order.

Only under the law and the statutes, when the Guard cannot keep order and the Governors are confronted with conditions beyond their control, then may the President send the Army into any area—I don't care where it is. But first the Guard is our responsibility for this sort of a thing. We have got to be sure, Dr. Hall, as all of you have said, we must carry out our mission, and that is to see that the Guard is properly cared for and properly equipped and properly trained.

In this bill today, gentlemen, I want you to listen—all of you—in this bill today that we have on the floor we have provided \$10 million for each of the Departments for military construction for the Guard

Come up here, Mr. Cook, and sit down right in that chair right there. What is that \$10 million for, Mr. Cook?

Mr. COOK. We have \$10 million for construction of facilities for the Army Reserve, and \$10 million for the Army National Guard.

The CHAIRMAN. We got it for both, for the Army Reserve and the Guard; and I might call to your attention, Secretary McNamara did not request it, and indeed, he says he has no use for it.

This is not our responsibility. We make it available because the Reserve and the Guard said they needed it. I want you gentlemen to know that I am trying to keep on top of these things, because that is what you want me to do.

Mr. Bennett.

Mr. BENNETT. Mr. Chairman, before the President's speech, a short time ago, I had introduced a measure which was identical, as I understand it, with what the President says he is going to do and that is to provide for special training and riot techniques, and material and things of that type, within the National Guard. This gives us a structure which we have already, and we can improve it.

I think we ought to give consideration to the possibility of passing that bill out. In the first place, you see, the President's statement is the thing that can come or go. I think we ought to make a determination of our own in the Congress that we feel that riot control techniques are a good thing to put in the hands of the National Guard, and I think it would serve a useful purpose to enact this bill, even though the President has said at this particular moment in history he is going to do the same thing.

The CHAIRMAN. Well, it appears that the President doesn't need any more authority. He has all the authority he needs.

Mr. BENNETT. He may not need authority, but he can withdraw the authority.

I think we should enact a law. I don't think we should turn it over to the Executive to decide whether we need it or not.

The CHAIRMAN. We are going to have an investigation to see if we need it, Mr. Bennett. I would rather trust the Guard with a gun than some of these people with magnesium bombs running around here promising to burn up the Capitol.

I will appoint the committee as fast as I can. I am breaking my neck to try to get finished. As you know, we passed your bill, Mr. Leggett. Go ahead, Mr. Leggett.

Mr. LEGGETT. I hoped the committee would perhaps go into the question of the numbers of authorized strengths in our Guards in various States, because it seems to me that the primary mission of the Guard is to control problems that arise within a State, and for a situation to arise as it did in Michigan, where I guess they were 3 days into a riot and they had to call for outside Federal troops, I think psychologically that is poor. It is poor for our public relations outside of the United States.

I think we should be able to solve these problems within a State for a reasonable period of time, and I would hope that we could reassess these strengths, looking forward to situations being handled on a local level.

The CHAIRMAN. Let me say this: When did we pass H.R. 2?

Mr. SLATINSHEK. We passed H.R. 2 this session of Congress. We also passed 17195 in the last Congress.

The CHAIRMAN. We passed H.R. 2 in February.

Mr. SLATINSHEK. Yes, sir.

The CHAIRMAN. We passed H.R. 2 in February. It has been over in the other body since February.

Now, if that had been promptly enacted, Mr. Hébert's distinguished subcommittee and the conferees appointed—I planned to be a conferee, and I do plan to be a conferee—we could have met with the Senate and did just what you are talking about. We know exactly where we stand. So this is one thing against us.

This subcommittee can look into that.

Every time I see Senator Russell, I urge him to complete action on this bill.

Mr. Lennon.

Mr. LENNON. Thank you, Mr. Chairman.

I don't want to be repetitious, but I do want to associate myself with the remarks made by the gentleman from Florida, Mr. Bennett.

I do feel the Congress has a legislative responsibility, irrespective of what the President may have directed the Secretary of Defense to do with respect to the training of the National Guard.

The gentleman from Florida's bill is an authorization or a direction by the Congress to the Secretary of Defense to do what the President has asked him to do, but the President tomorrow, for one reason or another, can change that position.

That is the reason I think personally that the Congress has the responsibility in this field. And I want to identify myself with the remarks of the gentleman from Florida, Mr. Bennett.

The CHAIRMAN. We still have an opportunity to do a lot of things if we can ever get the bill through the other body.

Thank you, Mr. Lennon.

Are there any other questions?

Thank you very much, gentlemen. We meet at 12 o'clock. I want everybody to be on hand.

Gentlemen, everybody here has wondered why this committee has never had the jurisdiction of foreign military assistance. There are a lot of developments moving fast across the scene. I notice by the

paper Senator Fulbright has introduced a resolution which has gotten bipartisan support on the review of our commitments treatywise, and a lot of strong men over there are behind it.

This could materially change our present commitments, something the Nation has been requesting from where I come from.

This may make it more timely that our committee get the jurisdiction to handle the military assistance legislation. There may be some discussion on that on the floor, and I urge and beg each member, each one of you, to be on the floor, because I understand there may be an effort made to take from us the jurisdiction we now have, properly, in Southeast Asia, and indeed, the infrastructure part of the bill on the floor today for NATO.

We will finish the bill today, gentlemen.

This is all subject to the call of the Chair.

(Whereupon, at 11 :18 a.m., the committee was adjourned to the call of the Chair.)

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