

STATEMENT OF
MICHAEL P. CLINE
MASTER SERGEANT (RET)
EXECUTIVE DIRECTOR,
THE ENLISTED ASSOCIATION OF THE NATIONAL GUARD
OF THE UNITED STATES (EANGUS)

BEFORE THE
UNITED STATES
SENATE COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON PERSONNEL

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DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Enlisted Association of the National Guard of the United States (EANGUS) does not currently receive, nor has the Association ever received, any federal money for grants or contracts. All of the Association's activities and services are accomplished completely free of any federal funding.

Mr. Chairman, Members of the House Committee on Armed Services Military Personnel Subcommittee, I am honored to have this opportunity to present the views of the Enlisted men and women of the National Guard of the United States. Our members are very confident that you will, through your diligent and conscientious efforts, give serious consideration to the needs of today's citizen soldiers. The men and women who willingly enlisted to serve their communities and their country are truly the finest ever.

The National Guard has been called upon more than at any time in history to provide peacetime and combat-ready support for contingencies around the world. The Army and Air National Guard has represented a stable force and has acted as a storehouse for skilled professional personnel as well as an effective structure to retain skilled personnel departing the active services. The Army and Air National Guard need to assure its members that it can recognize them for the important contributions that they make to the national security and defense of our country.

On September 11, 2001, the American people were introduced to a new situation that will become a fact of life in the 20th Century. Terrorism is a relatively new concept to many Americans. It was something we saw as affecting countries across the great divide of the Atlantic and Pacific oceans. It was a foreign concept to many of us, and something we had to worry about only if we were traveling overseas to certain countries and at certain times. Terrorism is no longer foreign. It has been brought home to America and will remain a constant threat, one that will remain in the backs of our minds and keep us looking over our shoulders as we go about the routine of our daily lives. We all must now keep in mind that the threat of a nuclear, biological, or chemical attack upon our nation is imminent. The role of the National Guard in homeland defense and security is now at the forefront of issues facing the administration and the Congress. What we decide at this juncture will set into motion the course that our country will take and the future of our children. We understand the magnitude of the decisions facing our leaders, and know that they are not being taken lightly or in haste. The men and women of the Army and Air National Guard thank you for giving us the opportunity to voice some of our issues.

Immediate Annuity Retirement System For Members Of The National Guard And Reserve Components

The first issue EANGUS would like to see addressed is that of an immediate annuity retirement system for members of the National Guard and Reserve components with twenty years of service. This immediate retirement annuity upon attainment of twenty years of service would provide a significant recruiting and retention incentive. Currently, when a National Guard member or Reservist retires, he/she must wait until they become 60 years of age to draw their retirement. When this age requirement was established, the nation did not use the National Guard and Reserve components as much as we do now. The Guard participates in real world contingencies on a regular and frequent basis and maintains the same readiness standards as their active duty counterparts. After twenty years of dedicated service in uniform, a disparity exists between the traditional Guard members and their active component counterparts. We applaud Congressman Saxton's introduction of HR 3831 to reduce the retirement age from 60 to 55. We believe that this is a big step in bringing about equity in the Total Force, along with the increase in retirement points that this committee has approved. The retirement program for the Reserve Components

has gone unchanged since 1948; however, we believe it is time to eliminate the current point limit and allow members to receive credit for all points earned.

Extension of the Period of Eligibility of MGIB 1606 Benefit

Extend the period of eligibility of the Montgomery G.I. Bill 1606 benefit from ten years to for as long as the member is active in the National Guard or Reserve components. Eligibility for Chapter 1606 of the Montgomery GI Bill is automatic upon incurring a six-year Reserve service obligation, earning a high school diploma or its equivalency, and completing initial active duty training. A part-time student could take up to 10 years to finish an undergraduate degree due to interruptions for changes in work, family, Guard assignments, or other situations. Eligibility for Chapter 1606 MGIB benefits to members of the Selected Reserve should be extended for as long as they remain members in good standing of a Selected Reserve unit. This would expand the value of the MGIB from not only a recruiting incentive, but also as a retention incentive. Last year Congressmen Buyer and Taylor introduced HR1962 that would have extended the MGIB benefit to members of the National Guard and Reserves for as long as they remain members of the Selected Reserve. This would have cost \$5 million dollars per year. Last year, Charles Cragin, former Acting Under-Secretary of Defense for Reserve Affairs sent a letter to the Co-chairs of the House Armed Service Committee addressing this issue. In his letter, Mr. Cragin acknowledged that extending the benefit to fourteen years would have a great affect on retention within the Guard and Reserves and cost \$1 million dollars annually. Several years ago, an informal study was done on the number of members of the Guard and Reserves leaving the service. The study revealed that men and women with eight to fifteen years of service leave the Army and Air National Guard at the rate of about 57,000 over a three-year period. The National Guard has invested time and money into training these men and women and the loss of well-trained soldiers and airmen at such an alarming rate should be considered unacceptable. With very little to offer these men and women, other than a small retirement they cannot begin collecting until age 60, there is not much else to entice them into reenlisting and remaining members of the Selected Reserves. EANGUS believes that by offering these men and women the opportunity to use their MGIB benefit for as long as they remain within the Guard and Reserves, we would be able to retain rather than lose these members. Now more than ever, it is important to keep trained National Guard members and Reservists within the Reserve Components.

Change SSCRA (Title 50) to Include Members of the National Guard Called to Active Duty Under Title 32 At the Request of The President & Revise SSCRA To Increase Rent Protection, Add Protections For Vehicle Leases And College Students Called to Active Duty

While it is not the jurisdiction of this committee, we are trying to raise the awareness among all of Congress and focus their attention to the issue of the Soldier and Sailor Civil Relief Act (SSCRA). The men and women of the National Guard have been contributing to the defense of the homeland since the events of September 11th unfolded. They have been on duty at the nation's airports, nuclear power plants, water treatment facilities, national parks, the nation's capitol, and will assume border patrol duties shortly. They are deployed under two Federal Titles as well as state active duty. The difference between the two Federal Titles and state active duty poses a

problem with compensation and protections that these members of the National Guard who are deployed receive. If fortunate enough to be called to active duty under Federal Title 10, these men and women will receive all Federal pay and benefits including medical coverage under TRICARE, job protection under the Federal Uniformed Services Employment Reemployment Rights Act, and protections under the Federal Soldier and Sailors Civil Relief Act. The members of the National Guard deployed under Federal Title 32 receive some federal benefits such as pay, but do not receive protection under the Federal Soldier and Sailors Civil Relief Act (Title 50).

Another problem with the SSCRA would be that it does not offer protection for vehicle leases. If a service member has a vehicle loan, he has options to free him from the debt, minimize his losses and eliminate the financial obligation. Under a lease agreement, military members are committed to the lease term and must pay extensive financial penalties to get out of the lease, frequently more than the cost of the lease payments would have been!

Since the SSCRA has not been updated since 1991, EANGUS would like for the Congress to revisit the amount of financial protection covered for rent or mortgage protection. In ten years, the cost of living has gone up considerably, and the \$1,200 dollars of rent protection would not come close to what a two-bed room apartment can cost in the D.C. Metro area, where rent on a two bedroom can exceed \$2,000 dollars per month. In Los Angeles, CA, a two bedroom unit costs on average around \$1,700 dollars per month. The same applies to New York City.

EANGUS would also like to see revisions to the SSCRA to cover college students called to active duty so that if their education becomes interrupted due to a mobilization, they would be able to go back in good standing without penalty in regard to either grading or tuition for classes already paid for but not completed due to the mobilization. Most colleges already cover members of the Guard and reserve if called to active duty before a semester or quarter is completed; however, there are a few that do not.

The Enlisted Association of the National Guard of the United States is seeking the support of the Congress to amend the Soldiers and Sailors Civil Relief Act of 1940 (SSCRA) to include members of the National Guard called to active duty under Title 32 at the request of the President as well as raising the amount of rent protection, and adding provisions to cover vehicle leases and students who are attending colleges and universities or any other accredited educational program.

Commissary Card & National Guard and Reserve Component & Gray Area Retirees Commissary Benefit

While considering parity in benefits in regards to the active duty and reserve components, the issue we would like to bring to the attention of the HASC Personnel subcommittee would be that of the pink commissary card. National Guard and Reserve members are currently authorized only 24 commissary visits per year. Not only are the visits limited for members of the National Guard and Reserve Components, they are tracked by a cumbersome and costly access card that must be re-issued each year by reserve component commands. Millions of dollars per year could be saved

by not having to print and mail commissary cards to Guard and Reserve members and gray area retirees. Equal access to commissary stores, in parity with their active duty counterparts, is a benefit that recognizes the increased responsibility of the reserve forces for homeland defense and worldwide deployments.

Other Important Personnel Issues of EANGUS

- National Cemeteries are intended for those who have served their country in the defense of this nation. Many Reservists are eligible for burial in these cemeteries based on their service after mobilization. Service in the Reserves is as important, as much a hardship, and potentially as dangerous as service in the active duty forces. Statutory authority should be given to implement and allow consideration of Reservists as equal to active duty personnel regarding burial rights in National Cemeteries.
- National Cemeteries allow for dependents' burial, but make no provision for single soldiers to allow parents to be buried with them. EANGUS believes that the parents of a single soldier/airman, with surviving spouse or dependant child, should be able to be buried.
- Military Technicians are actually traditional Guard personnel, and are paid as traditional Guard personnel. Currently, Technicians are not eligible for reenlistment bonus incentives. EANGUS believes that military Technicians should receive bonuses based on the same criteria as other Traditional Guard Personnel.
- The National Guard comprises a significant percentage of the total Armed Forces of the United States. The men and women of the National Guard deploy worldwide for humanitarian and national security reasons. Certain retired men and women of the National Guard with twenty or more years of creditable service are qualified for federal military retirement benefits, but have never served on active duty, and therefore were not issued a DD Form 214. These men and women without a DD 214 are not considered "veterans" by the Department of Veterans Affairs and are denied significant benefits they have earned and deserve. EANGUS believes that the retired men and women of the National Guard described above should be considered veterans for the purpose of establishing eligibility for benefits provided by and through the Department of Veterans Affairs, including but not limited to, health care services and medical treatment at Veterans Affairs hospitals and similar facilities.
- Space Available Travel access needs to be broadened for National Guard and Reserve members. Implementation of this proposal would not require an increase in the number of aircraft available therefore cost is minimal or revenue neutral. All services, and both enlisted members and officers, would benefit from worldwide availability. Increasing access to Space-A Travel would provide a greater efficiency per flying hour with more seats filled as well as contributing to an important and vital component of the total force and an integral part of our national security. The future of our military is dependent on the contributions and existence of our young airmen and soldiers. The National Guard's force

strength is challenged and there needs to be an additional incentive to join the National Guard.

- EANGUS believes there should be a first time enlistment bonus for a term of 6 (six) years for all soldiers and airmen from any Military Occupational Specialty (MOS) or Air Force Skill Code (AFSC). We also urge the Congress of the United States to fund reenlistment bonuses for airmen and soldiers completing their initial enlistment obligation and committing to an additional term of 6 (six) years, in any MOS or AFSC.
- Currently, in order to receive a commission, an individual must be able to complete 20 years of active commissioned service before reaching age 55. This means that he/she must be commissioned prior to their 35th birthday. In order to retire, a member must have 20 years of creditable service upon reaching age 60. A more reasonable upper limit for a commissioning age would be 40. This initiative provides an incentive for the enlisted force pursuing an education, and EANGUS believes that the maximum commissioning age should be increased to 40.
- To qualify for Reserve retired pay, a member must be credited with 20 satisfactory years of service, with the last 8 qualifying years in a Reserve Component. The National Defense Authorization Act in FY 95, to only require the last 6 years to be in a Reserve Component, amended this. This restriction made sense back in the 1950's when the Reserve Components wanted to ensure Reserve members had time vested in the Reserve Components to be eligible for a retirement. But today, with movement between the active and the Reserve Components, and the emphasis on Total Force, it is an impediment to active duty members who would like to join a Reserve Component. EANGUS believes that this requirement should be eliminated by the elimination of 10 USC 12371(A)(3).
- The aircrew flight incentive pay for all Army and Air Selected Guard and Reserve members is based on a 1/30 of a month's pay for each day the duty is performed. All active duty and Active Guard and Reserve (AGR) aircrew members are eligible for the full month's entitlement regardless of how many days they perform the duty. The training requirements for the active component and Guard and Reserve members are the same. EANGUS urges the Congress to enact legislation to equalize the Flight Incentive entitlement for all aviators of the U.S. military forces.
- Section 101(22) of Title 37 states that inactive duty for training does not include work or study in connection with a correspondence course of a uniformed service. In addition, section 206 of Title 37 states, "this section does not authorize compensation for work or study performed by a member of a Reserve Component in connection with correspondence courses of the armed forces." The code was affirmed in a July 6, 2000, memo to the Principal Deputy Assistant Secretary of Defense for Reserve Affairs in which the DoD General Counsel indicated that "Congress apparently intended to limit compensation to training and instruction appropriately undertaken in settings normally thought of as constituting 'drills' or active-duty training." EANGUS believes that all computer-based distributed learning that is required by a unit and scheduled as an

additional training assembly for a certain date and time that provides for interaction and monitoring between an instructor and unit personnel, regardless of where unit personnel access the DL training, should be compensated without legal objection. The dramatic shift in training technologies and philosophies over the previous ten years warrants a change. EANGUS urges DoD and Congress to incorporate appropriate language in Title 37 to allow compensation for all Reserve Component personnel taking any means of unit-required distributed learning training and for all unit-required distance learning.

- The Department of Defense operates Child Development Centers in military installations to provide certified childcare for active duty and civilian personnel provides funding to defray at least 50% of the operating costs. Traditional Guard members, AGRs and Military Technicians in the National Guard have the same need for reasonably priced, certified childcare. The current Military Child Care system requires non-appropriated fund accounting systems and competitive service employees, neither of which are available in the National Guard. The National Guard is capable of operating Child Development Centers using state or contractor employees through the existing Master Cooperative Agreements between the federal government and the states and territories. EANGUS strongly urges DoD, the Department of the Army, the Department of the Air Force and National Guard Bureau to support and authorize Military Child Development Centers in the National Guard. EANGUS also urges Congress to enact legislation to provide funding for these centers.
- Military pay still significantly trails years of accumulative inflation. Prior to last year, pay raises were .5% below the consumer price index. The National Guard is in competition for personnel who can choose to work overtime at their civilian jobs or get drill pay. Many states are under strength. Increased pay is an incentive to recruit and retain personnel. The Enlisted Association of the National Guard of the United States urges Congress to enact legislation authorizing a “catch-up” pay raise.
- Current military pay regulations do not recognize service beyond 26 years of service. National Guard and Reserve military personnel tend to serve for 10-20 years longer than their active duty counterparts, who draw their retirement check between age 37 and 42 (on average). The seventh quadrennial review of military compensation recommended a pay step at 28 years of service is implemented. EANGUS strongly urges Congress to support legislation authorizing pay raises recognizing 28 years of military service.
- There is an active discrimination practice against single members without dependents in the Reserve Components. Single members are not afforded the same BAH allowance as married members when on active duty. DoD Financial Management Regulation, Volume 7A, Chapter 26, Paragraph 260203 allows a Reserve Component member without dependents who is called or ordered to active duty on or after 5 December 1991, in support of a contingency operation (other than a member who is authorized transportation of household goods as a part of the call or order to duty), to be entitled to BAH at the “without dependent rate.” The member is unable to occupy his/her primary residence because of the call or order to active duty. The single member, while performing active

duty for the government, still has the requirement to have some kind of housing, whether by ownership or by renting. EANGUS urges the Department of Defense and the Congress of the United States to support extension of this provision to authorize BAH payment for any active duty performed by single members.

- The Selected Reserve Incentive Programs do not enjoy permanent statutory authority. These programs are effective tools to obtain and retain National Guard and Reserve Component members. The temporary nature of the Selected Reserve Incentive Programs reduces their effectiveness as retention tools because Reserve Component members are unsure of program funding in future years. EANGUS requests that Congress make the Selected Reserve Incentive Programs permanent.
- In 1997, the Defense Authorization Act increased from 60 to 75 the number of retirement points a Guard or Reserve members can earn in a year. Legislation passed last year to increase it further to 90. Most Reservists earned at least 63 points each year, losing 3 of them in the years prior to 1997. The Reserve Components have maintained an accounting of all points earned. EANGUS urges Congress to amend section 12733(3) of Title 10 to make the increase in retirement points retroactive and eliminate the ceiling on points that can be earned per year.
- The Chief of Staff of the Army has initiated a program to reduce the percentage of non-commissioned officers (NCOs) to a level at or below 47% of the total Enlisted strength of the Army, Army Reserve and Army National Guard. This change would jeopardize the readiness of the Total Army. These force reductions cause instability within the force and have significant adverse affects on recruiting and retention. EANGUS urges the Congress of the United States to support maintaining the current structure in the Non-Commissioned Officer corps in the Army, Army Reserve and Army National Guard.

The active duty military is dependant upon the National Guard in order to sustain readiness to meet the demands of the current national military strategy. It is a fact that 52% of combat support is found within the Reserve components. This “total force” structure has taken more than twenty years to achieve, and cannot be undone in a short period of time. Add to the worldwide contingency operations the new homeland defense mission, and it becomes very clear that the National Guard will be called upon to contribute to this nation’s defense more than ever before.

During the period of the 1990’s this country saw unprecedented growth and financial opportunity. The wall that separated East and West Germany came down and with its demise came the end of the Cold War, and with that end came a force draw down of America’s military. Optimism was plentiful and seemed to grow with the closing of each military installation. Defense spending was cut and, therefore, new equipment to replace aging and increasingly unreliable equipment slowed and the resources stretched beyond the limits of reasonable life expectancy as the drawdown continued. We didn’t invest in our nations defense for ten years, and then came the events of September 11th, 2001. According to our President, there are two inescapable truths about terrorism in the 21st century- first America’s vulnerability to terrorism will persist long after we bring justice to those responsible for the events of September 11th, and second- the technological

ability to launch destructive attacks against civilian populations and critical infrastructure spreads to more and more organizations and individuals with each passing year. This trend is an unavoidable byproduct of the technological, educational, economic, and social progress that creates jobs, wealth, and a good quality of life. Keeping all of this in mind, EANGUS believes that it is not only time to invest in the nations military defenses, but also in the people who choose to serve their country. We must make sure that the men and women the American people will come to depend upon even more in the near future for their protection and security must themselves feel secure in the knowledge that their families will not become homeless because they couldn't pay the mortgage or the rent, or that financial ruin will follow them because of their unselfish and patriotic decision to serve their country and their people.

