

**JROTC: PROTECTING CADETS
FROM SEXUAL ABUSE AND
INSTRUCTOR MISCONDUCT**

HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY
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COMMITTEE ON OVERSIGHT AND
REFORM

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JROTC: PROTECTING CADETS FROM SEXUAL ABUSE AND INSTRUCTOR MISCONDUCT

Wednesday, November 16, 2022

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON NATIONAL SECURITY
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:02 a.m., in room 2154, Rayburn House Office Building, and via Zoom, Hon. Stephen F. Lynch (chairman of the subcommittee) presiding.

Present: Representatives Lynch, Maloney (ex-officio), DeSaulnier, Wasserman Schultz, Speier, Grothman, and Foxx.

Also present: Representatives Garcia of Texas, Houlahan, and Fallon.

Mr. LYNCH. The subcommittee will now come to order. Without objection, the chair is authorized to declare a recess of the subcommittee at any time.

The chair now recognizes himself for an opening statement.

Good morning, everyone. Thank you for being here.

Today the Subcommittee on National Security will examine the Department of Defense and military services' administration and oversight of the Junior Reserve Officers' Training Corps program, or JROTC.

As established by Congress, the statutory purpose of JROTC is to instill in our Nation's high school students, quote, "the values of citizenship, service to the United States, and personal responsibility, as well as a sense of accomplishment," close quote.

In furtherance of that objective, JROTC offers participating high school students or cadets an immersive military learning environment that includes coursework in leadership, civics, ethics, history, health, and STEM, as well as service-specific classes in seamanship, land navigation, aviation history, and aerospace science.

The program also provides cadets an important opportunity to visit military installations off campus and participate in other extracurricular activities with fellow students.

As chairman of the Subcommittee on National Security, I believe that the JROTC program is instrumental in developing our young people who may be inspired to embark on a life dedicated to military or civilian public service.

That is precisely why the program must be subject to meaningful oversight and operate within maximum transparency and accountability for the benefit, the health, and the safety of every cadet.

Regrettably, that is not the current case. In July 2022 an extensive *New York Times* investigation concluded that within the past five years JROTC instructors have been criminally charged with sexual misconduct involving students at a rate that is, quote, “far higher than the rate of civilian high school teachers.”

The investigation also found that many other JROTC instructors have been accused of misconduct but never charged.

Our own subcommittee investigation has further revealed that the extent of instructor misconduct within JROTC is even more disturbing than previously reported.

In a moment we’ll hear testimony from DOD and the military services about the actions they are taking to ensure that the safety and well-being of JROTC cadets is in place.

I look forward to hearing more about how they are working to improve the vetting and certification of JROTC instructors, how allegations of instructor misconduct are reported and handled, and how the military services conduct oversight of their respective JROTC programs.

I’d like to conclude by framing today’s hearing within a broader strategic context.

The United States military, the finest volunteer fighting force in the world, is currently grappling with an unprecedented recruitment and retention challenge. This is driven at least in part by a lack of trust among our Nation’s young men and women and their families that the United States military will protect them from unnecessary physical and psychological harm, both at home during training and when they are deployed.

Many of the young men and women who join JROTC do so with the noblest aspirations of serving our country, either in military or civilian service. And so, when they do, when they don their military uniforms, even as high school students, they are entitled to such protections as we would wish for our own sons and daughters.

As the Department of Defense and Congress continue to address our current readiness and recruitment challenges, it is vital that we restore and maintain the public’s faith in military service. We can begin by demonstrating to those who are eager to serve our country that we do not take their health and safety lightly.

It is imperative that we honor the sacred commitment of our JROTC cadets by ensuring that they are being educated in a military culture and environment that prioritizes their well-being and is reflective of their service on behalf of our Nation.

I want to thank our witnesses for their willingness to testify today.

And I will now yield to the distinguished ranking member from Wisconsin, Mr. Grothman, for his opening statement.

Thank you.

Mr. GROTHMAN. Thank you, Chairman Lynch.

Before I get started, I’d like to ask for unanimous consent to have Mr. Fallon from Texas waive onto the subcommittee for the purposes of questions.

Mr. LYNCH. Without objection, so ordered.

Mr. GROTHMAN. Thank you.

I would also like to thank the witnesses for all appearing today. This is a very important issue and it’s a proper topic for oversight.

We have the greatest military in the world, primarily because of the men and women who serve. These men and women often grow up wanting to serve their country and join the Junior Reserve Officer Training Corps in high school or the Reserve Officer Training Corps in college to prepare.

These programs provide training, education, and leadership skills necessary for the military. JROTC operates in every state and has more than 3,500 programs. Approximately 538,690 cadets are enrolled.

That's pretty good for approximately, isn't it?

The programs are vital to the success of our military. Unfortunately, recent reporting regarding sexual abuse and instructor misconduct is very concerning. *The New York Times* found that 33 JROTC instructors in the past five years have been criminally charged with sexual misconduct involving students.

This is shameful. It's at a far higher rate than civilian high school teachers.

At least seven were flagged for allegations previously but allowed to keep teaching. In total, over the past five years there have been 60 allegations of sexual misconduct against JROTC, with 58 of the 60 substantiated.

While those 58 received an initial suspension of certification, more must be done to protect our young men and women who wish to serve in uniform.

I'm interested in asking each of you not only what your plans are to protect your cadets in the future but also if there are any identifiable patterns across these allegations. Patterns of location, demographics, age, and gender would help inform where the reforms could be most tailored to provide the largest return and protect the most cadets.

I hope this will be a productive hearing and result in substantive change from each of you.

Again, Mr. Chairman, I thank you for holding this hearing. And I yield back.

Mr. LYNCH. I thank the gentleman.

Again, we have several Members who are not on the Oversight Committee but who have done remarkable work in this area, in addition to Mr. Fallon, who has already been waived on.

Without objection, the Member from Texas, Congresswoman Sylvia Garcia, is recognized for the purpose of participating in questioning the witnesses.

And without objection, the Member from Pennsylvania, Congresswoman Houlahan, is recognized as well for the purpose of participating in the questioning of the witnesses.

Thank you.

I will now introduce our witnesses. First, we'll hear from Mr. Thomas Constable.

I did not realize we also are graced with the presence of our full committee chairwoman, Mrs. Maloney. And, Mrs. Maloney, the gentlewoman from New York, is recognized for an opening statement.

Welcome.

Mrs. MALONEY. Thank you to all of our witnesses and to you, Mr. Chairman and Ranking Member, for holding this important hear-

ing and for your many years of leadership advocating for the health and safety of everyone who proudly and bravely wears our Nation's uniform.

The Junior Reserve Officers' Training Corps program, or JROTC, provides high school students with an important opportunity to strengthen their leadership and interpersonal skills, improve their physical fitness, and pursue their education, all while immersing themselves in military culture.

Every year thousands of young cadets graduate from JROTC. Many of them go on to pursue a career of military service. This program is crucial for the future of our military. So, I was deeply disturbed by the report in *The New York Times* this summer finding that dozens of JROTC instructors have sexually assaulted their students, abused them, and harassed them.

That is why Chairman Lynch and I wrote to the Department of Defense and the military services in August seeking information about how the military services conduct oversight of their JROTC programs and what changes are needed to protect cadets from predatory instructors.

What we have learned from the Department is truly alarming. *The New York Times* identified 33 JROTC instructors who have been accused of sexually assaulting their students in the last five years.

But our investigation, as the Chairman noted, shows that the problem is far worse than what was reported. We found that the Defense Department has received at least 60 allegations of sexual abuse, harassment, or other misconduct in the past five years, 58 of which were substantiated following a law enforcement investigation.

The Department also told us that the military services do not always conduct annual in-person evaluations of their programs for JROTC. While the Army conducts so-called "assist visits" on a yearly basis for individual programs in need of "additional attention," it otherwise only inspects one-third of its units each year. Meanwhile, the Air Force completes in-person assessments every three years, while the Army and Marines perform such examinations every other year.

I want to be clear: The vast majority of JROTC instructors are decent and trustworthy members or former members of our armed services, and they continue to serve our country honorably by teaching and mentoring our next generation of leaders for the military. But our investigation has exposed that a lack of Pentagon oversight appears to have enabled the predatory behavior of some of the JROTC instructors.

Any allegation of sexual assault, abuse, or harassment in this program is one too many and needs to be addressed. These are our future leaders in our military. We need to respect them and treat them in ways that they are protected.

I hope that today's hearing will illuminate some of the lapses that have contributed to sexual abuse by JROTC instructors, and I am confident that the Oversight Committee, led by this subcommittee, will continue to work in a bipartisan way with Mr. Grothman and others to ensure the safety and well-being of our Nation's young cadets.

I thank the chairman for holding this hearing, and I look forward, very much forward, to the testimony and to your ideas of how to make sure this never happens again and how our distinguished military goes forward in a way that protects our young cadets.

I yield back.

Mr. LYNCH. The gentlelady yields back.

And I just want to say that I know this is one of the final hearings that we will have during this current session, and I do not want to miss the opportunity to say thank you to Chairwoman Maloney.

I have served with you for over 20 years on this committee, and I can think of no one who has been more productive or persistent under the rubric of oversight in investigating and correcting some of the wrongs that we have seen during our time in this Congress.

And I just want to thank you for your leadership, not only on this issue but on so many issues over the past 20 years. I know that you have been a prolific lawmaker.

I can think of few Members in this Congress that have produced as much legislation as you have, Madam Chair. And you have been both energetic and heroic on championing issues on behalf of people who are powerless, and in this case our high school students, who may feel that they are overmatched and at a power disadvantage.

So, I just want to take this opportunity to say thank you for your wonderful work on behalf of the people of New York's 12th District in Congress. I want to congratulate you on an illustrious and highly productive career. You have been an example for all of us. So, thank you very, very much.

Mrs. MALONEY. Well, I thank you for your leadership, and Mr. Grothman and Ms. Houlahan and everyone here that's working on this issue, and you've shown great dedication, effectiveness, and leadership. And I'm honored to be supporting your efforts today.

Mr. LYNCH. Thank you.

Now I will introduce our witnesses.

First, we'll hear from Mr. Thomas Constable, who is the Acting Assistant Secretary of Defense for Manpower and Reserve Affairs at the Department of Defense.

Mr. Constable's position directs the Department's overall manpower policies, including force training and education. Mr. Constable previously served for more than 20 years with the United States Army as an Active-Duty soldier before retiring from service in 2008.

Next, we will hear from Ms. Yvette Bourcicot, who is the Acting Assistant Secretary of the Army for Manpower and Reserve Affairs.

In this role, Ms. Bourcicot manages manpower personnel and Reserve Component affairs for the United States Army and provides advice to the Secretary of the oversight of human resources, training, and force structure, as well as other important readiness matters. Ms. Bourcicot previously served as an officer in the United States Air Force from 2000 to 2010 and has held several other roles in the Department of Defense.

We'll then hear from Mr. Robert Hogue, who is the Acting Assistant Secretary of the Navy for Manpower and Reserve Affairs.

In this role, Mr. Hogue is responsible for the overall supervision and oversight of the Navy's manpower and Reserve Component affairs, including the development of programs and policy related to military personnel and Naval education. Mr. Hogue has a distinguished career as a member of the Senior Executive Service with the Navy and the Marine Corps, including previously serving as the senior legal adviser to the Commandant of the Marine Corps.

Finally, we'll hear from Mr. Alex Wagner, who is the Assistant Secretary for the United States Air Force for Manpower and Reserve Affairs. In this role he provides overall supervision for matters related to the Air Force's manpower, military and civilian personnel, and Reserve Components. Mr. Wagner has also previously served in multiple civilian roles at the Defense Department, including as former chief of staff to the Secretary of the Army.

Mr. Constable, Ms. Bourcicot, Mr. Hogue, and Mr. Wagner, could you please rise so that we can swear you in? And could you please all raise your right hand?

Do you swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that the witnesses have each answered in in the affirmative.

You may be seated.

Without objection, your written statements will be made part of the record.

With that, Mr. Constable, you are now recognized for an oral summation of your testimony.

STATEMENT OF THOMAS A. CONSTABLE, ACTING ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS, DEPARTMENT OF DEFENSE

Mr. CONSTABLE. Good morning, Chairman Lynch, Ranking Member Grothman, Madam Chairwoman by surprise, and distinguished members of the subcommittee. Thank you for the opportunity to testify today to discuss the Junior Reserve Officers' Training Corps program, better known as JROTC. We might call it JROTC as we get going throughout the morning.

"Every officer holds a special position of moral trust and responsibility. No officer will violate that trust or avoid responsibility for any of their actions."

Those are not my words. Those are the opening to the Officer's Creed. It's required learning for all new officers and the creed that we all try to live by in all we do in the Department of Defense. But sometimes we fail, and when we do it's our moral obligation to take stock of our processes, to ensure we're doing all we can to set conditions for the success of our members.

Today that includes the retirees who are honored to continue to wear the uniform as instructors, and that includes the high school students who have heard the call early in life and joined a Junior ROTC program.

There is no place, no justification for the misconduct that has taken place within the JROTC program. These incidents are directly opposed to our core values and in no way reflect the military

training and education that JROTC instructors received while serving in uniform.

The Department of Defense has an unwavering commitment to the safety and well-being of all JROTC participants and to holding personnel accountable for any misconduct. We do this in coordination with the schools, the military departments, and the Department of Education.

To that end, my office has been coordinating closely with the military departments to conduct a complete review of governing policies. We have found areas where we can improve in standardized policy and procedures across the services in order to prevent sexual harassment and assault, to hold personnel appropriately accountable when there is misconduct or abuse. We intend to have some updated policies in place by the end of this year.

We are also working closely with the Department of Education, given its role in regulating and enforcing compliance with Title IX and the resources available to them to ensure that victims receive the help they need in response to sexual misconduct.

We must never allow anyone who represents the Department of Defense, either directly or indirectly, to break faith with our communities.

Over 3,400 schools across 50 states and territories have invested in hosting JROTC by hiring over 7,500 military retirees as school employees to teach JROTC to a demographically diverse population of over half a million students who elect to pursue this course annually. We owe it to these students and communities to offer appropriately screened and trained candidates for employment in the schools as JROTC instructors and to hold individuals accountable when there is misconduct.

To say that any case of instructor misconduct is unacceptable is an understatement. JROTC should be the shining example of duty, honor, country within the schools we serve.

This issue has the highest attention across the highest levels of Department leadership. Our full review of governing policies and regulations is just the first step to ensuring we have effective oversight and administration of the JROTC program.

The Department of Defense acknowledges our moral obligation to protect those in our care and hold accountable the standards of military retirees who are privileged to continue to wear the Nation's uniform as JROTC instructors.

We remain profoundly committed to doing right by our students and our educational communities by providing the support and resources necessary to supplement the development and prosperity of our great Nation and its future leaders.

Thank you again for your time and the opportunity this morning. I look forward to your questions.

Mr. LYNCH. Thank you.

The chair now recognizes Ms. Bourcicot.

You're now recognized for five minutes for a presentation of your testimony.

**STATEMENT OF YVETTE K. BOURCICOT, ACTING ASSISTANT
SECRETARY OF THE ARMY FOR MANPOWER AND RESERVE
AFFAIRS, DEPARTMENT OF THE ARMY**

Ms. BOURCICOT. Thank you.

Chairman Lynch, Ranking Member Grothman, distinguished members of the subcommittee, thank you for the opportunity to testify on behalf of the men and women of the United States Army.

I would like to start by stating that I share your outrage regarding the reported mistreatment of Junior ROTC cadets, and I understand why this is such an important topic to discuss today.

As a proud graduate of Oxon Hill High School JROTC just over the bridge in Maryland, I have a unique connection in understanding of this program. I remember vividly proudly putting on the uniform for my first time, getting my first opportunities at formal leadership, learning about discipline, health and wellness, and most important, what it means to be a citizen of these United States of America.

I'm grateful for my instructors—Lieutenant Colonel Tony Edler (ph), Colonel Curtis Spencer, Chief Master Sergeant Frank Killebrew, and Master Sergeant Dave Ferguson—who helped mold me into an Air Force Junior ROTC cadet, a senior ROTC cadet, an Air Force officer, and for laying the foundation for me today as the Acting Assistant Secretary of the Army for Manpower and Reserve Affairs.

I want to emphasize that Army senior leaders require personnel who are placed in a position of trust to act in a manner that is worthy of that trust. My team and I are prepared to work transparently with you to improve the Army's Junior ROTC program and prevent breaks in that trust from happening again in the future.

The Army's top priority is its people, to include students participating in Army JROTC activities. Sexual harassment and sexual assault have no place in our Army. We take JROTC instructor misconduct very seriously, given our longstanding commitment to providing a beneficial program for students and our emphasis on preventing harmful behaviors.

JROTC instructor mistreatment of cadets is particularly egregious because of the faith and confidence that the Army, parents, students, and the Nation place in those teachers, and we will not tolerate it.

From Secretary Wormuth and Chief of Staff McConville to our TRADOC commander, General Gary Brito, our cadet commander, General Tony Munera, our brigade commanders, and our instructors in the programs, we lead and follow by our Army values.

The United States Army Cadet Command oversees the Junior ROTC program and is proactive in its approach to screening instructor candidates and training instructors to provide a safe learning environment for our cadets.

Instructors found unsuitable due to illegal activity or behavior contrary to Army values are decertified permanently and removed from Army JROTC classrooms.

Six years ago, Cadet Command broadened its procedures to include the Tier I FBI background check screening in accordance with Army Directive 2014-23. This screening is the cornerstone of

the Army's JROTC instructor vetting process and enhances the local school district screening process.

That said, we can and will go further to prevent and punish instructor misconduct. The Army is working in coordination with the other services and the Department of Defense to improve oversight of the JROTC program, decrease the chance of these incidents from occurring again, and ensure the continued success of the program.

As Chairwoman Maloney said, the overwhelming majority of Army JROTC instructors perform their duties honorably every day. In its 106th year, the U.S. Army has the oldest JROTC program in the United States. Providing service and civic-related instruction to students in 8th through 12th grade is an exemplar of programs for our youth.

In the past five years, its 1.2 million participants contributed 14.6 million hours of community service. Just one example is the Cypress Lake High School JROTC cadets, Fort Myers, Florida, who led campus cleanup following Hurricane Ian.

Research shows that JROTC cadets have a higher high school attendance rate, a higher high school graduation rate, and a higher grade point average than their peers. We're proud of this work and appreciate its value in enabling America's youth in increasing their propensity for civil service.

Chairman Lynch, Ranking Member Grothman, distinguished members of the subcommittee, thank you for the opportunity, and I am happy to take your questions.

Mr. LYNCH. Thank you.

Mr. Hogue, you're now recognized for five minutes.

STATEMENT OF ROBERT D. HOGUE, ACTING ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER AND RESERVE AFFAIRS, DEPARTMENT OF THE NAVY

Mr. HOGUE. Good morning, Chairman Lynch, Chairwoman Maloney, Ranking Member Comer, Ranking Member Grothman, and distinguished members of the subcommittee.

I appreciate the opportunity to appear before you today to discuss the actions that the Department of the Navy has taken in response to the reported sexual misconduct involving Navy and Marine Corps Junior Reserve Officer Training Corps instructors, JROTC.

I want to convey on behalf of Secretary Del Toro and the senior Department of the Navy civilian and military leadership that we take every instance of alleged sexual misconduct very seriously and are taking immediate action to improve the JROTC program to do everything within our power to avoid any future instructor misconduct.

Across the Nation, the Navy and Marine Corps partners with more than 800 JROTC host schools with roughly 100,000 participating students. JROTC teaches life skills that colleges and employers highly value in prospective applicants but that are typically not taught in high school curriculum. Through the JROTC curriculum, instructors help cultivate skills that position students better for success inside and outside the classroom.

Our youth need positive leaders, mentors, teachers, and role models to help prepare them to make good decisions in life and become productive citizens of our Nation.

JROTC instructors are often trusted adults and mentors in the lives of these students and their units. The Department is taking action to update policy and training to ensure that JROTC instructors do not betray that trust.

We understand the seriousness of these incidents. While the vast majority of our instructors perform in an exemplary way, Navy and Marine Corps JROTC programs have had 23 incidents of sexual misconduct involving cadets in the last five years and in every case, we took immediate corrective actions.

Although JROTC instructors are employees of the individual school systems, the Department understands and takes very seriously that the instructors' conduct directly affects students and the services' relationship with the American people. We are striving to ensure that all instructor conduct is appropriate and positive, building trust with JROTC cadets, host schools, and the American people.

These are sensitive issues, particularly because the victims are minors. It is sometimes difficult for the Department to know the exact nature of the misconduct and the results of every investigation as local authorities and school districts occasionally do not or cannot release information.

But we are committed to working with our partners and local authorities to improve our assessments of instructors and to improve reporting and response processes.

We welcome additional oversight and are committed to improving policies and processes to partner more closely with the host schools to ensure our cadets are safe. We will be steadfast in protecting JROTC cadets, our Nation's next generation of leaders.

Thank you for the opportunity to appear today, and I look forward to answering your questions.

Mr. LYNCH. Thank you.

Mr. Wagner, you're now recognized for five minutes.

**STATEMENT OF ALEX WAGNER, ASSISTANT SECRETARY OF
THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS,
DEPARTMENT OF THE AIR FORCE**

Mr. WAGNER. Chairman Lynch, Ranking Member Grothman, distinguished Members of Congress, thank you for your continued support and for the opportunity to testify today on the status of the Department of the Air Force's Junior Reserve Officers' Training Corps program.

Air Force JROTC is a statutorily mandated citizenship program, one that supports the development of America's youth by building character, leadership skills, and a commitment to national service. The program seeks to instill a sense of pride and professionalism, personal responsibility, and provide a basic familiarity with America's Air and Space Forces.

Like you, I am outraged by the acts of instructor misconduct within JROTC. Even one incident of this nature is too many, and it's unacceptable.

The JROTC instructor corps represents the Department of Defense, and they are expected to be role models in our partner schools, trusted adults and mentors. We have a special obligation to ensure that they safeguard the lives of the young women and men entrusted to their care.

The incidents of sexual misconduct highlighted by *The New York Times* are inimical to our ethos and our institutional core values. Given the incidents of misconduct identified and our own review, it is clear the Department of the Air Force must do more to prevent this type of misconduct from occurring at any of our JROTC units.

To improve our prevention efforts, we're currently reviewing oversight, committing resources to ensure proper staffing levels, enhancing screenings, and revamping initial and recurring trainings. Finally, we're taking steps to attract and retain a female instructor corps more representative of the female cadets in our program.

Our goal is to reduce the number of sexual assaults, harassment, and other incidents of exploitation to zero. And to that end, I am committed to improving oversight and enhancing program resources.

In closing, I'm very thankful—and I want to emphasize this—to the outstanding instructors and staff who continue to work hard day in and day out, giving their best to this program, in order to motivate and inspire our next generation of leaders. Their efforts truly change lives and grow a stronger Air and Space Force.

As previously stated, even one incident, however, is too many, and we owe our cadets a program where all associated with JROTC can learn, grow, and thrive. We are aggressively taking action focused on improving the safety and well-being of our cadets and want to ensure that Congress and the American people know that we take these responsibilities seriously.

Thank you for the opportunity to appear before you today, and I look forward to your questions.

Mr. LYNCH. Thank you.

The chair would like to offer a motion for unanimous consent that we enter into the record a *New York Times* article, which is the subject of this hearing, dated July 9, 2022, by Michael Baker, Nicholas Bogel-Burroughs, and Ilana Marcus.

Without objection, so ordered.

Mr. LYNCH. The chair now recognizes himself for five minutes for questions.

I've had the opportunity to serve my district, the Eighth District of Massachusetts, for more than 20 years, and for that time I've also been a member of this committee and this subcommittee. And our highest priority across the board for all of our members, both sides of the aisle, has been the health and safety of our sons and daughters in uniform. And we take that responsibility extremely seriously, that we must have a commitment to protect those who serve and sacrifice on behalf of our freedom. There can be no higher responsibility.

So, the subject of today's hearing, which is the sexual abuse and harassment of JROTC cadets, who in most cases are children, who aspire to serve and defend our country, is especially disturbing.

I think it might be helpful to hear from our witnesses where the gaps are. Where have we failed? It would seem to me that there

are probably five areas that jump out at me after reviewing our internal investigation, as well as the accusations and reports of *The New York Times* columnists and reporters.

One would be the preparation of our instructors, our JROTC instructors. And are we instructing them in a fashion—and it is apparently at great variance from state to state and school district to school district whether or not certifications are necessary, whether or not teacher training is necessary, the degree to which we require potential instructors to engage and understand what their responsibilities are.

There is also an, I would say, organizational gap between JROTC and our military and the school districts, and there's a lack of clarity in terms of the lines of responsibility, I think. And I think it's a case-by-case basis, depending on the MOU, the memorandum of understanding between the JROTC and the particular school district. And I understand that that is not uniform across all jurisdictions.

Then there's the reporting issue. As *The New York Times* pointed out, there's a question of the reporting of abuse and whether or not that is seriously followed up, if students are informed of their protection from retribution, because many of them have said—many of these victims have said that they felt trapped and that they were jeopardizing the potential benefits of the four-year program if they indeed reported their abuse to a superior.

And there's also the chain of command aspect that overhangs this whole situation.

There's a question about the removal of—and this is repeatedly brought out in *The New York Times* article—the removal of instructors, because a number of these individuals, when eventually convicted, had records of prior abuse but had not been taken out of the process. And some were transferred and allowed to continue their abuse.

And then support for the victims, as well, to make sure that following any allegations they are reinforced and supported and helped in their desire to eventually join the military.

So let me start with you, Mr. Constable. In those areas, could you indicate where you think we might renew our efforts to strengthen some of those vulnerabilities?

Mr. CONSTABLE. Thank you, Mr. Chairman.

We look at this across the board just as you've described it. Inconsistency is probably a characteristic that's fair to apply here. And as we look across the population of not just the misconduct cases in front of us now but the program overall, what we see is 3,400 different schools, each with its separate memorandum of agreement, as you've said.

And so where we're headed is toward—we're really pushing toward policy that would standardize such things. Standardization, I think, is the watchword going forward. As we do that, we work closely with the Department of Education to bridge some of those gaps where we don't have access into the schoolrooms.

As far as reporting goes, personal data for children is a sensitive, very sensitive issue anyhow. So conveying that from 50 different states has different rules and policies perhaps that we don't have access to.

I think going through state department, we'll see what we can cover. And I think that if we can't get there still, we'll be back to work with the committees to see what might be done going forward.

The lack of clarity of lanes with the schools is very understandable. Again, these are primarily different from the environment of a military unit where servicemembers serve. These are high school students who are living a high school student's life, and one elective throughout their day may be the Junior ROTC program.

So, in that context the schools offer to them resources for immediate reporting, for access to local law enforcement, et cetera. Title IX with Department of Education will bring more resources to bear to ensure that they're meeting all of the requirements set forth in the statutes there.

As we go forward, we'll look to standardize again not just the MOAs but the reporting procedure to ensure that it includes everybody, from the school all the way up through us and the Department of Education.

And then with regard to standardization of the process for response to allegations, the services can address when we go down the line, Mr. Chairman. But I will say that one standard is that when allegations are made, certifications are immediately suspended. When allegations are substantiated, those certifications are then permanently withdrawn. So, any case that doesn't get through, we would have to look into to find the specific details of that case.

Mr. LYNCH. Thank you.

I have exhausted my time. And I would now recognize the ranking member, the gentleman from Wisconsin, Mr. Grothman, for five minutes.

Mr. GROTHMAN. Yes, the statistics show that you're far worse than a regular school. And there's not maybe the appropriate alarm here in your testimony.

Mr. Hogue, why are you worse than an average school district that hires teachers? Why are we so far behind even that standard?

Mr. HOGUE. Mr. Grothman, thank you for the question.

I don't know the numbers that you're speaking of. I'm sorry. I can't speak with any familiarity of how we stack up against regular high schools and allegations that are faced within districts concerning teachers.

But I assure you we are very alarmed at every instance that's reported in *The New York Times* article or that we've become aware of otherwise.

Mr. GROTHMAN. That's what it says here. Do any of you even know that you're worse than an average school district? Would you be more afraid to put your kid in a JROTC program than a regular school? None of you ever heard that before?

Mr. HOGUE. Mr. Grothman, if I could, I visited some of our JROTC units last week in preparation for this hearing to make sure that I had some understanding of what the conditions look like in local units. And I had this conversation with two principals. In both cases those principals said to me 23 instances out of 100,000 students. Of course, that's not good. But in our particular county, we have many more allegations against teachers.

I didn't do anything to hunt down those numbers, sir. But that was the response I got at the local level.

Mr. GROTHMAN. Just so I understand we're not being tricked here, there are, I assume, way more teachers than JROTC instructors.

Mr. HOGUE. Yes, sir.

Mr. GROTHMAN. Are you talking about a percentage basis or just a total basis more?

Mr. HOGUE. Sir, I didn't attempt to get any further clarification from the principals I spoke with.

Mr. GROTHMAN. OK. Then you're giving me statistics that are meaningless.

You mentioned you removed people from the classroom. Are they criminally referred or not? Or if you discover something like this, do you just say move to another state or whatever?

Mr. HOGUE. Sir, when we receive the information from the schools—generally it is from the schools that we receive the information—we immediately suspend the certification of the instructors involved and cooperate with the school districts in the investigation of the incidents. Those investigations are conducted locally and are under local law enforcement supervision. We are not directly responsible for those investigations.

However, if the matter is not resolved to our satisfaction, it is very likely that an instructor's certification would remain suspended.

Mr. GROTHMAN. Well, of the 58, how many have been criminally charged?

Mr. HOGUE. Sir, 23 of those belong to the Department of the Navy and my recollection is 11. I can get a better number for you, followup with that.

Mr. GROTHMAN. Ms. Bourcicot, how many of yours were criminally charged?

Ms. BOURCICOT. Mr. Grothman, we've had 40 allegations of a sexual nature, sexual misconduct. We had 32 instances that were substantiated. Those instructors were decertified. Two were unsubstantiated, and we have 12 that are pending. I will return to the committee to followup about which ones were criminally charged.

Mr. GROTHMAN. OK. We should know that because, obviously, if someone molests children in your setting they can probably go on in life and molest children in other settings, right, unless something is done.

OK. I want to start with some other questions.

Are there any patterns regarding locations, demographics, age, gender of sexual misconduct allegations? Can you break those down in any fashion?

Mr. CONSTABLE. Mr. Grothman, we don't have today available the specifics on the demographics. But we understood your question from the prep session, and we're going to have to get back to with you a better answer on how the statistics break out.

Mr. GROTHMAN. OK.

Mr. CONSTABLE. Again, the nature of gathering that information is very sensitively held.

Mr. GROTHMAN. Well, I would think you would have it in today's world, but OK.

Investigations of allegations of this nature are led by local law enforcement and school officials. Can you explain the importance of that structure?

Mr. CONSTABLE. I'm sorry, Mr. Grothman. Could you repeat the question?

Mr. GROTHMAN. Investigations of allegations of this nature are led by local law enforcement and school officials. Can you explain the importance of the structure of doing it that way?

Mr. CONSTABLE. Yes, sir. We would not have the access or ability or authority to prosecute, of course, obviously, or to investigate at a local level within a high school for a high school employee, even that includes a JROTC instructor.

When the allegations are made, the school is notified. The programs are notified a little differently for each of the services. And so, we are aware so we can pull the certification.

But as to the criminal element of the allegations, those are best dealt with by the local law authorities.

Mr. GROTHMAN. OK. Just one more question but we'll beg the chairman's patience.

Ms. Bourcicot, there are in raw data a significantly higher number of these problems in the Army than the other services. Maybe that's because there are just a lot more kids in the Army JROTC. Is there a reason or explanation for that?

Ms. BOURCICOT. Mr. Grothman, yes, that's correct. The Army has by far the most programs at 1,707. We have 276,000 students. And so, we just have the majority of the instructors. We have over 4,000 instructors. So, we have the biggest program.

Mr. GROTHMAN. OK. Thank you very much.

Mr. LYNCH. I thank the gentleman for yielding.

During this committee's work, we have worked extensively with members of several other committees, HASC, the House Armed Services Committee, and others. And there have been a number of women Members who have stepped forward and really been true champions in protecting members of the military from sexual abuse, and we're going to hear from several of them today.

One of those is Ms. Wasserman Schultz of Florida, who has done heroic work in this area, and she is now recognized for five minutes.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. Chairman. I appreciate your kindness.

And thank you to you for having this really important discussion and focus on a critical issue, because for more than a century, for example, the JROTC programs have sought to instill U.S. military values in American teens, classes in thousands of public schools across the country.

Yet the military-certified instructors who oversee these impressionable young people deployed to classrooms with very little oversight or training. And I find this issue particularly concerning as my home state of Florida has more JROTC programs than any other state but Texas.

In Florida, a JROTC instructor was charged with sexual battery after driving one of his students home. And to compound the tragedy, that student was then denied admittance to the Coast Guard

due to the trauma that she suffered. And this is just one case out of many.

In September, while appearing before the Senate Armed Services Committee, Stephanie Miller, the Deputy Assistant Secretary of Defense for Military Personnel Policy, testified that the Defense Department needs to, quote, “take a hard look at our current background investigation process for JROTC instructors.”

Mr. Constable, what specific steps or changes has the Department considered to improve its background investigation process for new instructors? And have any of those changes been implemented?

Mr. CONSTABLE. Thank you, ma’am.

The answer is the services presently use different but similar background investigations for each of their instructors, but they all go through a known otherwise used certification process.

Going forward, our very first recommendation is to take a look at how we do those certifications, those background investigations to see if we can’t standardize what goes in.

And with regard to the period of instruction that each instructor must go through before being certified as a JROTC instructor—

Ms. WASSERMAN SCHULTZ. Reclaiming my time, because I don’t really have much of it.

It sounds like you are still in the consideration stage and have not yet begun to recommend specific steps or changes nor implemented anything. Is that right?

Mr. CONSTABLE. That’s right, ma’am. I’d say it’s on the short list.

Ms. WASSERMAN SCHULTZ. The short list? Really? What’s the timeframe for the short list to be actually executed—implemented and executed?

Mr. CONSTABLE. Well, ma’am, of course I can’t get ahead of the Secretary, but our intent is to put forward recommendations for some of these changes this calendar year.

Ms. WASSERMAN SCHULTZ. You do realize that there are young people being abused and that inappropriate conduct is pretty rampant and that this is pretty urgent. So, I would think it should be at the top of the short list.

Mr. CONSTABLE. And there it is. Yes, ma’am.

Ms. WASSERMAN SCHULTZ. Will you convey that to the Secretary?

Mr. CONSTABLE. Yes, ma’am. Understand.

Ms. WASSERMAN SCHULTZ. OK.

It doesn’t really sound like there’s a tremendous amount of urgency.

Ms. Bourcicot, you also stated in your written testimony that the Army needs to improve its vetting process for JROTC instructors. Specifically, you testified that, quote, “The Army recognizes this is an underreported crime and extra care in the vetting process to include follow-on background checks is crucial.”

Ms. Bourcicot, what improvements is the Army planning to make to improve its vetting process for prospective instructors?

Ms. BOURCICOT. Congresswoman, we have already moved out as far as improving our vetting process. I would like to echo that we do share—

Ms. WASSERMAN SCHULTZ. How? In what way? What specifically have you done to improve your vetting process and background checks?

Ms. BOURCICOT. So, Congresswoman, right now we're working on rolling out our—an annual attestation for existing instructors that reminds them of their duty to students to uphold the Army values.

Ms. WASSERMAN SCHULTZ. What does that—I'm sorry. Reclaiming my time.

What part of that has anything to do with vetting? I assume it's a self-attestation?

Ms. BOURCICOT. That's correct, Congresswoman.

Ms. WASSERMAN SCHULTZ. OK. That's not vetting. You do realize that an attestation is not vetting, right?

Ms. BOURCICOT. Yes, ma'am. The Army currently uses the Tier I FBI background check, which is the highest level check, for all of its instructors. And if there is anything that appears in someone's background that needs to go back to Cadet Command for additional vetting before an instructor is certified to appear in the classroom.

Ms. WASSERMAN SCHULTZ. OK. Reclaiming my time because I only have 24 seconds left.

In your testimony you stated that six years ago the Army started requiring all JROTC instructors to undergo a Childcare National Agency Check and Inquiry screening, and you said that the screening is the, quote, "cornerstone of the Army's JROTC instructor applicant vetting process."

But, Mr. Wagner, in your testimony you wrote that the Air Force will not require JROTC instructors to pass the same Childcare National Agency Check and Inquiry screening until April 2023.

Mr. Wagner, why is the Air Force just now pursuing this requirement?

Mr. WAGNER. Congresswoman, thank you for your question.

I just want to emphasize that we are learning our best practices from some of the policies and procedures the Army has put into place. We are aggressively moving forward to implement that check. That check is on top of a 20-year history for all military retirees that in order to be certified as eligible instructors is a part of our review.

We also are making changes immediately to address some of the vetting issues that you articulated, one of which is we've noticed a gap with new school administrators who aren't familiar with our memorandum of agreement.

And so, what we have done is we will be providing information to all new school administrators about the terms of what the Air Force's obligations are, as well as what the school's obligations are.

We're expanding the training modules online and virtual that our instructors are required to complete. And we're putting in new processes and programs into our weeklong onsite training process prior to them receiving their ability—

Ms. WASSERMAN SCHULTZ. I'm sorry. Mr. Chairman, I've heard nothing about additional vetting or background checks or making sure that we don't have people with a dangerous history responsible for supervising children. It's really troubling that so many bad

actors appear to have slipped through the JROTC instructor vetting process.

And I don't understand why the Department of Defense and military services have not used this opportunity, now that this has been revealed, that they should have known already, to make sure that they have processes and procedures that ensure that we don't have predators who are supervising our young people in the JROTC program.

This is shocking. I don't understand how this has not been treated with urgency. And you have work to do.

And I appreciate the opportunity to shed light on this issue because we are endangering, the military is endangering our Nation's youth who are in this program without making sure we have the vetting and background checks that are essential to ensure that we have people who are safe to be in these roles.

Thank you for the indulgence, Mr. Chairman. I yield back.

Mr. LYNCH. The chair, first of all, I appreciate the passion and the point that you have put your finger on. And there is great disparity in terms of the vetting process. I did note that in some of the opening statements reference was made to the FBI vetting process which had been adopted by one perhaps of the branches. However, that must be made uniform, and it must be enhanced. And I would embrace any effort that the gentlelady from Florida would have in terms of legislation to that end.

So, again, I appreciate all her energy and focus on this issue, and I acknowledge that she has been doing this for an awfully long time.

Thank you. I yield back.

Ms. WASSERMAN SCHULTZ. Thank you so much.

Mr. LYNCH. Next, we have the gentlelady from North Carolina. Ms. Foxx is recognized for five minutes.

Ms. FOXX. Thank you, Mr. Chairman.

Ms. Bourcicot, in your opening statement you explain that there were 26 allegations of sexual misconduct against instructors in Army JROTC programs. Of those 26 allegations, 25 instructors were decertified.

Does the Army typically wait for the results of investigations into misconduct allegations before decertifying an instructor? If so, are there options to temporarily suspend an instructor's certification?

Ms. BOURCICOT. Congresswoman, the Army flags anyone who is under investigation, which means that they can't have any positive personnel actions taken on their behalf while they're under investigation. They're immediately removed from the classroom pending that investigation. And after the outcome is learned, then they are decertified.

Ms. FOXX. And does the Army have options to remove instructors from the classrooms—you just indicated that—or is it entirely up to the school to do that?

Ms. BOURCICOT. Congresswoman, we have strong partnerships with our school districts, and we work with them to remove JROTC instructors that are under investigation from the classrooms.

Ms. FOXX. Mr. Wagner, in your opening statement you said that differing school district background check requirements present a

vulnerability. And the chairman just mentioned about the FBI vetting process and that the Air Force is adopting the quote, “Childcare National Agency Check and Inquiries background investigations requirements for all Air Force JROTC instructors and applicants as a way to address this vulnerability.”

Will this background check system be utilized prior to an applicant’s placement in a school? And how does this system differ from what the Air Force has used until now?

Mr. WAGNER. Congresswoman, this process is now on top of our current vetting process. All Air Force JROTC instructors have a military records check, which is a comprehensive review of a 20-year military career in which an instructor was conclusively discharged honorably.

We are now adopting this background check, which is the gold standard used by schools across the country and the Army, which includes, as the chairman referenced earlier, an FBI background check as part of it—this is the National Agency check—prior to any instructor eligibility for certification.

Then, once a certified and eligible instructor is hired by a local school, then they undergo that local school’s individual background check, which is done in the same way that they would perform for any other instructor.

Ms. FOXX. OK. A followup, Mr. Wagner. Does the Air Force have a mechanism in place where a student can report misconduct directly to the services? And, if so, how are students informed of that option?

Mr. WAGNER. So, *The New York Times* article shined a light on some of the gaps in our program. And as you identified, while we have a website that has information for people to reach out to Air Force JROTC headquarters, it’s not sufficient.

And so, what we have done is we have already taken steps to modify the parental consent form that parents and cadets sign at the beginning of the school year to include specific information on how to reach Air Force JROTC headquarters with any concerns.

Ms. FOXX. Mr. Hogue, what about the Navy?

Mr. HOGUE. Congresswoman, it is possible for an individual cadet to reach out directly to a JROTC program manager or to the program directly to make an allegation.

However, I have to say, the units that I visited, the principals are very clear. They view investigations and allegations related to that kind of misconduct as inside-the-building issues with school employees that they very much feel ownership of, and to some degree we have to rely on their reports to us to engage our processes.

But to your other question to my colleagues, we do have the ability and do, in fact, suspend certification of instructors upon receiving allegations, and that removes them from the classrooms, after which we work with the partner schools to ensure students are safe and that the program is running well before anything else happens with that instructor.

Ms. FOXX. And, Mr. Constable, for the other services, can students report directly?

Mr. CONSTABLE. Every student has some means to report, some directly through the local program, some all the way through high-

er commands through the hierarchical structure like Ms. Bourcicot has described.

One of the policy directives that we have penned out going forward will be to ensure that there's an acknowledgement that students, parents have all the necessary information to report these incidents and allegations directly.

Ms. FOXX. Thank you, Mr. Chairman. I yield back.

Mr. LYNCH. The gentlelady yields back.

The chair now recognizes the gentlelady from California, Ms. Speier, who is the chair of the House Armed Services Committee Subcommittee on Military Personnel and who I have worked with extensively on this issue.

I was able to be a member of her congressional delegation that investigated this same issue at Fort Hood, Texas. But she has been the leader on this issue in the U.S. Congress.

The gentlelady from California is recognized for five minutes.

Ms. SPEIER. Mr. Chairman, thank you very much. Let me applaud you for holding this hearing.

I'm not going to sugarcoat this. This is a scandal, and it's one that each and every one of you need to take ownership of.

It is chilling to think that after we have been addressing this issue for over 10 years within the military, where we know that cases exceed 20 to thirty thousand a year and only five thousand report, and we know that the chain of command has been part of the problem, to come and see this going on in our classrooms in high school is—it's traumatizing to me, to be quite honest.

You have known about this since 2017. Cases date back to 2017. But for *The New York Times* article, we would know nothing about this. And you're relying on what they found out in *The New York Times* investigation to somehow inform you of what you should be doing.

When you saw these cases coming up in 2017, 2018, 2019, 2020, 2021, why didn't someone raise the alarm that we have a huge problem? These are a half a million kids and we spend a half a billion dollars. And to somehow suggest that, well, it's up to the schools and we've got to let local law enforcement handle this, that's, frankly, BS.

And I think there needs to be an absolute comprehensive review. Because let me tell you what happens. Lackland Air Force Base is a great example. There were 30 military training instructors with these 17-, 18-, 19-year-olds that were sexually assaulting over 60 of their trainees. Not one of the trainees came forward to report, because they wanted to just get out of the training program and move on.

So, to start with, I think every one of these individuals who have been decertified, I think you need to go back in each of your services and determine, by interviewing the young ROTC students who were taught by that particular individual, whether or not they were sexually harassed or assaulted by him, because we don't know the depth of this. We've got 60 cases. I can't begin to think how many young people are impacted. And you've got to take ownership of it.

Beyond that, I think that most of these people are former military. Is that correct? Would you say 100 percent are former military? All right. We've got 100 percent former military.

Many of these same individuals were sexually harassing and assaulting in the military. Cases were swept under the rug. They were predators. They got away with it. There's probably not going to be an FBI record on them. So don't think that that alone is going to provide any counsel or security to you or to the families.

And in some respects I feel we should just shut down this program until you can get it right. I don't want another kid to be sexually harassed or assaulted. That will stay with them the rest of their lives. You've known about this and done nothing about it since 2017 that we know of.

So, I want to know to what extent you can then bring these so-called instructors who were former military back into the military, have them reviewed, separated for unprofessional conduct, and have their pensions stripped. That's what I think should happen.

I don't know if we can legally do that. And if we can't presently do that, I hope my colleagues will think about ways of promoting that in future Congresses.

But this is beyond repugnant, and you have got to take ownership.

I yield back.

Mr. LYNCH. The gentlelady yields back.

The chair now recognizes the distinguished gentleman from Texas, Mr. Fallon, for five minutes.

Mr. FALLON. Mr. Chairman, you are very grateful.

And to my colleagues, I want to thank everyone, particularly the chair, for allowing me to waive on to the subcommittee today to discuss a matter of great importance to our national security.

I myself am a product of the University of Notre Dame's Air Force ROTC program, and it's an experience that I'm incredibly grateful for. It's a program that it's not surprising to me that benefits so many, about a half a million young men and women in our country. I'm surprised to learn there's 3,500 units across the country.

And what JROTC does is it allows students an introduction to military life and values and service and provides a structure and skill sets and it instills that strong sense of duty and personal sacrifice and teamwork. This is very important.

And it's so terribly unfortunate that this incredible program has been besmirched by predators. And make no mistake, sexual harassment and abuse, as we all know, has no place in our military, especially in Junior ROTC. And the scum who harmed these youths deserve nothing but the full force of the law and justice.

The safety of our students participating in Junior ROTC is paramount to a successful program. And I'm glad and thank you, Mr. Chairman, for having this hearing.

I sit on the House Armed Services Committee, and we have spent a lot of time examining the issues of military recruitment. So, I just wanted to take a bit of a different tack, because it concerns me that only one percent of our adult population in this country serve in the military. And the DOD has reported recently that 77 percent of young men and women between the ages of 16 and

20 are ineligible for military service. In fact, 52 percent of Generation Z has no interest and desire at all and has never even considered serving.

So, across the board, we're having trouble with recruiting. The Army missed their recruiting goals by 10,000. It's expected to be even worse this year. The Navy missed their recruiting goals across all components by about 2,000. The Air Force met their Active-Duty goal but only by a little bit of creative accounting with delayed entry, and they missed their Reserve Component goals entirely.

So, folks, we're at a critical juncture and we're facing really an impending crisis. In 1980, 18 percent of our population were veterans; 2018, it's down to seven percent.

So Junior ROTC is playing a critical role, and it's one of the few places where young people can have positive and instructive interactions with our military services. And that's why this hearing is so important, because it's under threat.

So, for the sake of student safety and military recruitment, both of which are matters of national security, I'm calling for greater oversight and transparency within the Junior ROTC program. It's a role that's become more important because of the facts that we've shared and as it relates vis-&-vis to recruitment as well. Instructors need to be held accountable, and the reputation of our military services needs to be protected.

Mr. Constable, what is each of the services doing to create an environment of positive interaction and engagement with Junior ROTC with the broader civilian population?

Mr. CONSTABLE. Congressman, thank you, and thank you for your service. I didn't understand you were an Air Force vet, so thank you for your service and continued service.

The services do engage. I think it would be best if you'll indulge me to allow the services to speak to how each of them does it within their service. Thank you.

Mr. FALLON. OK. Thank you.

Ms. BOURCICOT. Mr. Fallon, first of all, I would like to start by saying that we share your concern and the concern of your colleagues on the subcommittee. We are working this problem. We are taking this very, very seriously. We understand the effect this has on the reputation of the Junior ROTC program and on the services writ large and the effect that it's having on recruitment.

That said, the ROTC, the Junior ROTC programs are a staple of the community. I mentioned how many millions of hours the cadets undertake in community service. It's a core part of those programs. It really does go a long way to instill a sense of citizenship, a sense of community, a duty to country.

And they engage in activities as varied as adopting highways, cleaning up schools. There's a number of ways that Junior ROTC cadets are encouraged to interface with their communities in the Army program.

Mr. FALLON. And as far as the other branches, is it pretty much the same or is there anything different that wasn't just articulated?

Mr. HOGUE. Sir, if I could, very similar to what the Army's and I'm sure what my colleague from the Air Force would also add.

Can I just add on top of that, we understand the challenge. We do. And we do take it very seriously, although it may appear from the newspaper articles that's not the case. We do take it very seriously.

We understand that we're attempting to draw from this pool or hoping to draw from this pool for future recruits and leaders of this country and of our services.

With respect to how we ensure that they're safe to engage at the school level, if I understood your question correctly, each of our instructors does receive some training about how to engage and how to relate at the local.

But, in my opinion, this is one of the areas where we need to focus a little bit more strongly. And within the Department of the Navy, I have asked my teams to begin doing just that, to ensure that how we impart to the instructors the importance of maintaining professional mentorship distance and yet remain relatable to the teens is extremely important. And we are attempting to focus on it and get after that, sir.

Mr. WAGNER. Congressman, similarly, we have taken proactive steps already to address some of your concerns. We're now requiring an instructor prohibited activities form that will be now signed annually by all instructors.

But taking a step back, I think one of the things I wanted to emphasize is that I share your interest in this growing civil-military divide. And the Air Force views this principally not as a recruiting program but a citizenship program, one that helps cadets, young people develop a sense of confidence, real skills, an understanding of discipline, and, critically, a familiarity with the military that in some cases might be their only experience throughout most of their lives with military culture and military life.

And I think viewing this through the citizenship lens underscores why this program is just absolutely so critical. As this civil-military divide grows—you know, next year is the 50th anniversary of the All-Volunteer force. And we're looking aggressively to take steps to help narrow that civil-military divide, and a successful JROTC program where every student feels safe is at the core of doing that.

Mr. FALLON. Mr. Chairman, thank you very much. I yield back.

Mr. LYNCH. The gentleman yields back.

The chair once more recognizes one of our members who has done extraordinary work in this regard. While she is a member of the House Armed Services Committee and brings that perspective, she also brings the perspective of an Air Force captain.

So, the chair recognizes the gentlelady from Pennsylvania, Ms. Houlahan, for five minutes.

Ms. HOULAHAN. Thank you. I appreciate that, Mr. Chair. And thank you very much for the opportunity to waive on.

I also really want to associate myself with Chairwoman Speier's comments as well. One of the things I was struck by, having been in ROTC myself and served in the Air Force, is I remember the people who led me. And they were almost to a person people who had formerly worn the uniform or were currently wearing the uniform.

And so, I am very much confused by the fact that these, theoretically, are people who have been vetted, who have a deep history of service, and, theoretically, we should know about their backgrounds. And so, I'd like to sort of put that over here.

I also was struck by, Mr. Wagner, you were the only one who mentioned possibly some sort of emphasis on women, and I think your words were a female instructor corps. So, I'd love it if you could kind of drill down a little on what a female instructor corps is, since 20 percent of our servicemembers are women and increasing to about 30 percent we anticipate within the decade. Is there something there, having only had one woman ever been in my ROTC cadre?

Go ahead. Thank you.

Mr. WAGNER. Congresswoman, this is exactly some of the steps that we've taken since *The Times* showed a light on this program. And I looked at it and I asked our folks at headquarters, we have a 50 percent population of women, we've got a growing number, upwards of 25 percent in the Air Force, and yet our instructor corps is 92 percent male. Our female cadets are 40 percent female. We've got the wrong balance. And I think aligning that gender disparity better will have a significant impact on this program.

One of the key questions and concerns of this committee is that cadets feel like they have nowhere to turn. A hundred percent, by the way, of the victims are female and a hundred percent in the Air Force of the perpetrators were male. If they—

Ms. HOULAHAN. So, if I might be able to interrupt. What is this cadre or corps of women? Have you implemented it yet? Is it in existence or is it just a thought or an idea?

Mr. WAGNER. So, when the article came out and we did our own review, one of the first questions I asked was, tell me the program demographics.

Tomorrow I'm flying down to Air Force JROTC headquarters in Montgomery, Alabama, and we're going to work on a plan. I've asked them to come up with ideas. I'm going to help them shape and sharpen that plan. I think this will have immediate tangible impacts on the safety of cadets in this program.

Ms. HOULAHAN. So, I would like Mr. Constable maybe to elevate that as being something as a best practice, something that we should be implementing. My experience with our JROTC programs in places like Coatesville High School in my district are that they are majority—first of all, majority minority and, second of all, majority women.

And I think that it is important that we make sure that the people, not only for their own safety but also for them being able to see themselves in the people who are leading them, that there be more of an emphasis on women who are helping in that leadership.

With what remains of my time, Secretary Constable, I would like to sort of highlight some of *The New York Times* article, which spoke a little bit about the training. As near as I understand it, the training is simply a two-week military training course, and of that training it has to do with supplies and books and teacher-student boundaries, and very, very briefly,

Having also been a teacher—I was a former high school chemistry teacher—I can tell you that there’s a whole lot more to teaching than just what happens in your lesson planning.

What have you learned? And is there anything that you are changing in the weeks that you have in training to focus more on boundaries in student relationships?

Mr. CONSTABLE. Thank you, Congresswoman.

Absolutely. Going forward, as I said, standardization is our watchword. And certainly, as we take a look to standardizing the training that each instructor must receive, we want to make sure it’s the right amount of training and, of course, that it’s the right things.

And clearly, the logistics of signing for textbooks is probably not paramount. And we will ensure going forward that the training is comprehensive enough to address the sensitive issues.

Ms. HOULAHAN. With what remains of my time, sir, could you share with me a little bit of the DOD approval process for instructors? Again, really confused and conflicted by the fact that they largely are people who are serving or have served in uniform previously.

Mr. CONSTABLE. Indeed, they are. They are a hundred percent people who have served honorably and retired from the military.

The services, each of the services has a process by which a retiree applies for certification as a JROTC instructor. They go through the background check and the requisite checks for each of the services. And when they have met the standards, they are then certified as instructors. That includes the training. And they are offered up then as candidates for schools to hire as a certified JROTC instructor.

Ms. HOULAHAN. With my last 15 seconds, if you would indulge me. Pennsylvania, which is where I come from, has a proactive program that monitors for teachers’ arrests, which includes JROTC instructors, through our public data bases. My understanding is there’s no national equivalent or tracking system for that kind of a process.

For you, sir, Mr. Constable, would this sort of a model be useful for the DOD in oversight of JROTC? And should we be working with the Department of Education to ensure this better coordination and transparency?

Mr. CONSTABLE. Congresswoman, that is definitely something we are looking at. I believe we owe members of the committee a response to that by the end of the month. And it is something that we discuss, and it’s certainly something that would have huge value to it.

Ms. HOULAHAN. Thank you for the indulgence, Mr. Chairman. I yield back.

Mr. LYNCH. The gentlelady yields back.

The chair now recognizes one more of the courageous and energetic women who have been working on this issue for some time. I recently was down in Fort Hood, Texas. And she had been very active on a case of a young woman, Vanessa Guillen, who was her constituent, and who has been very, very active on this issue.

The chair now recognizes the gentlewoman from Texas, Ms. Garcia, for five minutes.

Ms. GARCIA. Thank you, Mr. Chairman. And thank you for allowing me to waive in.

And Vanessa Guillen, for the record, was in ROTC at her—at one of our local high schools, Chavez High School. And we know that there are ROTC programs around the country, and I think it's worth mentioning that 70 percent of them are in the South at high-poverty Title I schools, much like Chavez High School and other high schools in my district. So, this has not just an impact on anyone that joins the ROTC but, more specifically, it impacts minority women.

So, I have many concerns about this. And, quite frankly, I'm just almost flabbergasted at the lack of real action coming from the Department of Defense and all the military branches.

Five years. Five years. Representative Speier mentioned it's been going on since 2017, five years, but it wasn't until a *New York Times* article comes out that you all are maybe—and I'm saying maybe reacting, because, quite frankly, with no disrespect to anyone, it just doesn't appear to me that, although you say you're outraged, I'm just not feeling it.

You know, five years is a long time. The article came out I think it was August or September. And all that we can really specifically mention is the childcare testing and maybe increasing vetting. But I still didn't hear specifics.

Mr. Constable, you said you had a short list. I mean, what does that mean? Just a short list? We're talking about young women potentially being sexually assaulted and sexually abused. I saw the list that Ms. Speier just shared with me. There's many. They are from Texas. That makes me even more concerned.

Now, are you all aware of the letter that Ms. Speier and I sent in September to Secretary Austin and Secretary Del Toro, Wormuth, and Kendall?

I mean, why do you all have a short list? I mean, we sent you all a list of about six or seven items. Have all these items made your short list? Will there be a data base from the Department of Defense tracking some of these instructors to make sure that they're no longer certified and no longer handling any of the children involved? Can we create a regulation that requires schools to send at least two school district-approved adults?

I mean, I could go through the list, but we'll enter it for the record.

Have any of these items made your short list? And, if so, when are we going to see real action? And I want specifics.

Mr. Constable.

Mr. CONSTABLE. Congresswoman, thank you.

So there has been action; never enough. Immediately following the article, Mr. Cisneros, the Under Secretary for Personnel and Readiness, issued a directive to each of the services directing the Under Secretaries to take stock of all of their programs, engage personally with each of their programs, review every one of the memoranda of agreement that outlined the terms of the instructors in each of the schools.

Following up on that and having received your letter, ma'am, along with others, those are the topics that are forming the discussions within a working group across the Department.

As we put together a—my term—“short list,” what I’m saying is we’re looking for the things that we can do now versus the things that we can do down the road working with education and schools.

Ms. GARCIA. But can you be specific? I mean, what is on this magic list that you have?

Mr. CONSTABLE. So, the policy initiatives that we look for toward primarily when I say the short list, again, speak to standardization, first to standardized background investigation, then to standardize the oversight ratio and the manner in which we apply the oversight for each of the departments.

Third would be to standardize memorandums of agreement. Right now, they’re very similar, but a standardization will ensure that we have a process that we can inspect against regularly.

Some of the self-acknowledgement with regard to instructor-prohibited activities to just act as a reminder, intermittent reminder of their moral obligation in the classroom.

Ms. GARCIA. Is there anything in your list that’s a directive to all the branches for uniformity in the background check and the testing?

Mr. CONSTABLE. So, decisions have not been reached on whether we’re going to do that now. Each of the services—

Ms. GARCIA. Why?

Mr. CONSTABLE. So, it is a recommendation that will go forward, ma’am. Right now, everybody runs a sanctioned background investigation that’s used for other purposes. We believe going forward the standard one will look something more like the childcare one that Air Force uses, something like that. But I think we want to make sure that we’re not leaving any aspects of the other ones that the other services might be using behind, so we’re doing that analysis now.

Ms. GARCIA. Well, it just appears to me that the general guidelines, if you will, and I think you call them directives, should be firm directives about what must be done to address this issue that all the branches follow rather than each branch doing their own thing.

It just seems to me that every service person and every member of the ROTC should be treated equally and have the same access to a complaint system and to be able to talk to someone. It just completely baffles me the way that it appears that this is being handled. And it’s just very, very disappointing to see that it’s taking a *New York Times* article after five years of these cases going on for you all to act on something.

And I would expect, Mr. Chairman, that we would get a report on what specific action is being taken with firm timelines, because otherwise we’ve seen that the Army failed Vanessa Guillen.

And it appears to me that right now all the branches are failing our ROTC programs. And that’s our pipeline. And you’re impacting Title I, poverty area, minority students, and that’s totally unacceptable.

With that, I yield back.

Mr. LYNCH. Let me just respond to the gentlelady’s remarks, and I fully agree.

What I would suggest is that we will collectively—as you probably remember, the Under Secretary, Gil Cisneros, is a former

Member and someone who I traveled with down to Fort Hood and who joined our review of those cases involving both Vanessa Guillen and also Sergeant Elder Fernandes, who was from my district, who tragically took his own life after a reported sexual assault.

And I would suggest that we have a bipartisan briefing with Under Secretary Cisneros, we lay out a plan. And I know there are separate plans at various stages of progress ongoing.

But there is a need to harmonize at the highest standard, for instance, the FBI vetting process. Do we have an enhanced vetting process that is suitable to all of our entities here? Is there a way to optimize and collect best practices that are recognized by the JROTC sector in each branch?

Is there a way to provide the greatest level of protection, not only from the vetting standpoint, but also the education standpoint, the accountability standpoint, and educating these students so that they know that they are protected if they do need to come forward with allegations of abuse?

So all of that needs to be addressed and needs to be put on a hard timeline. And I think that this is something we can work on in a bipartisan fashion, in a deliberate timeframe. But we're going to be looking for hard deadlines to get this stuff implemented and adopted.

So, with that, I'd like to thank our witnesses for their testimony today.

Ms. GARCIA. Mr. Chairman, I did have some opening remarks that I didn't do because in the interest of time and to ask some questions. I'd like to submit those for the record.

And also, some questions that I had with regard to oversight of the facilities where some of these programs are run. I had a complaint from one of my local high schools, and I toured the facility. I mean, it was really deplorable. And I know they defer to the school districts, but I think there should be an oversight role for the Department of Defense and the different sources. So, I'd like to submit some questions for the record.

Mr. LYNCH. Well, certainly. Without objection, so ordered.

Ms. GARCIA. Thank you.

Mr. LYNCH. We welcome your remarks and questions.

And just on a point of common agreement, my three major cities that have the most active JROTC programs are Boston, Brockton, and Quincy. And being familiar with the JROTC programs in those cities, I am aware that more than half of the cadets in those programs are people of color, young cadets who come from families that are struggling economically and that have a greater need, I think, for support, sustenance, and direction.

So, we have to make sure that we are cognizant of that fact, and we appreciate that fact and that we structure our response in a way that is focused on that existing vulnerability, in a way that does greater service to those young people and those families, because I think we've all seen what can happen when things go wrong.

I do note the arrival of the full committee chairwoman. And the chair would recognize, if desired, the gentlelady from New York for five minutes.

Mrs. MALONEY. Thank you, Mr. Chairman.

I'd like to ask some questions about whether or not you have sufficient funding for sufficient staff to do adequate oversight. I'm concerned that the military services do not have the necessary resources in place to conduct effective oversight for the approximately 3,500 JROTC units currently operating in high schools across our country.

So, I'd like to ask, Mr. Wagner, in your written testimony you stated that the Air Force currently employs nine regional directors who each oversee 97 Air Force JROTC units. That is not a recipe for effective oversight. It sounds like you're understaffed to me.

Ms. Bourcicot, how many staff positions does the Army currently have in place to oversee its 1,700 JROTC programs? Ms. Bourcicot?

Ms. BOURCICOT. Chairwoman Maloney, I will, with your indulgence, take that question for the record. I know that there are eight brigades that report for JROTC and the Cadet Command, but I'm not sure of the exact number.

Mrs. MALONEY. OK. Mr. Hogue, can you provide the number for the Navy?

Mr. HOGUE. Ma'am, if I could, like Ms. Bourcicot, I'd like to take the question for the record. But I will assure you, in each structure we have a program manager, we have a regional director, area managers, and then we have additionally two instructors in most of our schools as well.

So, we do have the talent out there to do that. I will concede that there are some challenges bringing in additional staff. Staffing is tough in these units. And funding would contribute to our ability to bring in more staff, no question about it.

Mrs. MALONEY. OK. Thank you.

Mr. Wagner, what impact do infrequent evaluations and inspections have on the Air Force's ability to effectively identify problems within the individual JROTC units?

Mr. WAGNER. Madam Chairwoman, this is exactly one of the reasons why we are currently undertaking a manpower study. The 97-to-1 regional director to unit ratio is inadequate, it's not effective enough, and we've got to do better.

You've got my commitment that we will. We're looking to lower that number to 30 to 1. On-site inspections not every three years or so but annually we believe will have an appreciable difference. And as we put resources toward this program, we think we're going to have better outcomes.

Mrs. MALONEY. Well, that's good news to hear, and we look forward to supporting your efforts and funding your efforts.

Information provided to our committee by DOD and which we released this morning shows that the other military services are also not consistently evaluating these programs or units in accordance with DOD instructions. In fact, the Army reported that it only conducted onsite inspections annually for approximately a third of its JROTC units.

And, Ms. Bourcicot, why is the Army unable to evaluate all of the units on an annual basis in JROTC?

Ms. BOURCICOT. Chairwoman Maloney, we understand how important and valuable our oversight function is, and we are working to do better.

We do have a schedule of inspecting all of the units of every third year or so. And we are currently looking, in conjunction with our sister services and the Department, about ways that we can improve our oversight.

Like Mr. Wagner, you have my commitment that we will provide to this committee information on how we are going to get better.

Mrs. MALONEY. OK. If you could add to getting back to us what additional resources or personnel would be needed to enable you to make evaluations annually, as required by DOD instructions.

So, it's clear that sustained oversight of the JROTC program is lacking. I look forward to working with all of you, and particularly Chairman Lynch and our Republican colleagues, to ensure that we provide the Department of Defense and the military services with the necessary tools and funding that you need to get the job done. We can't expect you to do a job if you're not funded and you don't have the money to have the personnel to help you do it.

So, we look forward to working with you for more effective oversight. These are the future leaders of our military, and we need to make sure that they are not traumatized and that they have positive experiences and that their character and that their strength only grows and is not attacked in any way.

So, I want to thank you for what you do every day to keep all of us safe. And we appreciate your military service to our country. We are deeply grateful.

And I yield back.

Mr. LYNCH. The gentlelady yields back.

In closing, I'd like to thank our witnesses for their testimony today. And I appreciate the seriousness with which you're all taking this issue, and I am very grateful for the energy and attention that so many members on both sides of the aisle have put into this issue.

And I think this hearing has demonstrated that—and from your own testimony today—that this is only a first step and DOD and the military services still have a long way to go toward ensuring the safety and well-being of all our JROTC cadets.

So, it's my expectation that we need to maintain contact. We need to stay in touch. You need to stay in touch with our subcommittee about the progress you're making in standardizing your instructor vetting and training processes, for example, as well as the variance in MOUs that the military services reach with our host school districts.

And I would also welcome the opportunity to continue working with all of my colleagues who have raised very salient points and have offered great suggestions and recommendations on where we go next as part of the subcommittee's effort to draft legislation in this new Congress that would hold DOD accountable for implementing these changes.

With that, I want to thank our panelists for their remarks. I want to commend my colleagues for participating in the important conversation that we've had. I look forward to working with my colleagues on both sides of the aisle to develop legislative solutions to help ensure the safety and well-being of our Nation's JROTC cadets.

I do notice the ranking member's hand is waving and he would like to be recognized, so I'm going to pause my closing remarks and give him an opportunity to respond.

Mr. GROTHMAN. I don't want to have to bang the gavel, so I figured I'd get in there before you banged the gavel.

Thank you for coming over today. To be honest, I was a little bit disappointed in things you didn't know, and I was disappointed in that I felt there was a lack of sense of urgency. I mean, sometimes with the government there's a feeling that we have our jobs, we're always going to have our jobs, so we can just chug along and not really do things right.

This is a serious problem. You have a sexual assault problem much worse in what really should be better and a safer environment in JROTC than private schools. And I hope some of that urgency comes across as you answer other questions that have been given you. And we will keep monitoring it.

I mean, like I say, I was at a hearing similar to this when I was in the state legislation and I felt the same way, that we—there was just a lack of sense of urgency and things you should have known that didn't.

But thank you, Mr. Chairman, for having the hearing.

Mr. LYNCH. I thank the gentleman. The gentleman yields back.

With that, without objection, all members will have five legislative days within which to submit additional written questions for the witnesses through the chair, which will be forwarded to the witnesses for their response.

I ask our witnesses to please respond as promptly as you are able if you receive such a request.

This hearing is now adjourned. Thank you.

[Whereupon, at 11:42 a.m., the subcommittee was adjourned.]

