

# CRS Report for Congress

## Peacekeeping and Conflict Transitions: Background and Congressional Action on Civilian Capabilities

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# Peacekeeping and Conflict Transitions: Background and Congressional Action on Civilian Capabilities

## Summary

The State Department's Office of the Coordinator for Reconstruction and Stabilization (S/CRS) was established to address longstanding concerns, both within Congress and the broader foreign policy community, over the perceived lack of the appropriate capabilities and processes to deal with transitions from conflict to stability. These capabilities and procedures include adequate planning mechanisms for stabilization and reconstruction operations, efficient interagency coordination structures and procedures in carrying out such tasks, and appropriate civilian personnel for many of the non-military tasks required. Effectively distributing resources among the various executive branch actors, maintaining clear lines of authority and jurisdiction, and balancing short- and long-term objectives are major challenges for designing, planning, and conducting post-conflict operations, as is fielding the appropriate civilian personnel. President Bush referred to the latter in his January 23, 2007 State of the Union address, calling for Congress to work with the Administration "to design and establish a volunteer Civilian Reserve Corps."

Established in July 2004, S/CRS has worked to establish the basic concepts, mechanisms, and capabilities necessary to carry out such operations. Working with a staff of about 73 individuals from the State Department, other executive branch agencies, and on contract as of early January 2007, S/CRS has taken steps to monitor and plan for potential conflicts, to develop the first phase of a rapid-response crisis management capability, to improve interagency and international coordination, to develop interagency training exercises, and to help State Department regional bureaus develop concepts and proposals for preventive action.

The 108<sup>th</sup> and 109<sup>th</sup> Congresses moved cautiously on issues related to funding and authorities for S/CRS and its activities, with the latter Congress requesting more information on the Administration's plans rather than fully funding its requests. The issues for the 110<sup>th</sup> Congress include whether to increase funding for S/CRS and provide a permanent authorization and whether to authorize and fund new mechanisms that would "operationalize" the State Department. As in the original and subsequent iterations of the Lugar-Biden legislation, these mechanisms consist of (1) a discretionary Conflict Response Fund and (2) some variation of a response corps that would include an active force of federal employees, a standby force, and a large civilian reserve of individuals (other than currently employed federal employees) with the specialized skills necessary for stabilization and reconstruction, analogous to the military reserve, as mentioned in the President's 2007 State of the Union address.

Action in the 110<sup>th</sup> Congress on these issues began with the introduction of two similar S&R civilian capacity bills: S. 613 (Lugar/Biden) and H.R. 1084 (Farr/Saxton). The Senate Foreign Relations Committee reported S. 613 without amendment on March 28, 2007, with written S.Rept. 110-50. The House and Senate versions of the FY2007 supplemental appropriations bill, H.R. 1591, currently in conference, each provide that up to \$50 million may be made available to establish and maintain a civilian reserve corps.

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## Introduction

Members of the 110<sup>th</sup> Congress may wish to consider advancing the work of the two previous Congresses regarding Bush Administration initiatives to improve the conduct of “stabilization and reconstruction” (S&R) initiatives. In previous Congresses, Senate authorizers took a lead role in promoting the reorganization of the U.S. government and the creation of extensive civilian capabilities to conduct S&R operations, as well as the creation of a related discretionary conflict response fund. The 108<sup>th</sup> and 109<sup>th</sup> Congresses as a whole moved cautiously, however, on authority and funding for such initiatives, requesting that the Administration provide more information on its plans.

The 110<sup>th</sup> Congress faces a number of issues regarding the strengthening of civilian capabilities for peacekeeping and post-conflict operations. Two similar bills (S. 613 and H.R. 1084), both entitled the “Reconstruction and Stabilization Civilian Management Act of 2007” even though they are not identical, include provisions addressing these issues. This report provides background on these issues and will track Congressional proposals and action related to them.

The first issue is whether to increase funding for and put into permanent law the State Department Office of the Coordinator for Reconstruction and Stabilization (S/CRS) and its operations. Created in mid-2004, S/CRS was tasked with designing, and in some cases establishing, the new structures within the State Department and elsewhere that would allow civilian agencies to develop effective policies, processes, and personnel to build stable and democratic states. According to the March 2006 National Security Strategy, the latest authoritative Administration document mentioning these capabilities, S/CRS’ role is “to plan and execute” civilian S&R efforts and to “integrate all relevant United States Government resources and assets” in conducting such operations.<sup>1</sup> Many analysts believe that S/CRS must be strengthened if it is to enable the U.S. government to meet the major challenges of designing, planning, and conducting post-conflict operations, which include effectively distributing resources among the various executive branch actors, maintaining clear lines of authority and jurisdiction, and balancing short- and long-term objectives.

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<sup>1</sup> Office of the President. The National Security Strategy of the United States of America. March 2006, pp. 16, 44-45.

The second issue is whether to authorize and fund new mechanisms that would “operationalize” the State Department, i.e., transform it from an institution devoted to diplomacy to one that would effect change through “on-the-ground” personnel and programs dedicated to promoting security and stability in transitions from conflict and post-conflict situations. One such mechanism is a flexible, no-year, discretionary Conflict Response Fund. The other is a “readiness response” corps consisting of various components, including a small unit of active duty federal employees and a large civilian reserve corps, analogous to the military reserve. In his January 23, 2007 State of the Union address to Congress, President Bush stated that a “task we can take on together is to design and establish a volunteer Civilian Reserve Corps.” The State Department is expected to present a proposal for such a corps to Congress in early 2007.<sup>2</sup>

## Background

President Bush’s pledge, articulated in his February 2, 2005, State of the Union address, “to build and preserve a community of free and independent nations, with governments that answer to their citizens, and reflect their own cultures” cast the once-discredited concept of building or rebuilding government institutions, economies, and civic cultures in a new light. During the 1990s, many policymakers considered the establishment of new institutions in troubled countries to be an overly expensive, if not futile exercise. The use of U.S. military forces for such activities, particularly in the first half of the decade, was troubling to many Members. In the past few years, however, the Bush Administration, in response to concerns about the threats posed by weak and fragile states, reframed both U.S. security and international development policy and undertaken dramatic corresponding changes in U.S. governmental structures and practices. These changes, it argued, would enable the United States to perform such tasks more efficiently and at a lesser cost, particularly in transitions from conflict and in post-conflict situations.

A key component of these changes is the establishment and reinforcement of new civilian structures and forces, in particular S/CRS and the civilian reserve corps. A year ago, the Bush Administration made these new civilian entities a prominent feature in two initiatives: the National Security Presidential Directive 44 (NSPD-44) of December 2005 on the management of interagency reconstruction and stabilization operations and the “transformational diplomacy” reorganization of State Department personnel and practices announced in January 2006.

These initiatives are intended to enhance the United States’ ability to function effectively on the world scene in the post-9/11 environment. In that environment, according to Secretary of State Condoleezza Rice’s remarks introducing transformational diplomacy, the greatest threats to U.S. security often emerge within states that are either too weak to police their territory or lack the political will or capacity to do so. To deal with that environment, Secretary Rice outlined a new U.S. foreign policy strategy focusing on the “intersections of diplomacy, democracy

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<sup>2</sup> According to the 2006 National Security Strategy, the civilian reserve would also be used for both post-conflict reconstruction and international disaster assistance, p. 45.

promotion, economic reconstruction and military security” and involving extensive changes in government to carry that strategy out.<sup>3</sup> State-building (or nation-building as it is often called) is at the center of this strategy. Both initiatives reinforced the important role that the Bush Administration has given the new State Department Office of the Coordinator for Reconstruction and Stabilization (S/CRS) in policymaking and implementation dealing with conflict transitions and weak and fragile states.

In his January 23, 2007 State of the Union address, as mentioned above, the President pointed to the need for a civilian reserve corps as a tool in the generational struggle against terrorism. “Such a corps would function much like our military reserve,” he said. “It would ease the burden on the armed forces by allowing us to hire civilians with critical skills to serve on missions abroad when America needs them. It would give people across America who do not wear the uniform a chance to serve in the defining struggle of our time.”

### **Evolving Perceptions of Post-Conflict Needs<sup>4</sup>**

The creation of S/CRS in July 2004 responded to increasing calls for the improvement of U.S. civilian capabilities to plan and carry out post-conflict state-building operations. Several factors have combined since 9/11 to lead many analysts to conclude that such operations are vital to U.S. security and that the United States must reorganize itself to conduct them effectively, in particular by creating new and improving existing civilian institutions to carry them out. Foremost among these factors, for many analysts, is the widespread perception since 9/11 that global instability directly threatens U.S. security and that it is a vital U.S. interest to transform weak and failing states into stable, democratic ones. Related to this is the expectation that responding to the threat of instability will require the United States and the international community to intervene periodically in foreign conflicts with “peacekeeping”<sup>5</sup> and “stabilization” forces at about the same intensive pace as it has

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<sup>3</sup> Remarks at Georgetown School of Foreign Service, January 18, 2006. Available at [<http://www.state.gov/secretary/rm/2006/59306.htm>]. This theme was reiterated by Stephen Krasner, director of Policy Planning at the State Department. Remarks at the Center for Global Development, January 20, 2006. Available at [<http://www.cgdev.org/doc/event%20docs/Krasner%20Transcript.pdf>].

<sup>4</sup> Parts of this Background section and the following section on S/CRS are drawn from a now archived CRS Report RS22031, *Peacekeeping and Post-Conflict Capabilities*” *The State Department’s Office for Reconstruction and Stabilization*, by Nina M. Serafino and Martin A. Weiss.

<sup>5</sup> “Peacekeeping” is a broad, generic, and often imprecise term to describe the many activities that the United Nations and other international organizations, and sometimes *ad hoc* coalitions of nations or individual nations, undertake to promote, maintain, enforce, or enhance the possibilities for peace. These activities range from providing election observers, recreating police or civil defense forces for the new governments of those countries, organizing and providing security for humanitarian relief efforts, and monitoring and enforcing cease-fires and other arrangements designed to separate parties recently in conflict. (Many of these activities are often also referred to as “nation-building”; a better (continued...)

done since the early 1990s. Because that pace has stressed the U.S. military, many policymakers believe that the United States must create and enhance civilian capabilities to carry out the peacebuilding tasks that are widely viewed as necessary for stability and reconstruction in fragile, conflict-prone, and post-conflict states. Finally, numerous analyses distilling the past decade and a half of experience with multifaceted peacekeeping and peacebuilding operations have raised hopes that rapid, comprehensive, and improved peacebuilding efforts can significantly raise the possibilities of achieving sustainable peace.

Post-conflict operations are complex undertakings, usually involving the participation of several United Nations departments and U.N. system agencies, the international financial institutions and a plethora of non-governmental humanitarian and development organizations, as well as the military and other departments or ministries of the United States and other nations.<sup>6</sup> The United States developed its contributions to the earliest international “peacekeeping” operations of the 1990s on an *ad hoc* basis, with little interagency planning and coordination, and often with the U.S. military in the lead. The military was called upon to perform such missions not only for its extensive resources but also because no other U.S. government agency could match the military’s superior planning and organizational capabilities. In addition, because of its manpower, the military carried out most of the U.S. humanitarian and nation-building contribution, even though some believed that civilians might be better suited to carry out such tasks, especially those involving cooperation with humanitarian NGOs.

During the 1990s, many analysts began to perceive the need to improve and increase civilian contributions to peacekeeping operations, especially for those activities related to planning and conducting operations and to establishing a secure environment. An important Clinton Administration initiative was the May 1997 Presidential Decision Directive (PDD) 56, entitled *The Clinton Administration’s Policy on Managing Complex Contingency Operations*. According to the white

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<sup>5</sup> (...continued)

term, some analysts suggest, is “state-building.”) As used here, the term encompasses both “peace enforcement” operations, sent to enforce an international mandate to establish peace, and “peacebuilding” activities. Peacebuilding activities, usually undertaken in a post-conflict environment, are designed to strengthen peace and prevent the resumption or spread of conflict, including disarmament and demobilization of warring parties, repatriation of refugees, reform and strengthening of government institutions, election-monitoring, and promotion of political participation and human rights.

<sup>6</sup> The term “post-conflict reconstruction and stabilization” is broad but is usually understood to encompass tasks and missions to promote security and encourage stable, democratic governance and economic growth following major hostilities. In the past, many of the “stabilization” activities were loosely labeled “peacekeeping.” (See footnote 1.) Reconstruction involves repairing (in some cases creating) the infrastructure necessary to support long-term economic growth and development. This infrastructure can be physical (e.g., roads and schools), or institutional (e.g., legal and tax systems) For additional background on various aspects of post-conflict reconstruction and assistance, see CRS Report RL33557, *Peacekeeping and Related Stability Operations: Issues of U.S. Military Involvement*, by Nina M. Serafino; and CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne.

paper explaining it, PDD 56 sought to address interagency planning and coordination problems through new planning and implementing mechanisms.<sup>7</sup> Due to what some analysts describe as internal bureaucratic resistance, PDD 56's provisions were never formally implemented, although some of its practices were informally adopted. (In December 2005, President Bush issued National Security Presidential Directive (NSPD) 44, which replaced PDD-56. For more information, see below.) The Clinton Administration also attempted to remedy the shortage of one critical nation-building tool, international civilian police forces, through PDD 71, which a white paper describes as outlining policy guidelines for strengthening criminal justice systems in support of peace operations.<sup>8</sup> While never implemented by the Clinton Administration, PDD 71 has been partially put into force by the Bush Administration.<sup>9</sup>

Improvements in the provision of social and economic assistance are also viewed as crucial to successful outcomes. Post-conflict populations need "safety net" and poverty alleviation programs, as well as technical assistance and advice on monetary and fiscal policy and debt management in order to create an environment conducive to democratization and economic growth.<sup>10</sup> While the popular image of U.S. post-conflict assistance is the post-World War II Marshall Plan, through which the United States provided the foreign assistance needed for Europe's post-conflict reconstruction, the United States is no longer the sole, and often not the dominant, donor in post-conflict situations. Multilateral institutions became increasingly important during the 1990s, when small, regional conflicts proliferated following the collapse of the Soviet Union.

International organizations such as the World Bank and the International Monetary Fund now play crucial roles, working with the U.S. government to provide economic assistance and technical advice on rebuilding post-conflict economies. (Nevertheless, although the United States has provided some funding for economic reconstruction multilaterally for the recent Afghanistan and Iraq operations, most U.S. funding for post-conflict operations is provided bilaterally.) Many analysts now judge that multilateral assistance is more effective for the recipient country than bilateral aid for two reasons.<sup>11</sup> First, disbursing funds multilaterally through U.N.

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<sup>7</sup> *The Clinton Administration's Policy on Managing Complex Contingency Operations: Presidential Decision Directive*. May 1997. [<http://www.fas.org/irp/offdocs/pdd56.htm>].

<sup>8</sup> U.S. *Text: The Clinton Administration White Paper on Peace Operations*. February 24, 2000 [<http://www.fas.org/irp/offdocs/pdd/pdd-71-4.htm>], hereafter referred to as PDD-71 White Paper; and U.S. *Text: Summary of Presidential Decision Directive 71*, [<http://www.fas.org/irp/offdocs/pdd/pdd-71-1.htm>].

<sup>9</sup> See CRS Report RL32321, *Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions*, by Nina M. Serafino.

<sup>10</sup> Collier, Paul and Hoeffler, Anke "Aid, Policy and Growth in Post-Conflict Societies," *World Bank Working Paper*, Oct. 2002.

<sup>11</sup> Milner, Helen, "Why Multilateralism? Foreign Aid and Domestic Principal Agent Problems," available at [<http://www.wcfia.harvard.edu/seminars/pegroup/milner.pdf>], and Schiavo-Campo, S., "Financing and Aid Arrangements In Post-Conflict Situations," *World*



agencies or international organizations gives greater assurance that it will reach recipients than providing aid bilaterally with direct payments to individual governments or non-governmental organizations (NGOs). In addition, analysts find that bilateral aid is more likely to be apportioned according to the donor's foreign policy priorities rather than the economic needs of the recipient country.<sup>12</sup>

For many analysts and policymakers, the ongoing Iraq operation illustrates a U.S. government need for new planning and coordination arrangements that would provide a leadership role for civilians in post-conflict phases of military operations and new civilian capabilities to augment and relieve the military as soon as possible, and greater international coordination. The perception of a continuing need for such operations, and the perceived inefficiencies of the still largely *ad hoc* U.S. responses have reinvigorated calls for planning and coordination reform. The Bush Administration's reluctance to use military forces for nation-building tasks and the extreme stresses placed on the military by combat roles in Iraq and Afghanistan have pushed those calls in a new direction, to the development of adequate civilian capabilities to perform those tasks.

## Calls for Change

The perception that international terrorism can exploit weak, unstable states convinced many policymakers and analysts of the need to strengthen U.S. and international capabilities to foster security, good governance and economic development, especially in post-conflict situations. The 9/11 Commission and the Commission on Weak States and U.S. National Security<sup>13</sup> judged weak states, as well as unsuccessful post-conflict transitions, to pose a threat to U.S. security. These groups argued that such states often experience economic strife and political instability that make them vulnerable to drug trafficking, human trafficking and other criminal enterprises, and to linkage with non-state terrorist groups (such as the links between the previous Taliban government in Afghanistan and the Al Qaeda terrorist network). Weak states also are unprepared to handle major public health issues, such as HIV/AIDS, that can generate political and economic instability.<sup>14</sup> These commissions, and other analysts, argued for assistance to the governments of weak states and of post-conflict transitions regimes to help them control their territories, meet their citizens' basic needs, and create legitimate governments based on effective, transparent institutions.

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<sup>11</sup> (...continued)

*Bank Working Paper*, May 2003.

<sup>12</sup> Alesina, Alberto and Dollar, David, "Who Gives Foreign Aid to Whom and Why?" *NBER Working Paper No. w6612*, Jun. 1998.

<sup>13</sup> *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States*, New York: W.W. Norton and Company, 2004, and *On the Brink: A Report of the Commission on Weak States and US National Security*, sponsored by the Center for Global Development, May 2004.

<sup>14</sup> Prins, Gwyn, "AIDS and Global Security," *International Affairs*, vol. 80, Issue 5, 2004.

These and other studies recognized a need to enhance U.S. government structures and capabilities for conducting post-conflict operations.<sup>15</sup> Although differing in several respects, the studies largely agreed on five points: (1) the current *ad hoc* system needs to be replaced with a permanent mechanism for developing contingency plans and procedures for joint civil-military operations led by civilians; (2) mechanisms to rapidly deploy U.S. civilian government and government-contracted personnel need to be put in place; (3) preventive action needs to be considered; (4) the U.S. government needs to enhance multinational capabilities to carry out post-conflict security tasks and to better coordinate international aid; and (5) flexible funding arrangements are needed to deal with such situations. In addition, some urged substantial amounts of funding for flexible U.S. and international accounts.<sup>16</sup>

**Proposals for New Civilian Forces.** A prominent feature of several of the recent reports on stabilization and reconstruction operations was a recommendation to develop rapidly-deployable civilian forces to undertake state-building functions, particularly those related to rule of law, even before hostilities had ceased. Many analysts view the early deployment of rule of law personnel as essential to providing security from the outset of an operation, which they argue will enhance the possibilities for long-term stability and democracy in an intervened or post-conflict country. Many view the development of civilian groups to do so as permitting the earlier withdrawal of military personnel than would otherwise be possible.

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<sup>15</sup> The reports are (1) *Play to Win: The Final Report of the Bi-partisan Commission on Post-Conflict Reconstruction*, Center for Strategic and International Studies (CSIS) and the Association of the U.S. Army (AUSA), 2003 (a book-length version was published in mid-2004, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, Robert C. Orr, ed.); (2) Clark A. Murdock, Michèle A. Flournoy, Christopher A. Williams, and Kurt M. Campbell, principal authors. *Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era Phase I Report*, CSIS, Mar. 2004; (3) Hans Binnendijk and Stuart Johnson, eds. *Transforming for Stabilization and Reconstruction Operations*, National Defense University Center for Technology and National Security Policy, Apr. 2004, (4) *On the Brink: Weak States and US National Security*, Center for Global Development, May 2004; Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. *Defense Science Board 2004 Summer Study on Transition to and From Hostilities*, Dec. 2004; and *In the Wake of War: Improving U.S. Post-Conflict Capabilities*, Washington, D.C.: Council on Foreign Relations, Report of an Independent Task Force, July 2005.

<sup>16</sup> The July 2005 Council on Foreign Relations report recommends the establishment of a conflict response fund of \$500 million, a five-fold increase over the amount requested by the Bush Administration for FY2006. In addition, the report recommends establishing a new \$1 billion standing multilateral reconstruction trust fund under the auspices of the Group of Eight industrialized nations. This trust fund would be modeled on existing post-conflict trust funds located at the United Nations and the World Bank.

Six studies between 2003 and 2005 endorsed the creation of cohesive, rapidly-deployable units of civilian experts for stabilization and reconstruction operations.<sup>17</sup>

- The November 2003 report of the National Defense University (NDU) recommended the concurrent deployment of civilian “stabilization and reconstruction” personnel with combat forces, in order to expedite the transfer of nation-building responsibilities to civilians. The report recommends the creation of a standing interagency stabilization and reconstruction team within the government, and the development of an “on-call” civilian crisis management corps of medical, legal, language, and law enforcement personnel from state and local governments and the private sector.<sup>18</sup>
- The March 2004 report of the Center for Strategic and International Studies (CSIS) recommended the establishment of an Agency for Stability Operations reporting directly to the Secretary of State. The agency would be responsible for preparing for such operations, as well as the management and deployment of Civilian Stability Operations Corps of 200-300 U.S. government civilians, who are organized, trained and equipped for conducting such operations, and of a Civilian Stability Operations Reserve of an unspecified number of non-government civilians with related expertise who would be on-call for rapid deployment.<sup>19</sup>
- The April 2004 report of the U.S. Institute of Peace on the rule of law component of building civilian capacity recommended the creation of a reserve corps as well as of a separate office in the Office of the Secretary of State that would have authority to recruit, deploy, and manage constabulary police units, judges, attorneys, and other legal professionals.<sup>20</sup>
- A U.S. Institute of Peace analyst recommended the creation of a “U.S. Stability Force” comprised of (1) robust military forces, (2) civilian constabulary units, (3) civilian police, and (4) rule of law professionals (lawyers, judges, and corrections experts) that would

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<sup>17</sup> An earlier recommendation was contained in the Clinton Administration’s 2000 PDD-71 on strengthening criminal justice systems in peace operations, which identified such an initiative as a high priority according to the PDD 71 White Paper. That white paper states that PDD 71 instructed that “programs must be developed that enable the U.S. to respond quickly to help establish rudimentary judicial and penal capacity during peace operations and complex contingencies.” *PDD-71 White Paper*, op.cit., p. 6.

<sup>18</sup> *Transforming for Stabilization and Reconstruction Operations*, op.cit.

<sup>19</sup> *Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era, Phase 1 Report*, op.cit. See pp. 64-65.

<sup>20</sup> Robert M. Perito, Michael Dziedzic and Beth C. DeGrasse, *Building Civilian Capacity for U.S. Stability Operations*. Washington, DC: United States Institute of Peace, Special Report 118, April 2004.

deploy concurrently in order to provide the needed security from the outset.<sup>21</sup>

- The Defense Science Board 2004 Summer Study on transitions from hostilities recommended that the Department of State “develop and maintain a portfolio of detailed and adaptable plans and capabilities for the civilian roles in reconstruction operations” and that it “prepare, deploy, and lead the civil components of the reconstruction missions....” The study finds that the civilian police, judges, civil administrators, and technical advisors are needed to help build new institutions after a military intervention.<sup>22</sup>

The establishment of such a corps would be a substantial change from current practices. The United States deploys Civilian Police (contracted separately for each operation) to international peacekeeping and stabilization operations through the State Department’s CivPol program, run by the Bureau of International Narcotics and Law Enforcement (INL). The United States currently deploys other rule of law personnel, with experience in justice and corrections systems, through Department of Justice contracts, funded by INL. (The State Department’s civilian police program requests contractors to identify such personnel in an effort to create a capability within the CivPol to deploy them.)

To many analysts, even these recommendations do not provide for the full range of personnel needed in a timely manner. According to some experts, if the role of the military is to shift at the end of major combat operations from combat to providing perimeter security, then the United States must create constabulary units — either military or civilian — which would take responsibility for internal security. Some also argue the need for improvements in the U.S. Civilian Police system, regardless of whether a civilian reserve is established.<sup>23</sup>

## Critics Respond

Some analysts have questioned the utility of S/CRS and of the rationale that underlines its creation and the adoption of the transformational diplomacy strategy more broadly. Two think-tank studies published in January 2006 dispute the concept that weak and failed states are per se among the most significant threats to the United States. They point out that weak states are not the only locations where terrorists have found recruits or sought safe-haven as they have exploited discontent and operated in developed countries as well. A report of the Center for Global Development states that many factors beyond the weakness or lack of government

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<sup>21</sup> Robert M. Perito, *Where is the Lone Ranger When We Need Him? America’s Search for a Postconflict Stability Force*. Washington, DC: United States Institute of Peace Press, 2004. See pp 323-337 for an extensive discussion of this proposal.

<sup>22</sup> *Transition to and From Hostilities*, op.cit., p 58.

<sup>23</sup> For more discussion on issues regarding CivPols, constabulary police, and rule of law personnel, see CRS Report RL32321, *Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions*, by Nina M. Serafino.

institutions — demographic, political, religious, cultural, and geographic — contribute to the development of terrorism.<sup>24</sup> As a result, an emphasis on weak and failed states can lead the United States to give short shrift to more tangible threats and to areas of greater U.S. interest. The CATO Institute study worries that Secretary Rice’s focus on promoting “responsible sovereignty” as an underpinning of transformational diplomacy may provide potential justification for eroding the current international norm of respect for national sovereignty, leading the United States into fruitless interventions.<sup>25</sup>

In addition, some analysts are skeptical that the problems of weak and failed states can be most dealt with through military and political interventions aimed at creating viable government institutions. The effectiveness of past efforts is a subject of debate, with differing views on the criteria for and the number of successes, draws, and failures, as is the best means to achieve success.

Skepticism is also growing that state-building efforts will result in success in most instances. In the words of one scholar, “barring exceptional circumstances (the war against the Taliban after 9/11), we had best steer clear of missions that deploy forces (of whatever kind) into countries to remake them anew.... The success stories (Germany, Japan) are the exceptions and were possible because of several helpful conditions that will not be replicated elsewhere.”<sup>26</sup> Others, however, point to cases such as Mozambique and El Salvador as examples that state building efforts can promote peace after civil strife.

## Initial Congressional and Bush Administration Action

**The “Lugar-Biden” Legislation (S. 2127, 108<sup>th</sup> Congress).** On February 25, 2004, Senators Lugar and Biden introduced the Stabilization and Reconstruction Civilian Management Act of 2004 “to build operational readiness in

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<sup>24</sup> Patrick Stewart. *Weak States and Global Threats: Assessing Evidence of “Spillovers.”* Working Paper No. 73, Center for Global Development, January 2006.

<sup>25</sup> Justin Logan and Christopher Preble. *Failed States and Flawed Logic: The Case against a Standing Nation-Building Office.* CATO Policy Analysis Paper No. 560, Cato Institute, January 11, 2006. The authors make substantial reference to a Fall 2004 paper by Stephen Krasner, State Department Director of Policy Planning, that challenged the conventional sovereignty norms. Krasner argues that these norms are outmoded and an obstacle to dealing with the international threats caused by weak and unstable states. He argues for granting international acceptance to new norms of shared-sovereignty (more than one country) or international trusteeships following successful interventions, Stephen Krasner, “Sharing Sovereignty,” *International Security*, Vol. 28, No. 4, Spring 2004, pp. 5-43.

<sup>26</sup> Rajan Menon, “Low Intensity Conflict in the Emerging Strategic Environment,” as reproduced in U.S. Army Peacekeeping and Stability Operations Institute. *Strategic Requirements for Stability Operations and Reconstruction: Final Report.* pp. 80-81. This report summarizes the result of a conference held April 19-20, 2006, and three preceding workshops, conducted under the aegis of the Dwight D. Eisenhower National Security Series. It also reproduces several papers presented at one workshop. The final report was distributed by e-mail in late 2006, but as of January 18, 2007, does not appear on either the PKSOI or Eisenhower Series website.

civilian agencies....” [At the time, these senators were respectively the Chairman and Ranking Member of the Senate Foreign Relations Committee (SFRC).] The bill provided concrete proposals for establishing and funding the two new “operational” entities that had been recommended in think tank reports.

***Establish a State Department S&R Office.*** S. 2127 (108<sup>th</sup> Congress) proposed the creation of a special Office of International Stabilization and Reconstruction in the Department of State to be headed by a Coordinator with the rank of Ambassador-at-Large who would be appointed by the President with the advice and consent of the Senate and would report directly to the Secretary of State.<sup>27</sup> According to the SFRC report accompanying the bill (S.Rept. 108-247, 108<sup>th</sup> Congress), the committee intended the Coordinator “plan for and, when designated by the President, be able to oversee the implementation of activities in a crisis.” The office was to be staffed “by no more than 75 officials” from the State Department and USAID, as well as officials temporarily seconded from other civilian agencies, according to the report.

***Create an Emergency Response Readiness Force.*** The bill would have authorized the Secretary of State, in conjunction with the USAID Administrator, to establish a civilian Response Readiness Force of up to 250 trained and experienced individuals in an active duty component who would serve as the civilian vanguard of S&R emergency activities and work with the U.S. military if necessary. The committee envisioned the active duty component as a mix of foreign service and civil service personnel from the State Department and USAID. The bill also would have established a reserve component of an indeterminate number of federal and at least 500 non-federal employee volunteers with the skills needed for S&R operations. Among those non-federal employees who might constitute the reserve would be retired foreign service officers, former Peace Corps volunteers, and retired military, as well as personnel from State and local governments. S. 2127 would have created authorities for the U.S. government to employ, contract, and reimburse non-governmental personnel and to detail government personnel to S&R deployments, and it suggested incentives to encourage federally-employed personnel to volunteer. It also would give the Secretary of State, in conjunction with the Secretary of Defense and the Administrator of USAID, the authority to develop and establish a new S&R training curriculum.

***Funding.*** To fund these institutions and activities, S. 2127 would have authorized \$8 million to establish the S&R office, \$80 million for the recruitment of new personnel, education and training, and equipment and travel necessary to carry out the act, and \$100 million as the initial tranche of an annually replenishable emergency response fund similar to that used for refugee and migration funds. The emergency response fund would have been subject to limited conditions, but requiring extensive consultation with Congress, similar to spending authority

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<sup>27</sup> Although the advise and consent power is generally invoked for positions of Assistant Secretary and higher, in an analogous entry in 1998, Congress added the position of Coordinator for Counterterrorism through P.L. 105-277, Section 2301. The Coordinator for Counterterrorism also holds the rank of Ambassador-at-large and is appointed with the advice and consent of the Senate.

provisions of Section 614 of the Foreign Assistance Act of 1961, as amended.<sup>28</sup> CBO estimated that implementing the bill would cost some \$50 million in 2005 and \$550 million from 2005 through 2009.

**Action on “Lugar-Biden”-Type Bills from 2004 Through 2006.** The SFRC reported S. 2127 on March 18, 2004, but it was not considered by the full Senate; its companion bill (H.R. 3996, 108<sup>th</sup> Congress, introduced by Representative Schiff) was not considered by the House International Relations Committee. In subsequent years, similar legislation has been introduced,<sup>29</sup> but the only bill to pass either chamber was a subsequent Lugar-Biden measure, the Reconstruction and Stabilization Civilian Management Act of 2006 (S. 3322/109<sup>th</sup> Congress). It was introduced in the Senate May 26, 2006, and approved without amendment by unanimous consent the same day. It was received by the House on June 6, 2006, and referred to the House International Relations Committee. No further action occurred.

**S/CRS Start-Up, Mandate, and Endorsements.** S/CRS began operations in July 2004 on a somewhat more tentative status than that envisioned by the Lugar-Biden bill, as the office was created by then Secretary of State Colin Powell without statutory authority and the Coordinator, appointed by the Secretary, was not given the rank of “Ambassador-at-Large.” By the beginning of 2005, S/CRS had a staff of 37 individuals from the State Department, USAID, and several other U.S. government agencies, including the Departments of Defense, Commerce, and the Treasury.

Congress first endorsed the creation of S/CRS in 2004 as part of the Consolidated Appropriations Act for FY2005 (H.R. 4818, P.L. 108-447), signed into law December 8, 2004. Section 408, Division D defined six responsibilities for the office, the first five of which respond to the first need — to create a readily-deployable crisis response mechanism — stated above. As legislated by P.L. 108-447, S/CRS’ functions are (1) to catalogue and monitor the non-military resources

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<sup>28</sup> FAA Section 614(a)(3) requires the President to consult with and provide a written policy justification to the House Committee on Foreign Affairs (now International Relations), the Senate Committee on Foreign Relations, and the Appropriations committee of each chamber.

<sup>29</sup> These include two similar versions of the original Lugar-Biden bill with same name: the Stabilization and Reconstruction Civilian Management Act of 2005 (S. 209/109<sup>th</sup> Congress, by Senators Lugar, Biden, and Hagel), and of 2006 (S. 3322/109<sup>th</sup> Congress by Senators Lugar, Biden, Hagel, Alexander and Warner, and H.R. 6104/109<sup>th</sup> Congress by Representatives Farr, Blumenauer and Saxton). Similar provisions were included in Title VII of the Senate version of the Foreign Relations Authorization Act for FY2006 and FY2007 (S. 600/109<sup>th</sup> Congress). A related bill was the International Security Enhancement Act of 2005 (H.R. 1361/109<sup>th</sup> Congress, introduced by Representative Dreier), which also would provide authority for preventive action not included in the other bills. (H.R. 1361 would have allowed the president, acting through S/CRS, to authorize the deployment to a country likely to enter into conflict or civil strife in addition to countries emerging from conflict.) Related bills were: The Winning the Peace Act of 2003 (H.R. 2616/108<sup>th</sup> Congress, introduced by Representative Farr); the International Security Enhancement Act of 2004 (H.R. 4185/108<sup>th</sup> Congress, introduced by Representative Dreier); and the United States Assistance for Civilians Affected by Conflict Act of 2004 (H.R. 4058/108<sup>th</sup> Congress, introduced by Representative Hyde).

and capabilities of executive branch agencies, state and local governments, and private and non-profit organizations “that are available to address crises in countries or regions that are in, or are in transition from, conflict or civil strife”; (2) to determine the appropriate non-military U.S. response to those crises, “including but not limited to demobilization, policy, human rights monitoring, and public information efforts”; (3) to plan that response; (4) to coordinate the development of interagency contingency plans for that response; (5) to coordinate the training of civilian personnel to perform stabilization and reconstruction activities in response to crises in such countries or regions”; and (6) to monitor political and economic instability worldwide to anticipate the need for U.S. and international assistance.

The U.S. military supported S/CRS’ creation and its mission. In prepared statement for testimony before the Armed Services committees in February 2005, General Richard B. Myers, Chairman of the Joint Chiefs of Staff, cited the creation of S/CRS as “an important step” in helping “post-conflict nations achieve peace, democracy, and a sustainable market economy.” “In the future, provided this office is given appropriate resources, it will synchronize military and civilian efforts and ensure an integrated national approach is applied to post-combat peacekeeping, reconstruction and stability operations,” according to General Myers.<sup>30</sup>

Despite some Congressional reservations concerning funding for the office and its activities, S/CRS has also received an endorsement from a task force headed by two former Members. The June 2005 report of the Congressionally-mandated Task Force on the United Nations, chaired by former Speaker of the House of Representatives Newt Gingrich and former Senate Majority Leader George Mitchell, recommended that the United States strengthen S/CRS and that Congress provide it with the necessary resources to coordinate with the United Nations.<sup>31</sup>

### **President Bush’s Directive to Promote Interagency Coordination.**

In response to proposals to clarify and institutionalize the responsibilities for conflict response and related for stabilization and reconstruction activities, on December 7, 2005, President Bush issued a presidential directive intended to improve conflict-response coordination among executive branch agencies. This document, National Security Presidential Directive (NSPD) 44, is entitled “Management of Interagency Efforts Concerning Reconstruction and Stabilization.” NSPD-44 supersedes PDD-56 (referred to above).

At a speech given to the International Republican Institute on May 18, 2005, President Bush stressed the importance of S/CRS and said that the needs perceived during the start-up of U.S. operations in Afghanistan and Iraq influenced the office’s development.<sup>32</sup> His national security policy directive on the management of

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<sup>30</sup> Posture Statement of General Richard B. Myers, USAF, Chairman of the Joint Chiefs of Staff, before the 109<sup>th</sup> Congress. Senate Armed Services Committee, Feb. 17, 2005, p. 31, as posted on the Senate Armed Services Committee website.

<sup>31</sup> American Interests and U.N. Reform: Report of the Task Force on the United Nations. Washington, DC: United States Institute of Peace, June 2005, p. 25.

<sup>32</sup> “Many fine civilian workers from almost every department of the government volunteered (continued...)”



interagency reconstruction and stabilization operations (NSPD-44), enacted several months later, underscored the important role conferred on S/CRS but somewhat expanded its activities beyond those conferred by the Congressional mandate. As mentioned in the discussion of NSPD-44, above, the Secretary of State may delegate to S/CRS her responsibilities in the identification of conflict areas and coordination of conflict prevention and mitigation planning, but also in identifying issues for action through the National Security Council and in developing a civilian response capability.

Under NSPD-44, the Secretary of State has the lead responsibility for, “and may direct the Coordinator for Reconstruction and Stabilization to assist the Secretary” in developing a civilian response for conflict situations and related reconstruction and stabilization activities, including the development of “a strong civilian response capability.” The Secretary of State is also responsible for, and may delegate to the Coordinator, coordination of the interagency processes to identify states at risk, to lead interagency planning to prevent or mitigate conflict, and to develop detailed contingency plans for stabilization and reconstruction operations, as well as for identifying appropriate issues for resolution or action through the National Security Council interagency process as outlined in President Bush’s first National Security Policy Directive (NSPD-1, “Organization of the National Security Council System,” signed February 1, 2001). In addition, NSPD-44 establishes a Policy Coordination Committee (NSC/PPC) for Reconstruction and Stabilization Operations.<sup>33</sup>

Under NSPD-44, the Secretary of State is also responsible for coordinating stabilization and reconstruction efforts with the Secretary of Defense “to ensure harmonization with any planned or ongoing U.S. military operations across the spectrum of conflict” and to integrate stabilization and reconstruction contingency plans with military contingency plans. NSPD-44 leaves it up to those secretaries to develop a framework for coordinating S&R activities and military operations as appropriate. It specifies that lead and supporting responsibilities for individual operations will be established using the NSC mechanism outlined in NSPD-1.

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<sup>32</sup> (...continued)

to serve in Iraq,” noted the President. “But the process of recruiting and staffing the Coalition Provisional Authority was lengthy and difficult.” Remarks by the President at International Republican Institute Dinner, Office of the White House, May 18, 2005.

<sup>33</sup> NSPD-1 established 17 NSC/PPCs to “be the main day-to-day fora for interagency coordination of national security policy,” providing policy analysis for more senior committees (the NSC Principals Committee and the NSC Deputies Committee) and ensuring timely responses to presidential decisions. Membership on the NSC/PCC is to consist of representatives from the departments of State, Defense, Justice and the Treasury, and the Office of Management and Budget, the offices of the President and Vice President, the Central Intelligence Agency, the Joint Chiefs of Staff, and the NSC. Representatives from the Departments of Agriculture and Commerce, and the Office of the U.S. Trade Representative, are to participate when issues pertain to their responsibilities.

## S/CRS' Current Status and Activities<sup>34</sup>

S/CRS has expanded over the past year from 37 to some 73 individuals as of early 2006.<sup>35</sup> More than half of the people working in the office are from the State Department. (This number includes 17 permanent positions; others are detailed from elsewhere in the department.) Most of the remainder are detailed from other executive branch agencies or are contractors. For FY2008, the Bush Administration has requested \$8.05 million for running the S/CRS office. (According to the FY2008 Congressional Budget Justification document accompanying the request, S/CRS received \$5.71 million in FY2006 and \$7.98 million in FY2007.) The Administration is also requesting \$14.59 million for FY2008 to fund 57 new positions in the S/CRS office. The request states that the additional positions will enable S/CRS “to lead interagency efforts in international crises and conflicts” and “to expand our existing Active Response Corps” (see discussion of the Corps, below).

S/CRS work continues on the following activities.

**Establishing and Deploying the First Two Response Corps Components.** S/CRS is taking the first steps in the lengthy process of creating integrated and coherent groups of crisis-response personnel, as contemplated by the Lugar-Biden legislation of 2004 (see above) and subsequent legislation. It has created a small nucleus of active and retired government employees to deploy to operations. The Active Response Corps (ARC) is comprised of currently employed federal employees, all of them foreign service officers or State Department civilian employees. It is expected to grow to 15 in the course of 2007, and the Administration has requested funds to expand it further in FY2008. The Stand-by Response Corp (SRC) of active and retired foreign service officers numbers almost 300.

S/CRS began establishing the ARC in late 2005 with volunteers from the State Department. These volunteers are able to leave their jobs immediately in order to deploy with military forces at the beginning of an intervention and assume stabilization responsibilities, freeing up military personnel for other tasks. The State Department intends that this response corps eventually will number 100.<sup>36</sup>

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<sup>34</sup> Information in this section was provided by various officials of S/CRS in periodic interviews and consultations. The material in this section represents the latest information made available to CRS as of the date of this report, and is current as of the end of 2006.

<sup>35</sup> State Department personnel include 23 foreign service officers and 19 civil service personnel, 13 of them attached to S/CRS and six detailed from elsewhere in the department. At the moment, those detailed from other executive agencies include personnel from USAID, the Office of the Secretary of Defense, Joint Forces Command, the Department of the Army, the Department of Labor, and the Department of Homeland Security. In the past, personnel have also been detailed from other departments, including Treasury, Justice, and the Central Intelligence Agency. One person has been seconded from the United Kingdom's Post-Conflict Reconstruction Unit.

<sup>36</sup> Original plans had called for the ARC to number 30 by the end of 2006. U.S. Department (continued...)

The first deployments of ARC members began during the last half of 2006; S/CRS deployed the first of ARC member to Darfur, Sudan, in July 2006 (after S/CRS had played a role in the Darfur peace agreement in May). S/CRS also deployed an ARC member to Lebanon, to assist with efforts to train and equip additional Lebanese Internal Security (LIS) forces. (The purpose of this effort is to enhance LIS ability to replace the Lebanese Army Forces which had been maintaining law and order in conflictive areas such as the Bekaa Valley before being deployed to southern Lebanon.) Several SRC members also deployed to post-conflict situations in 2006. The first person from this group was deployed to Eastern Chad and two more began working in Nepal on demobilizing and reintegrating Maoist rebels. In the course of early 2007, several ARC members deployed to Kosovo to help prepare for the status settlement process.

As of early March 2007, three ARC members were deployed, one in Kosovo working on status settlement preparations, one in Beirut coordinating reconstruction assistance, and one monitoring activities on the Chad side of the border with Sudan. One SBC member is working in Sudan to support the Darfur peace process. S/CRS also has a conflict expert in Nepal who is supporting the peace process there with a focus on security sector reform. Three S/CRS members deployed to Haiti to support the new Haiti Stabilization Initiative.

S/CRS has also developed plans to deploy response corps personnel to Haiti to enhance police capabilities there and is waiting for DOD to approve the transfer of funds to the State Department for the deployment, as provided in the FY2006 Defense Authorization Act (Section 1207, P.L. 109-163, H.R. 1815/S. 1042, signed into law January 6, 2006, see footnote 47, below). It is also developing plans for other deployments during 2007. It also plans to send personnel Iraq to develop recommendations for the work of military-civilian teams (known as provincial reconstruction teams or PRTs) in the rule of law area.

**Developing a Civilian Reserve Capability.** S/CRS is developing a proposal for an S&R civilian reserve Response Corps component of retired government personnel, personnel from state and local governments, private for-profit companies and non-profit NGOs, to carry out rule of law, civil administration, and reconstruction activities. According to an S/CRS spokesperson, as of March 2007, the office is consulting with Congress as plans develop, but does not anticipate presenting a full plan and funding request until the FY2009 budget cycle. (Meanwhile, legislation regarding a civilian reserve capability has been introduced in the 110<sup>th</sup> Congress, see below.) The proposal will be based on two outside studies, summarized below, which were completed in 2006.

***Outside Reviews: Institute for Defense Analysis (IDA) and BearingPoint Inc. Recommendations.*** The first study was commissioned in 2004 on behalf of S/CRS by the Joint Forces Command (JFCOM) from the Institute for Defense Analysis (IDA). Entitled *Joint Interagency Evaluation: Manning A Civil*

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<sup>36</sup> (...continued)

of State. *Fact Sheet: State Department Stands Up Active Response Corps*. August 23, 2006. [<http://www.state.gov/s/crs/rls/71038.htm>].

*Reconstruction and Stabilization Response Capability*, the study contemplates a rule of law reserve of 6,000, including police units and judicial teams, and a 2,500 person reserve of experts in other specialties, according to the study's director at IDA.<sup>37</sup>

A second study, released in May 2006, was prepared by BearingPoint, Inc. It contemplates an initial force of 3,568, apparently designed to an approximate size specified in advance by S/CRS of 3,000 reservists by FY2009, with an initial emphasis on rule of law in FY2007 and additional personnel to be added over the next three years in stages, a scheme with which BearingPoint concurred. Organizationally, the civilian reserve would be created as a new executive agency, and its director would report to the S/CRS coordinator.

As contemplated by the BearingPoint recommendation, the reserve roster would begin in FY2007 with 655 reservists, of which 639 would be rule of law personnel (159 constabulary police, 445 other civilian police, and 35 judges, attorneys, court staff and prison personnel). There would be an additional 45 program management and administrative support personnel for a total of 700. In FY2008, 813 reservists would be added (including additional police and other rule of law personnel as well as personnel specializing in basic (non-humanitarian) services and critical infrastructure), as well as 285 people for program management and support. In FY2009, 1,532 reservists would be added, with more added in previous categories as well as new personnel for building government institutions and democracy, for a total of 3,000 reservists. In addition, 218 people would be added for program management and administrative support, bringing the total to 548 in this area. Of the 3,000 reservists, 2,260 or a bit under two thirds, would be rule of law personnel (including 512 constabulary police and 1,445 other civilian police) as of FY2009. The study observed that the suggested figure of 3,000 reservists on the roster "is a fraction of what will ultimately be needed to fulfill the program's mission,"<sup>38</sup> and that the size of the roster must evolve over time.

The training regime envisioned by BearingPoint contemplates initial baseline training through distance learning courses, some 8 to 19 days of orientation and 4 to 6 days of annual training. Leadership training for 5% of the force would last 3 days. Before deployments, reservists would receive pre-deployment training of one to two weeks, depending on need. In-mission training would also be provided as needed.

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<sup>37</sup> Scott Feil, speaking at a CRS workshop on May 25, 2006. His remarks are recorded on an abbreviated audio version of the workshop: CRS Audio Brief MM70096, *Civilian Forces for Stabilization and Reconstruction: U.S. Proposals and International Experience*, A written summary of the workshop is contained in CRS Report RL33647, *A Civilian Reserve for Stabilization and Reconstruction Abroad: Summary of a Workshop on U.S. Proposals and International Experiences and Related Issues for Congress*, by Nina M. Serafino.

<sup>38</sup> BearingPoint, Inc. *Management Study for Establishing and Managing a Civilian Reserve*. Prepared for the U.S. Department of State, Office of the Coordinator for Reconstruction and Stabilization. May 30, 2006. Except as otherwise noted, information cited here from the BearingPoint study can be found on the following pages: information of roster size and composition, pp. 4-14 to 4-38, 7-1; on organizational position, p. 6-3; on training, pp. 5-20 to 5-33, 6-11, 6-12; on deployment length, pp. 5-41 to 5-43; on costs, pp. 7-7 to 7-12; on legislation, pp. 8-23 to 8-26.

Benefits would be a “key issue” for many potential reservists as they judge the total compensation package, according to BearingPoint. The firm recommended certain benefits — particularly medical and other forms of insurance, as desirable.<sup>39</sup>

Deployments would include a 30-to-90-day preparation period, including the completion of pre-deployment training, screening and processing, as well as allowing time to get personnel affairs in order. The in-country tour itself would last a maximum of 12 months.

BearingPoint calculated that the costs of creating, sustaining and managing its recommended reserve roster from FY2007 to FY2010, indicating that they were higher than anticipated. According to Bearing Points calculations, these costs would be some \$70.6 million in FY2007, \$97.2 million in FY2008, \$160 million in FY2009, and \$33.5 million in FY2010. Because start-up costs such as recruitment are high, costs for the first three years would be higher than the fourth year, FY2010, and per reservist costs would decrease each year even as the number of reservists was increasing. Actual per reservist costs of the start-up phases would decrease each year, from \$100,849 in FY2007 to \$9,440 in FY2010.

Recognizing that the costs for its recommended reserve may be considered high, BearingPoint offered three other, less expensive, plans. Under the first two, costs could be reduced to about \$25 million in FY2007, \$45 million in FY2008, and \$75 million in FY2009. Under BearingPoint’s first, and recommended, alternate plan, savings would be achieved by delaying enrollments, while maintaining the emphasis on the recruitment and formation of police forces. Under the second plan, savings would be achieved by enrolling functional specialists instead of police (with their costlier equipment requirements) through FY2009. Under a third plan, unspecified savings could be achieved by postponing equipment purchases until FY2009.

Deployment costs were figured separately. BearingPoint calculated deployment costs on a per person basis for three scenarios which varied in distance from the United States, degree of stability, and operation tempo. For deployments of close to 900 members of the civilian reserve for a year, total costs ranged from \$300 million to over \$500 million, including personnel, training, equipment, logistics, and administrative costs.

Legislation needed, according to Bearing Point, is included in already introduced bills, with the addition of the creation of a Civilian Reserve classification in the Foreign Service and the extension of federal benefits to employees who are employed intermittently and regardless of traditional time in service requirements. According to the BearingPoint study, some provisions of existing law need to be extended beyond their original intent, including provisions in the Servicemember

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<sup>39</sup> These include several varieties of insurance — medical, life, accidental death and dismemberment, and short-term and long-term disability — as well as disability retirement, workers’ compensation, a death gratuity, a retirement plan, paid leave, overtime pay, direct payroll deposit, an employee assistance pro gram, housing and food allowances, family support programs, and casualty assistance. (pp. 4-55, 4-56) It listed other benefits — such as dental insurance and a legal assistance program, as also desirable.

Civilian Relief Act of 2003, which extends certain protections in legal cases and in cases regarding mortgages, credits and debts, evictions from rental property and foreclosures on servicemembers' real and personal property.

**Monitoring and Planning for Potential Conflicts.** To monitor potential crises, S/CRS asked the National Intelligence Council (NIC) to provide it twice a year with a list of weak states most susceptible to crisis, from which S/CRS chooses one or more as test cases to prepare contingency plans for possible interventions. S/CRS is also working with the USAID Office of Conflict Management and Mitigation, which is developing techniques for preparing highly-detailed assessments of current and impending conflicts.

During 2005, S/CRS worked with the U.S. military's Joint Forces Command (JFCOM) to develop a common civilian-military planning model for stabilization and reconstruction operations. It also worked to develop specific strategic-level contingency plans to set goals for addressing possible deteriorating situations in Haiti and Sudan, and for a post-Fidel Castro Cuba. It is currently working on developing concepts and personnel to carry out operational level planning.

**Developing Interagency Training Exercises.** To address the need for greater interagency, particularly civil-military, planning and coordination, S/CRS is working with the military to develop, among other things, civilian-military training exercises for stabilization and reconstruction operations. S/CRS was a sponsor of a civilian-military exercise by the Center for Stabilization and Reconstruction Studies (CSRS) at the Naval Post-Graduate School and worked with SOUTHCOM to develop its March 2006 exercise.

**Other Activities.** In three other areas necessary to carrying out Congress' mandates, S/CRS has also taken a role. First, it is developing ties with other international participants to coordinate and enhance civilian capabilities for stabilization and reconstruction activities. To better plan and carry out response efforts, S/CRS is developing a system to collect, analyze, and transmit "lessons learned." S/CRS also is seeking to help State Department regional bureaus (which have the lead on preventive activities) to develop concepts and proposals for preventive action.

## **Congressional Action and Concerns**

The current status of S/CRS is a matter of concern to many proponents. They express concern that S/CRS has not met the challenges it was designed to address, in particular rectifying the U.S. government's inadequate planning mechanisms for S&R operations, the lack of inter-agency coordination in carrying out such tasks, and the lack of appropriate capabilities for many of the non-military tasks required. Both critics and proponents argue that the office has lacked the leadership and support (from the White House, State Department, and Congress) and authority to carry out duties. A December 2006 report of the U.S. Army Peacekeeping and Stabilization Operations Institute (PKSOI) notes that S/CRS was given "an enormous mandate that put it in competition with other existing departments and agencies, and gave it

responsibilities without corresponding authorities or resources.”<sup>40</sup> Nor, according to the PKSOI, was S/CRS empowered “to exercise interagency leadership. While directed to ‘lead, coordinate, and institutionalize,’” according to the PKSOI report, “it lacks any authority to compel the activities of other departments and agencies. To meet the intent of its charter, S/CRS would have to become a much larger organization, given greater authorities, consistent funding, and [be] focused more deliberately on specific problems in specific countries.”<sup>41</sup> Others believe, however, that S/CRS’ inability to carry out its function may indicate that another entity, better positioned to carry out its functions, should be created.<sup>42</sup>

Two bills have been introduced in the 110<sup>th</sup> Congress dealing with S/CRS, a civilian response corps, and a conflict response fund. Both are titled the “Reconstruction and Stabilization Civilian Management Act of 2007,” although they are not identical. S. 613 was introduced February 15, 2007, by Senator Lugar for himself and Senator Biden. H.R. 1084 was introduced the same day by Representative Farr for himself and Representative Saxton. The Senate Foreign Relations Committee reported S. 613 without amendment on March 28, 2007, with written S.Rept. 110-50.

The provisions of these bills are discussed below under the appropriate issue.

## **Enhance the Status of S/CRS**

Legislation in previous Congresses contained provisions for a permanent authorization for S/CRS and its functions, as well as for authority to direct interagency operations. Both are contained in the original Lugar-Biden legislation, as well as the 110<sup>th</sup> Congress versions: S. 613 and H.R. 1084.

Codifying the existence of S/CRS could be accomplished by amending Title 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.), which, among other functions, provides for the establishment of the higher level positions within the Department of State. The codification would also prevent the dismantling of the office without the legislative consent of Congress.

Section 6 of S. 613 and H.R. 1084 would assign 10 specific functions to S/CRS, largely mirroring the functions assigned by Congress in its original

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<sup>40</sup> U.S. Army Peacekeeping and Stability Operations Institute. *Strategic Requirements for Stability Operations and Reconstruction: Final Report*. op. cit. p. 18. (See footnote 26 for more information on this report.)

<sup>41</sup> Ibid.

<sup>42</sup> The PKSOI report recommends that “S/CRS be resourced, empowered, and given a timeframe” to produce results. “If S/CRS does not prove itself during this time, then the mission could be moved away from this office and, if not clearly embraced by the Secretary of State, away from the Department of State. Having already been created, S/CRS should be given a real opportunity for success before any decisions regarding its future are made.” Ibid.

legislation on S/CRS, as cited above.<sup>43</sup> In addition, these bills would in effect grant the S/CRS coordinator default authority to “identify and mobilize non-military resources” and coordinate the response to a stabilization and reconstruction crisis. This section would provide operational authority to whomever the President designates as Coordinator for the crisis, or, in the absence of a presidential designation, to the S/CRS coordinator.<sup>44</sup>

## **Provide Adequate Resources for S/CRS and its Activities**

Proponents of S/CRS express concern that the office has not received the resources that it needs to carry out its broad mandate and to prove its utility. While some blame a perceived slowness in the S/CRS start-up on a lack of high-level State Department commitment, others argue Congress has not provided the necessary resources for S/CRS to carry out its functions. On the other hand, some defend the

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<sup>43</sup> These functions are: (1) “Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are in, or are in transition from, conflict or civil strife”; (2) “Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises”; (3) “Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises”; (4) “Coordinating with relevant Executive agencies (as that term is defined in section 105 of title 5, United States Code) to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises”; (5) “Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2005”; (6) “Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps or the Response Readiness Reserve ... or to otherwise participate in or contribute to stabilization and reconstruction activities”; (7) “Ensuring that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands”; (8) “Sharing information and coordinating plans for stabilization and reconstruction activities with the United Nations and its specialized agencies, the North Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations”; (9) “Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities”; and (10) “Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.”

<sup>44</sup> As stated in S. 3322: “Response to Stabilization and Reconstruction Crisis- If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the Coordinator of the United States response. The individual so designated, or in the event the President does not make such a designation, the Coordinator for Reconstruction and Stabilization, shall — (1) assess the immediate and long-term need for resources and civilian personnel; (2) identify and mobilize non-military resources to respond to the crisis; and (3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.”



funding provided for S/CRS as adequate and prudent for a newly established, untested office charged with developing new concepts.

The Bush Administration requested \$41 million in State Department funding in FY2005 and FY2006 to establish S/CRS and fund initial operations,<sup>45</sup> and \$9.5 million for S/CRS in FY2007, bringing the total to \$50.5 million. Of this, Congress earmarked \$7.7 million in FY2005 supplemental appropriations for the S/CRS, but subsequently has not dedicated specific amounts to S/CRS in funding State Department appropriations.

The House Appropriations Committee (HAC) reported its Science, State, Justice, and Commerce Appropriations bill (H.R. 5672) on June 22, 2006, with a note of approval for S/CRS and support for new S/CRS positions (H.Rept. 109-520):

The Committee strongly supports the work of the Office of the Coordinator for Reconstruction and Stabilization. The Committee understands that this office will be the central entity to plan and coordinate United States Government civilian activities in pre- and post-conflict environments, and to coordinate the U.S. government reaction to complex contingencies. Further, the Committee understands that this office would improve operational response time in the areas of reconstruction, stabilization, and humanitarian assistance. The recommendation supports new positions for the Office.

The Committee's bill did not, however, set a specific budget amount for S/CRS nor set a number on the new positions that it is funding. Under the FY2007 continuing resolution (H.R. 5631/P.L. 109-289, as amended), funding can continue under the lesser of either FY2006 appropriations or the House version of FY2007 legislation; the implications for S/CRS funding are unclear given the lack of an earmark for S/CRS in either year's legislation.

For FY2008, the Bush Administration has requested \$8.05 million for running the S/CRS office. (According to the FY2008 Congressional Budget Justification document accompanying the request, S/CRS received \$5.71 million in FY2006 and

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<sup>45</sup> For FY2005, Congress appropriated \$7.7 million of the \$9.4 million the Administration requested in FY2005 supplemental funds for start-up costs. (H.R. 1268, P.L. 109-13, the FY2005 Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief Act, signed May 11, 2005. The office was established too late to be included in the February 2004 regular budget request for FY2005.) Congress did not, however, provide the \$7.5 million that the Administration requested in FY2005 supplemental funds for the initial development of a rapid response cadre of State Department personnel and the design of a training program and civil-military exercises. The Bush Administration's FY2006 budget request included \$24.1 million for the S/CRS operations, including the creation of 54 new positions in the S/CRS office and the establishment of a 100-person "ready-response" cadre within the Department of State. The conference version of the State Department funding legislation did not designate specific funding for S/CRS, leaving the decision on the funding level up to the State Department. (Appropriations for Science, State, Justice, Commerce and Related Agencies for FY2006, H.R. 2862, P.L. 109-108, signed into law November 22, 2005.) The House Appropriations Committee noted in the report accompanying its version of the bill (H.Rept. 109-118), that it was recommending \$7.7 million to fund 33 new S/CRS positions.

\$7.98 million in FY2007.) The Administration is also requesting \$14.59 million for FY2008 to fund 57 new positions in the S/CRS office. The request states that the additional positions will enable S/CRS “to lead interagency efforts in international crises and conflicts” and “to expand our existing Active Response Corps.”

## **Establish a Conflict Response Fund**

For many policymakers and analysts, a key change necessary to make the State Department “operational” for S&R operations is the provision of a conflict response fund. Congress has long resisted the provision of “blank check” pots of money as an abdication of constitutional appropriation and oversight powers, and has thus far refused to provide it for S&R purposes through the State Department or Foreign Operations budget. On the other hand, proponents of such a fund argue that it is needed because many crises that demand a U.S. rapid response cannot be foreseen and thus planned for in annual budget submissions (such as Lebanon in 2006, see paragraph below). In addition, they argue, the existing mechanisms for transferring funds to an emergency situation are too time-consuming to provide an immediate response. Congress has provided for such a mechanism in the case of the automatically replenishable Emergency Refugee and Migration Assistance (ERMA) emergency relief account, funded through foreign operations appropriations. Many proponents suggest that ERMA provides a model for a conflict response fund. Several bills have been introduced that would, among other provisions, permanently establish a conflict response fund, but none has yet passed Congress.<sup>46</sup>

Congress did make funding available in 2006 for conflict response fund purposes in FY2006 and FY2007 through a special DOD transfer authority, contained in DOD FY2006 authorization act, that authorizes a \$100 million transfer to the State Department for each of those fiscal years.<sup>47</sup> Nevertheless, the 108<sup>th</sup> and 109<sup>th</sup> Congresses have turned down several Bush Administration requests (in both annual

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<sup>46</sup> The first was the Stabilization and Reconstruction bill of 2004 (S. 2127, 108<sup>th</sup> Congress), introduced by Senators Richard Lugar and Joe Biden and reintroduced in 2005 (S. 209, 109<sup>th</sup> Congress). Neither bill was acted upon by the full Senate. The House version of S. 200 was H.R. 2601 (109<sup>th</sup> Congress). In 2005, the foreign relations authorization for FY2006 and FY2007 (S. 600, 109<sup>th</sup> Congress) included as Sections 701-711 slightly modified versions of the original Lugar Biden bill. In the House, Representative David Dreier introduced H.R. 1361 (109<sup>th</sup> Congress), the International Security Enhancement Act of 2005, which has provisions similar to S. 600.

<sup>47</sup> Section 1207 of the conference version of the FY2006 National Defense Authorization Act (P.L. 109-163, H.R. 1815/S. 1042; signed into law January 6, 2006) authorized the Secretary of Defense to provide the Secretary of State with up to \$100 million in services, defense articles and funding for reconstruction, security, or stabilization assistance to a foreign country per fiscal year for each FY2006 and FY2007. The assistance is subject to the provisions of Foreign Assistance Act, the Arms Export Control Act, and any law making appropriations to carry out such acts. The provision requires that the Secretary of Defense notify armed services, foreign affairs, and appropriations committees of both chambers at the time the authority is exercised. The original provision contained in a floor amendment to the Senate version of the bill, S. 1042, offered by Senator James Inhofe and adopted by the Senate on November 8, 2005, would have provided twice that amount, i.e., \$200 million per year.

and supplemental appropriations measures) for no-year funds to be used for conflict emergencies in foreign countries or regions,<sup>48</sup> and proposals in previous iterations of the Lugar/Biden legislation to establish a replenishable conflict response fund. In 2006, appropriators requested a “comprehensive, disciplined and coherent strategy” before they would approve such a fund under foreign operations appropriations (Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, H.Rept. 109-265, P.L. 109-102, signed into law November 14, 2005).

During FY2006, DOD transferred \$10 million through the use of its authority for use in two projects in Lebanon. Of this, \$5 million was allocated to the clearance of unexploded ordinance that posed an immediate threat to noncombatants. Another \$5 million was used to assist efforts to train and outfit additional Lebanese Internal Security forces [i.e., Lebanon’s national police]. The additional forces permitted the police to replace Lebanese Army forces performing policing duties in the Bekaa Valley as the Army was moved to southern Lebanon to enforce the cease-fire between Israel and Hezbollah.

The defense authorization conferees’ explanatory statement reiterates an approving statement regarding S/CRS and DOD’s support of and cooperation with S/CRS expressed in a previous Senate report,<sup>49</sup> but also warns that they consider the

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<sup>48</sup> The 108<sup>th</sup> Congress turned down five Administration requests for the creation of an \$100 emergency crisis response fund, and conferees on the FY2005 consolidated appropriations bill (P.L. 108-447/H.R. 4818) deleted a Senate provision for a \$20 million, no-year, State Department Crisis Response Fund. In both its FY2006 and its FY2007 budget requests for foreign operations, the Administration asked for the creation of a no-year contingency Conflict Response Fund that would be administered by S/CRS and could be used “to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife.” The requested funding level in FY2006 was \$100 million, the level for FY2007 was \$75 million. For FY2007, funds were requested, according to the FY2007 Congressional Budget Justification document, to provide funding for the “start-up of operations during the first four months of an intervention ... and will allow rapid deployment of teams to develop and refine estimates, establish operations, and initiate critical programs.” Of the \$75 million, some \$5 million was intended to support deployments of rapid-response personnel from the State Department and other civilian agencies, “including security costs and in-country transport associated with deploying 50 personnel in a medium-threat environment for up to eleven months....” (Part of the fund was also intended to cover the costs of implementing plans for a Civilian Reserve Corps, which the budget justification document estimated at \$25 million in FY2007.)

In action in 2005, both House and Senate appropriators seemed initially disposed to provide FY2006 funding for conflict response fund purposes through foreign operations appropriations, but no funds emerged from conference. The House version of the bill (H.R. 3057) would have allowed the Secretary of State to transfer up to \$100 million among State Department accounts and to other federal agencies to carry out reconstruction and stabilization assistance. The Senate version would have appropriated \$24 million in new funds for the Conflict Response Fund. Conferees on the FY2006 Foreign Operations Appropriations Act for FY2006 (P.L. 109-102, signed into law November 14, 2005) asked for additional information before they would approve a such a fund.

<sup>49</sup> The Senate Armed Services’ Committee report accompanying the FY2006 DOD authorization bill (S. 1042, S.Rept. 109-69, May 17, 2005). The conference report also (continued...)

grant of Conflict Response funds as “as a temporary authority to provide additional resources, if needed, to the Department of State until S/CRS is fully stood up and adequately resourced.” The conferees caution that they are not inclined to continue appropriating DOD funds in order to enable the Department of State to “fulfill its statutory authorities.”

S. 613 and H.R. 1084 both have provisions for a \$75 million replenishable fund that could be used by the President to respond to crises in countries or regions at risk of, in , or in transition from, conflict or civil strife. Of that, some \$25 million could be used for expenses related to the development, training, and operations of the Response Readiness Corps. (See below.)

## **Authorize and Fund a Readiness Response Corps**

Civilian personnel available through the U.S. government to perform S&R activities are limited in number, decentralized in organization, and difficult to call up. Many analysts view the remedy to this situation as the creation of a cadre of “on-the-ground” personnel which could develop and implement nation-building activities and interact with U.S. military personnel at all levels in order to foster security and stability in troubled situations.<sup>50</sup> (See the section on the proposal in the original Lugar-Biden legislation [S. 2127, 108<sup>th</sup> Congress], above.) In its FY2006 and FY2007 budget requests, the Bush Administration’s budget proposed funding for S/CRS to establish a 100-person ready-response cadre of government employees. In its action on the FY2007 foreign operations bill (H.R. 5522, 109<sup>th</sup> Congress, the Senate version of which also includes funding for the State Department), Senate Appropriations Committee members (S.Rept. 109-277) denied funding for a conflict response fund (as discussed in the section above) in part on grounds that the State Department has not provided adequate information on the uses of the fund for the establishment of a Civilian Response Corps.<sup>51</sup>

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<sup>49</sup> (...continued)

repeats the Senate Committee’s urging that DOD continue and deepen its coordination with the State Department “on planning for and participating in post-conflict stability operations and reconstruction efforts.” Section 360 of the conference report directs the Secretary of Defense to report to congressional defense committees by February 1, 2007, on joint field training and experimentation conducted regarding stability, security, transition, and reconstruction operations during FY2005-FY2006, including a description of the participation of other departments and agencies and of allied and coalition partners.

<sup>50</sup> At a speech given to the International Republican Institute in 2005, President Bush stated that the needs perceived during the start-up of U.S. operations in Afghanistan and Iraq influenced the creation of S/CRS. “Many fine civilian workers from almost every department of the government volunteered to serve in Iraq,” noted the President. “But the process of recruiting and staffing the Coalition Provisional Authority was lengthy and difficult.” Remarks by the President at International Republican Institute Dinner, Office of the White House, May 18, 2005.

<sup>51</sup> “The State Department requested funding for the establishment of a new Civilian Reserve Corps, which in theory would be capable of deploying to a conflict or post-war environment to aid in civilian administrations and coordination. The State Department is currently reviewing the legislative authorities, manning requirement, and operational concepts related (continued...) ”

S. 613 and H.R. 1084 have somewhat different versions of a S&R “Response Readiness Corps.” In the case of S. 613, the Corps would be established and maintained by the Secretary of State, in consultation with the USAID Administrator and the heads of other appropriate U.S. government departments and agencies. In the case of H.R. 1084, the Secretary of State need only consult and coordinate with the USAID Administrator. Both bills specifically state that the purpose of the Response Readiness Corps would be “to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.”

- S. 613 would provide for a three-part Corps. The first two consist of federal employees. The active duty federal component would be comprised of up to 250 personnel “recruited, employed, and trained” specifically for the job. (This number is “in addition to any other full-time personnel of the Department of State or USAID authorized to be employed under any other provision of law.”) A federal standby component would consist of up to 2,000 federal personnel who have volunteered for deployment on S&R missions and have the necessary training and skills to perform them. These may include employees of the Department of State (including foreign service nationals), of USAID, or of any other executive branch agency, as well as of legislative and judicial branch employees. The third component, a Civilian Reserve of non-U.S. government personnel “trained and available as needed” would include at least 500 members within a year after enactment. These could include retired employees of the U.S. government, contractor personnel, nongovernmental organization personnel, State and local government employees, and individuals from the private sector who have volunteered for, have the necessary training and skills to perform, and are available for training and deployment to S&R missions.
- H.R. 1084 would provide for the recruitment, hiring, and training of up to 250 people to serve in the active duty corps, as well as “such other personnel” [number unspecified] as the Secretary of State, in consultation with the AID Administrator, would designate from the ranks of State Department and USAID personnel. The reserve component, again of no definitive size, would be comprised of two sets of volunteers, trained and available as needed, whose names are placed on a reserve roster. The first would be personnel from the State Department (including foreign service nationals), USAID, other executive agencies, and the legislative and judicial branches. Within three years, at least ten percent of the State Department and USAID employees would have to be members of the Readiness

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<sup>51</sup> (...continued)

to establishing such a capability, and these studies may produce a more defensible request for funding as part of a future budget request.”

Reserve Corps or be trained or identified for potential deployment in support of the Corps. A second group of at least 500 persons would be listed on the reserve roster; these could be retired federal government employees, contractor personnel, non governmental organization personnel, and State and local government personnel with the appropriate skills and training.

S/CRS already has formed the nucleus of the response corps by establishing a small active duty component and beginning to post the names of other government personnel on a stand-by roster. S/CRS' specific plans for Civilian Reserve Corps are still under development.

**Civilian Reserve Corp Funding and Debate.** The Administration did not present a request for FY2008 funding for a civilian reserve corps with its FY2008 budget request. As of early March 2007, a S/CRS spokesperson said that S/CRS is consulting with Congress as it develops plans for such a reserve, but did not expect to request funding until the FY2009 budget cycle. However, the House and Senate have each included provisions for the State Department to spend up to \$50 million in FY2008 on a Civilian Reserve Corps in the current FY2007 supplemental funding bill, H.R. 1591. As reported on March 20, 2007, by the House Appropriations Committee and passed on March 23 by the House, H.R. 1591 stated in the Chapter 8 Department of State Diplomatic and Consular Programs section that up to \$50 million may be made available to establish and maintain a civilian reserve corps. Section 1712 of the Senate version of the bill, as passed by the Senate on March 29, states that up to \$50 million of the funds made available under the Diplomatic and Consular Programs and Economic Support Fund headings may be made available to support and maintain a civilian reserve corps, subject to the regular notification procedures of the Committees on Appropriations. The relevant funds in both bills are available through September 30, 2008.

Proponents of the creation of a civilian reserve corps foresee a variety of advantages from the creation of such a corps. DOD has promoted the concept on the grounds that it would free military personnel from state-building tasks during military operations, thus increasing the personnel available for combat and other more strictly military tasks.<sup>52</sup> Proponents also view such a corps as a means to enhance prospects

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<sup>52</sup> However, DOD Directive 3000.05, *Military Support for Stability, Security, Transition and Reconstruction (SSTR) Operations*, issued November 28, 2005, states that many stability operations tasks "are best performed by indigenous, foreign, or U.S. civilian professionals," but nonetheless "U.S. military forces shall be prepared to perform all tasks necessary to establish or maintain order when civilians cannot do so." Among the tasks listed are the rebuilding of various types of security forces, correctional facilities, and judicial systems, the revival or building of the private sector, and the development of representative governmental institutions. (Points 4.3, 4.3.1-4.3.3. Access through [<http://www.dtic.mil/whs/directives/corres/html/300005.htm>].)

Some military analysts argue that at the beginning of an operation or in extremely volatile situations the use of U.S. troops to perform nation-building efforts may be considered highly desirable as they can "multi-task," performing combat missions in one

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for success in S&R operations as the personnel who would be sent to perform such tasks would in general have a much higher level of expertise and depth of experience than soldiers and could, unlike many military personnel assigned to such tasks, perform at peak efficiency from the outset. Many view this as particularly true at the national level, where extensive experience with developing national-level structures is desirable over the long run. (Although military Civil Affairs officers are largely reservists whose civilian jobs are relevant to state-building tasks, many analysts state that there are too few civil affairs personnel to provide the depth needed to deploy the appropriate person in most circumstances.) Many argue that civilian personnel are also preferable for symbolic reasons, as they may signal a greater commitment to the construction of a democratic state.

Skeptics look at the concept of a civilian reserve as untested and potentially not feasible. Some wonder whether qualified experts will sign up in sufficient quantities to make the corps an effective replacement for military troops in S&R operations.<sup>53</sup> Some question whether the existence of such a corps would provide an incentive to interventions of various types that the United States otherwise would not have undertaken or that it might be used for purposes other than post-conflict S&R operations. Some proponents have argued that such a corps would be useful for preventive deployments. Some proposals for enhancing U.S. counterinsurgency capabilities have argued for the creation of a civilian reserve for such operations.

Skeptics also view the model as potentially costly. The availability of personnel for rapid deployment in adequate depth may well depend on the arrangements under which they are recruited. If, as with the U.S. military reserve component, law enforcement and rule of law personnel are to commit to deploy immediately when called, they may require the type of benefits (e.g., pension, salaries for regular training) such as members of the U.S. military reserve component receive. (The BearingPoint model, as discussed above, estimates escalating start-up costs for the first three years averaging \$109 million per year as a force of 3,000 was being built and a cost of \$33.5 million, or some \$9,440 per reservist, for the fourth year when the force was fully established. These costs are do not include deployment.) Some proponents argue that the costs of deploying civilian personnel would result in a net savings to the military, although it is likely that any possible savings would depend on the circumstances in which such civilian personnel were deployed and the effect of their deployment on the number of military personnel needed. Proponents also maintain that even if high, the monetary cost to maintain and deploy civilian

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<sup>52</sup> (...continued)

area while switching quickly to state-building efforts in another. In addition, some believe that it will always be desirable to have trained military civil affairs officers who can deal with civilian leaders and populations involved in state-building efforts at the local level, as a means of demonstrating goodwill toward such populations and enhancing the image of soldiers, especially in counterinsurgency operations.

<sup>53</sup> For information on the experiences of the Germany, Canada, and the United Nations in recruiting personnel for state-building rosters and deployments to other countries see CRS Report RL33647, *A Civilian Reserve for Stabilization and Reconstruction Abroad: Summary of a Workshop on U.S. Proposals and International Experiences and Related Issues for Congress*, by Nina M. Serafino.

reservists would still be relatively inexpensive when compared to the multiple costs, both tangible (such as money and lives) and intangible (such as domestic and international political support and loss of strategic leverage) of prolonged or failed military interventions.



**Table 1. FY2006 Civilian Capabilities Funding**

<b>Request/Legislation</b>	<b>S/CRS</b>	<b>S&amp;R Corps</b>	<b>Conflict Response Fund</b>
<b>FY2006 Bush Administration Request</b>			
<b>Appropriations P.L. 109-108, H.R. 2862</b>  <i>Appropriations for Science, the Department of State and Commerce for FY2006</i>	<b>House:</b> \$7.7 million  <b>Conference:</b> No earmark.	None	None
<b>Appropriations P.L. 109-102, H.R. 3057</b>  <i>Foreign Operations Appropriations Act for FY2006</i>	<b>House:</b> None  <b>Senate:</b> \$24 million  <b>Conference:</b> None	None	<b>House:</b> Secretary of State may transfer up to \$100 million among State Department accounts and to other federal agencies to carry out reconstruction and stabilization assistance.  <b>Senate:</b> Appropriates \$24 million in new funds for the fund.  <b>Conference:</b> Does not provide funding or transfer authority.
<b>Authorization P.L. 109-163, H.R. 1815</b>  <i>Department of Defense FY2006 Authorization Act</i>	None	None	<b>Senate:</b> Authority to transfer to the Secretary of State up to \$200 million in services, defense articles, and funding for reconstruction, security, or stabilization assistance.  <b>Conference:</b> Authority up to \$100 million for above purposes.  <b>NOTE:</b> Although this provision is not labeled “Conflict Response Fund,” it addresses the same needs.
<b>Authorization/ S. 600</b>  <i>Foreign Affairs Authorization Act for FY2006 and FY2007</i>	<b>Senate:</b> \$24.1 million	None	<b>Senate:</b> \$100 million
<b>Authorization/ H.R. 2601</b>  <i>Foreign Relations Authorization Act for FY2006 and FY2007</i>	None	<b>House:</b> Authorized establishment of an Active Response Corps. No funding authorized.	None