

CRS Report for Congress

Peacekeeping/Stabilization and Conflict Transitions: Background and Congressional Action on the Civilian Response/Reserve Corps and other Civilian Stabilization and Reconstruction Capabilities

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Summary

The State Department's Office of the Coordinator for Reconstruction and Stabilization (S/CRS) was established in 2004 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. In his January 23, 2007, State of the Union address, President Bush called for Congress to work with his Administration "to design and establish a volunteer Civilian Reserve Corps." Included in the Administration's February 4, 2008, budget request for FY2009 is a \$248.6 million Civilian Stabilization Initiative that seeks to establish that corps.

Since 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 issues for the second session of the 110th Congress include whether to provide a permanent authorization for that office, and whether to authorize and fund the Administration's Civilian Stabilization Initiative (CSI), presented with the annual budget request in February 2008. The CSI would establish a three-part, 4,250-person civilian response corps (CRS) that would include (1) an active force of 250 State Department employees, (2) a 2,000-member standby force, and (3) a 2,000-member civilian reserve of non-federal government personnel.

In 2008, Congress has made some progress on these matters. On March 5, the House passed the Reconstruction and Stabilization Civilian Management Act of 2008, H.R. 1084, which would codify the establishment of S/CRS and authorize the CRC. Provisions of this bill are included in the FY2009 National Defense Authorization Bill, H.R. 5658, as passed by the House in June. Also in June 2008, Congress appropriated \$75 million for the CSI in the Supplemental Appropriations Act, 2008 (H.R. 4642, P.L. 110-252). This legislation waives the need for the program to be authorized in order for the money to be spent.

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Introduction

Members of the second session of the 110th Congress have taken steps to advance 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 108th and 109th Congresses as a whole moved cautiously, however, on authority and funding for such initiatives, requesting that the Administration provide more information on its plans.

Thus far, the second session of the 110th Congress has two issues under consideration.

- The first is whether to authorize and fund new mechanisms that would “operationalize” the State Department, that is, 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.
- The second is whether to 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's 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.¹

In 2008, the Bush Administration kicked off discussion of these issues in February with its announcement of the Civilian Stabilization Initiative (CSI), for which it requested almost \$649 million in the FY2009 budget request. Through the CSI, the Administration seeks to develop "a coordinated capacity across the 15 United States Government civilian agencies and the Department of Defense for a 'Whole of Government' response to emergent Reconstruction and Stabilization crises."² In the Supplemental Appropriations Act, 2008 (P.L. 110-252, signed into law June 30), Congress appropriated some \$50 million in FY2008 emergency supplemental funds and \$25 million in FY2009 "bridge" funds to support the CSI.

Congressional action to establish an S&R response corps and to codify S/CRS commenced with the March 5 House passage by voice vote of H.R. 1084, the Reconstruction and Stabilization Civilian Management Act of 2008 (introduced in 2007 with a similar companion measure of the same name, S. 613). When H.R. 1084 appeared stalled in the Senate, the House Armed Services Committee reported on May 16, and passed on May 22, a defense authorization act (H.R. 5658) that included the text of H.R. 1084. On September 10, Senator Lugar introduced, on behalf of himself and Senators Biden, Durbin, and Warner, a new version of the Reconstruction and Stabilization Civilian Management Act, which varied slightly from both H.R. 1084 and S. 613.

This report provides background on these issues. It also discusses proposals and tracks related legislative action. It will be updated as warranted.

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

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

² Department of State. *Congressional Budget Justification Fiscal Year 2009*. [February 2008], p. 531.

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 promotion, economic reconstruction and military security” and involving extensive changes in government to carry that strategy out.³ 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, 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.”⁴

³ 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>].

⁴ 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.

Evolving Perceptions of Post-Conflict Needs⁵

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”⁶ and “stabilization” forces at about the same intensive pace as it has 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.⁷ The United States developed its

⁵ 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.

⁶ “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 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.

⁷ The term “post-conflict stabilization and reconstruction” is broad but is usually understood
(continued...)

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 paper explaining it, PDD 56 sought to address interagency planning and coordination problems through new planning and implementing mechanisms.⁸ 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.⁹ While never implemented by the Clinton Administration, PDD 71 has been partially put into force by the Bush Administration.¹⁰

⁷ (...continued)

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.

⁸ *The Clinton Administration’s Policy on Managing Complex Contingency Operations: Presidential Decision Directive*. May 1997. [<http://www.fas.org/irp/offdocs/pdd56.htm>].

⁹ 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>].

¹⁰ See CRS Report RL32321, *Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions*, by Nina M. Serafino.

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.¹¹ 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.¹² First, disbursing funds multilaterally through U.N. 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.¹³

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 continued 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.

¹¹ Collier, Paul and Hoeffler, Anke “Aid, Policy and Growth in Post-Conflict Societies,” *World Bank Working Paper*, October 2002.

¹² 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 Bank Working Paper*, May 2003.

¹³ Alesina, Alberto and Dollar, David, “Who Gives Foreign Aid to Whom and Why?” *NBER Working Paper No. w6612*, June 1998.

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 judged weak states, as well as unsuccessful post-conflict transitions, to pose a threat to U.S. security.¹⁴ 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.¹⁵ 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.

These and other studies recognized a need to enhance U.S. government structures and capabilities for conducting post-conflict operations.¹⁶ 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

¹⁴ *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. Also see CRS Report RL34253, *Weak and Failing States: Evolving Security Threats and U.S. Policy*, by Liana Sun Wylter.

¹⁵ Prins, Gwyn, "AIDS and Global Security," *International Affairs*, vol. 80, Issue 5, 2004.

¹⁶ 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, March 2004; (3) Hans Binnendijk and Stuart Johnson, eds. *Transforming for Stabilization and Reconstruction Operations*, National Defense University Center for Technology and National Security Policy, April 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*, December 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.

(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.¹⁷

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.

Six studies between 2003 and 2005 endorsed the creation of cohesive, rapidly-deployable units of civilian experts for stabilization and reconstruction operations.¹⁸

- 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.¹⁹
- 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

¹⁷ 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.

¹⁸ 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.

¹⁹ *Transforming for Stabilization and Reconstruction Operations*, op.cit.

of non-government civilians with related expertise who would be on-call for rapid deployment.²⁰

- 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.²¹
- 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 deploy concurrently in order to provide the needed security from the outset.²²
- 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.²³

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

²⁰ *Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era, Phase 1 Report*, op.cit. See pp. 64-65.

²¹ Robert M. Perito, Michael Dzedzic and Beth C. DeGrasse, *Building Civilian Capacity for U.S. Stability Operations*. Washington, DC: United States Institute of Peace, Special Report 118, April 2004.

²² 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.

²³ *Transition to and From Hostilities*, op.cit., p 58.

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.²⁴

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 institutions — demographic, political, religious, cultural, and geographic — contribute to the development of terrorism.²⁵ 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.²⁶

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

²⁴ 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.

²⁵ Patrick Stewart. *Weak States and Global Threats: Assessing Evidence of “Spillovers.”* Working Paper No. 73, Center for Global Development, January 2006.

²⁶ 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.

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.”²⁷ Others, however, point to cases such as Mozambique and El Salvador as examples that state building efforts can promote peace after civil strife.

Congressional and Bush Administration Action

The Initial “Lugar-Biden” Legislation (S. 2127, 108th Congress). On February 25, 2004, Senators Lugar and Biden introduced the Stabilization and Reconstruction Civilian Management Act of 2004 “to build operational readiness in 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. This legislation contained three main proposals: (1) establish in law and fund a State Department Office for Stabilization and Reconstruction, (2) create an Emergency Response Readiness Force, and (3) create and fund an annually replenishable emergency response fund similar to that used for refugee and migration funds.²⁸

Action on “Lugar-Biden”-Type Bills During the 108th and 109th Congresses (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, 108th Congress, introduced by Representative Schiff) was not considered by the House International Relations Committee. In subsequent years, similar legislation has been introduced,²⁹ but until 2008 the only bill to pass either chamber was a

²⁷ 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.

²⁸ The emergency response fund would have been subject to limited conditions, but requiring extensive consultation with Congress, similar to spending authority provisions of Section 614 of the Foreign Assistance Act of 1961, as amended. 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. CBO estimated that implementing the bill would cost some \$50 million in 2005 and \$550 million from 2005 through 2009.

²⁹ These include two similar versions of the original Lugar-Biden bill with same name: the Stabilization and Reconstruction Civilian Management Act of 2005 (S. 209/109th Congress, by Senators Lugar, Biden, and Hagel), and of 2006 (S. 3322/109th Congress by Senators Lugar, Biden, Hagel, Alexander and Warner, and H.R. 6104/109th 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

subsequent Lugar-Biden measure, the Reconstruction and Stabilization Civilian Management Act of 2006 (S. 3322/109th Congress). S. 3322 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 until the 110th Congress.

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 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

²⁹ (...continued)

FY2007 (S. 600/109th Congress). A related bill was the International Security Enhancement Act of 2005 (H.R. 1361/109th 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. 2616/108th Congress, introduced by Representative Farr); the International Security Enhancement Act of 2004 (H.R. 4185/108th Congress, introduced by Representative Dreier); and the United States Assistance for Civilians Affected by Conflict Act of 2004 (H.R. 4058/108th Congress, introduced by Representative Hyde).

ensure an integrated national approach is applied to post-combat peacekeeping, reconstruction and stability operations,” according to General Myers.³⁰

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.³¹

NSPD-44: 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.³² His national security policy directive on the management of 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

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

³¹ 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.

³² “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.

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.³³

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.

The 2008 Civilian Stabilization Initiative: The S/CRS's Role and Congressional Funding Action³⁴

In February 2008, the Bush Administration requested \$248.6 million for its "Civilian Stabilization Initiative" (CSI), which rolled into one its request for funds for continued operations of S/CRS, funds for a 250-member interagency Active Response Corps and a 2,000-member Standby Response Corps, and a 2,000-member Civilian Reserve Corps, and money for deployment of experts.

Status of FY2008 Supplemental and FY2009 Funding

As of early September 2008, the 110th Congress has not provided full funding for the CSI. Thus far, the only funding provided has been in the Supplemental Appropriations Act, 2008 (H.R. 4642, P.L. 110-252).

In June 2008, Congress appropriated \$75 million for the CSI in H.R. 4642. Of that amount, \$30 million was a FY2008 supplemental appropriation for the State Department and \$25 million was a FY2008 supplemental appropriation for USAID.

³³ 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.

³⁴ 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 mid-2008.

The remaining \$20 million was part of FY2009 supplemental bridge fund appropriations for the State Department.³⁵ This legislation waives the need for the program to be authorized in order for the money to be spent.

In legislation still under consideration, the Senate Appropriations Committee, in its version of the Department of State, Foreign Operations, and Related Programs Appropriations bill for FY2009 (S. 3288, reported July 18, 2008), recommends a total of \$115 million for the CSI under a heading of that name. The accompanying committee report (S.Rept. 110-425) states that these funds are in addition to the funding provided in P.L. 110-252 to establish and implement a coordinated civilian response capacity at the Department of State and USAID, and that even though funding is provided in this act under a unified heading, “the Committee intends that funds will support a proportional number of additional positions at the Department of State and USAID.”³⁶ The committee report also states that the bill “provides authority to transfer up to \$50 million from funds made available by titles I - IV of this act and prior acts only to support a civilian response corps if such a corps is actively deployed overseas responding to a crisis.”³⁷

Funds provided by Congress in 2007 to create the civilian reserve may expire at the end of FY2008 unless Congress passes an authorization measure. The FY2007 supplemental appropriations bill provided \$50 million through FY2008 to establish and maintain a civilian reserve corps, on the condition that the reserve was subsequently authorized. (Section 3810, [U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007], H.R. 2206, P.L. 110-28, signed into law May 25, 2007.) H.R. 1084, the Reconstruction and Stabilization Civilian Management Act of 2008 (see below), would authorize these funds.

³⁵ More specifically, this sum included up to \$30 million in FY2008 supplemental appropriations “to establish and implement a coordinated civilian response capacity the United States Department of State” under State Department Diplomatic and Consular Programs, up to \$25 million “to establish and implement a coordinated civilian response capacity at the United States Agency for International Development” under Operating Expenses of the United States Agency for International Development. (122 Stat.2328-2329.) The \$20 million in FY2009 bridge fund supplemental appropriations for the State Department was provided as part of a lump sum for State Department diplomatic and consular programs. The conference report on the amended bill to provide supplemental appropriations for FY2008 and FY2009 specifies that \$40 million of those funds is for new positions in the diplomatic corps and for “civilian post-conflict stabilization initiatives.” According to S/CRS, the funding is intended to be split evenly between the two purposes.

³⁶ In S.Rept. 110-425, the Committee also “directs the Secretary of State to submit to the Committee a financial plan for fiscal year 2009 no later than 45 days after enactment of this act designating the amount for each function of the CSI”

³⁷ S.Rept. 110-425 states that the “Committee expects the Secretary of State to judiciously exercise this authority, after consulting with the Committee, and directs the Secretary to request supplemental funds for unanticipated emergency requirements to support a civilian response corps, if needed.

S/CRS Accomplishments

S/CRS has worked to develop the capacity, procedures, and knowledge to deploy civilian government workers and reserve personnel to crises situations.

Establishing and Deploying the First Two Response Corps Components. In 2006, S/CRS took the first steps in the lengthy process of creating integrated and coherent groups of crisis-response personnel by creating 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. As of the summer of 2008, there were 13 slots Active Response Corps slots in S/CRS, with two temporarily vacant. 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. S/CRS began deploying members of the Active Response Corps during the last half of 2006, with the first members deploying to Darfur in July 2006, and subsequent deployments to Lebanon, Chad, Iraq, and Kosovo).³⁸

The CSI contemplated building a 250-million Active Response Corps with requested funding. The new funding provided in the FY2008 supplemental appropriations and FY2009 bridge funding will pay for new 100 slots, according to S/CRS.³⁹

Currently, the Stand-by Response Corp (SRC) of active and retired foreign service officers numbers some 500. Funding provided through the 2008 supplemental appropriations act will maintain that number, but the CSI funding request contemplated expanding the SRC to 2,000.

Developing a Civilian Reserve Capability. S/CRS developed the CSI proposal for an S&R civilian reserve 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

³⁸ One ARC member was deployed 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, one deployed to Beirut to help coordinate reconstruction assistance, and one to Chad to monitor activities on the Chad side of the border with Sudan.

³⁹ Original plans had called for the ARC to number 30 by the end of 2006. U.S. Department of State. *Fact Sheet: State Department Stands Up Active Response Corps*. August 23, 2006. [<http://www.state.gov/s/crs/rls/71038.htm>].

reconstruction activities. Two outside studies forming the basis for planning for the reserve were completed in 2006.⁴⁰

Current plans call for a Civilian Reserve Corps of 2,000. In the CSI budget request, the Administration requested \$86.768 million for S/CRS to support recruiting, hiring, and training, as well as to acquire and preposition vehicles and equipment needed to support the deployment of up to 500 reservists per year. The Civilian Reserve Corps would include personnel capable of performing the full spectrum of activities needed for stabilization and reconstruction operations, including policing, other rule of law (judicial and prison) functions, public administration, and infrastructure assistance. S/CRS anticipates beginning recruitment soon. Each civilian agency will conduct its own recruitment for reservists in its area of expertise.

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 also has worked with the USAID Office of Conflict Management and Mitigation, which develops techniques for preparing highly detailed assessments of current and impending conflicts. In addition, 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.

Developing Interagency Training Exercises. To address the need for greater interagency, particularly civil-military, planning and coordination, S/CRS has worked with the military to develop, among other things, civilian-military training exercises for stabilization and reconstruction operations. For instance, 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 other areas necessary to carrying out Congress's mandates, S/CRS has also taken a role. It has developed 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 has developed a system to collect, analyze, and transmit "lessons learned."

Congressional Action on Authorization Legislation in the 110th Congress

Two free-standing bills have been introduced in the 110th Congress dealing with S/CRS, a civilian response corps, and a conflict response fund; H.R. 1084 and S. 613

⁴⁰ 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.

are both titled the “Reconstruction and Stabilization Civilian Management Act,” although they are not identical. The text of H.R. 1084 also has been incorporated into the House version of the FY2009 defense authorization act (H.R. 5658). Senator Lugar submitted a third version of the bill as an amendment (S.Amdt. 5340, which was not acted upon) to the Senate version of the defense authorization bill (S. 3001).

On March 5, 2008, the House passed H.R. 1084 by voice vote. (The bill had been introduced February 16, 2007, by Representative Farr for himself and Representative Saxton; an amended version was reported by the House Foreign Affairs Committee on March 4, 2008, H.Rept. 110-537). When no action was taken on that bill by the Senate, the House Armed Services Committee incorporated the bill text as Title XVI of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (H.R. 5658, passed May 22, 2008).

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 (S.Rept. 110-050) without amendment on March 28, 2007. It was placed on the Senate calendar on April 10, 2007. No further action was taken.

On September 10, 2008, Senator Lugar submitted an amendment (#5340) to S. 3001 for himself and Senators Biden, Durbin, and Warner that contains a version of the Reconstruction and Stabilization Civilian Management Act that differs slightly from both H.R. 1084 and S. 613. The Senate passed S. 3001 on September 17, 2008, but this amendment, like many others, was not offered for a vote.

Provisions of H.R. 1084, S. 613, and S.Amdt. 5340 are discussed below under the appropriate issue.

Enhance the Status of S/CRS

A major objective on proponents of improving the civilian capacity to perform stabilization and reconstruction operations is to provide S/CRS with a permanent authorization and specified function mandated by law. All current legislative proposals — H.R. 1084, S. 613, and S. Amendment 5340 — contain such a provision, as did all previous Luger-Biden legislation.

Codifying the existence of S/CRS would 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 5 of H.R. 1084 and Section 6 of S. 613 would assign specific functions to S/CRS, largely mirroring the functions assigned by Congress in its original legislation on S/CRS, as cited above. S. 613 enumerates 10 functions, H.R. 1084 lists 9; S.Amdt. 5340 also lists 9 functions, although they differ from the list of H.R. 1084. In general, these functions convey on the Coordinator for Reconstruction and Stabilization an overall responsibility for monitoring and assessing political and

economic instability, and planning an appropriate U.S. response, but some of these functions are to be undertaken in coordination or conjunction with USAID and other relevant executive branch agencies.⁴¹

Authorize and Fund a Civilian Readiness Response and Reserve Corps

Civilian personnel available through the U.S. government to perform S&R activities are scarce, decentralized in organization, and difficult to call up. Many analysts view the remedy to this situation as the creation of a corps of “on-the-ground” civilian 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.⁴² From the beginning, Luger\Biden legislation has sought to authorize the establishment of such a corps. The Bush

⁴¹ H.R. 1084, S. 613, and S.Amdt. 5340 contain the following nine functions: (1) “Monitoring, in coordination with relevant bureaus within the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of a country or region that is at risk of, in, or...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 agencies...that are available to address such crises”; (3) “Planning, in conjunction with USAID, to address requirements, such as demobilization, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises”; (4) “Coordinating with relevant agencies 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 agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008”; (6) “Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps...or to otherwise participate in or contribute to reconstruction and stabilization activities”; (7) “Taking steps to ensure that training of civilian personnel to perform such reconstruction and stabilization activities is adequate and, is carried out, as appropriate, with other agencies involved with stabilization operations”; (8) “Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication”; and (9) “Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.” The list of S. 613 contains the same items, some with slightly different wording, , most importantly the lack of reference to USAID, as well as one additional item: “Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.”

⁴² 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.

Administration requested funding for the creation of a small response cadre of government employees in its FY2006 and FY2007 budget submissions,⁴³ but its first elaboration of a full-scale corps was the February 2008 the Civilian Stabilization Initiative, discussed above.

H.R. 1084, S. 613, and S.Amdt. 5340 propose differing versions of a three part (active, standby, and reserve) S&R civilian response corps. All versions 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.” All versions would codify the establishment of a civilian reconstruction and stabilization capability by amending the State Department Basic Authorities Act of 1956.

All three versions would also codify, as Section 618 of the Foreign Assistance Act of 1961, a requirement for the President to submit to Congress a Presidential determination invoking an important U.S. national interest before furnishing assistance to stabilize and reconstruct a country or region that is at risk of, in, or in transition from conflict or civil strife. S. 613 also states that a Section 618 determination would be necessary to deploy members of the standby and reserve components of the Corps. H.R. 1084 and S.Amdt. 5340 state that such a determination would be necessary to deploy the reserve component.

S. 613, (the latest version of which is the Senate Foreign Relations Committee version reported in 2007) contains specific details regarding the composition of a three-part Response Readiness Corps. The Secretary of State would establish and maintain the all components of the Corps in consultation with the USAID Administrator and the heads of other appropriate U.S. government departments and agencies.

- The first two components 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

⁴³ 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. Congress has not yet provided funds for establishing such a cadre or a civilian reserve corps: although in 2007, Congress approved \$50 million in supplemental funds (available through FY2008) to establish and maintain a civilian reserve corps, the release of these funds was made contingent on a subsequent authorization of the corps. (Section 3810, [U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, H.R. 2206, P.L. 110-28, signed into law May 25, 2007.]

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.

The two versions of a civilian capability authorization bill developed in 2008, H.R. 1084, as passed by the House, and the version contained in S.Amdt. 5340, were proposed after the Administration’s announcement of the CSI. Their provisions regarding Corps’ personnel are nearly identical. Like S. 613, these measures also provide for a three-part corps, but in less detail. Recruitment and training would be carried out by the Secretary of State, the USAID Administrator, and the heads of other participating departments and agencies.

- A Response Readiness Corps (SRC) of federal employees would be composed of active and standby components consisting of U.S. government personnel, including employees of the Department of State, USAID, and other agencies who are recruited and trained to provide reconstruction and stabilization assistance when deployed to do so by the Secretary of State. No specific number is provided for members of these components. The legislation notes that members of the active component would be specifically employed to serve in the Corps. (Note the use of the term Response Readiness Corps applies only to the two federal employee components, unlike S. 613, which also uses the term to include the Civilian Reserve Corps.) The Secretary of State is authorized to establish and maintain the SRC, in consultation with the Administrator of USAID and the heads of other appropriate U.S. government agencies. The Secretary of State alone is authorized to deploy its members.
- A Civilian Reserve Corps (CRC) would consist of individuals with “the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose.” The Secretary is authorized to establish the Corps in consultation with the Administrator of USAID, and is authorized to employ and train its members, as well as to deploy them subject to a presidential determination under the proposed Section 618 of the Foreign Assistance Act of 1961, as amended. No size was specified for the Civilian Reserve Corp.
- H.R. 1084 (but not S.Amdt. 5340) contains a provision to authorize “to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the Office and to

support, educate, train, maintain, and deploy a Response Readiness Corps and a Civilian Reserve Corps.”

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.⁴⁴ Proponents also view such a corps as a means to enhance prospects 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.⁴⁵ 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

⁴⁴ However, DOD Directive 3000.05, *Military Support for Stability, Security, Transition and Reconstruction (SSR) 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 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.

⁴⁵ 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.

preventive deployments. Some proposals for enhancing U.S. counterinsurgency capabilities have argued for the creation of a civilian reserve for such operations. (This CBO cost estimate is included in H.Rept. 110-537.)

While some may view the potential cost of the civilian Corps as high, some proponents argue that the costs of deploying civilian personnel would result in a net savings to the military. (It is likely, however, 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 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.

Congressional Budget Office (CBO) Cost Estimate. Skeptics also view the model as potentially costly. The Congressional Budget Office estimated that the cost of implementing H.R. 1084,⁴⁶ if “employed in a manner consistent with the [President’s] Civilian Stabilization Initiative” at \$620 million over the 2009-2013 period. Of this, the CBO estimates that the establishment of a 250-member Response Readiness Corps would require appropriations of \$76 million in 2009 and \$67 million in 2010. The CBO also estimates that training and equipping a 2,000-member standby component would require \$39 million in appropriations in 2009 and \$31 million in 2010. For the Civilian Reserve Corps, the CBO estimates the costs for recruiting, screening, enrolling, training and equipping member at \$87 million in 2009 and \$47 million in 2010. Thus, total non-deployment appropriations to be spent through FY2013, for the combined civilian Corps for FY2009-FY2010, would total \$347 million for FY2009-FY2010, according to CBO estimates.

The CBO estimated that the deployment of the active duty members of the Corps would require \$37 million in 2009 and \$36 million in 2010 for numerous small deployments to relatively benign areas. It estimated that mobilizing a small force of standby and civilian reserve corps members to deploy would require annual appropriations of about \$65 million, that security costs would be about \$22 million, and that contracts for experts in various fields would be about \$13 million. Noting that CBO could not predict the extent or cost of contingency operations, it pointed out the H.R. 1084 would authorize the President to provide up to \$100 million a year over the 2009-2010 period for CSI reconstruction and stabilization. (See below.) CBO noted that it “expects that those funds would be used for an initial response to an international crisis and not for major reconstruction efforts.....”

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. The provision for a flexible, replenishable fund was included in early versions

⁴⁶ (This CBO cost estimate is included in H.Rept. 110-537.)

of the Lugar-Biden legislation. The current version of S. 613 (like the version of H.R. 1084 as introduced) contains 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.

Neither of the two 2008 versions of the Reconstruction and Stabilization Civilian Management Act (i.e., H.R. 1084 and S.Amdt. 5340) provides for such a replenishable account. H.R. 1084 and S.Amdt. 5340 would both provide permanent authority, codified as Section 618 of the Foreign Assistance Act of 1961, as amended, for the President to furnish up to \$100 million annually to respond to a reconstruction and stabilization crisis. Such assistance would be furnished to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from conflict or civil strife. The President would be required to consult with and provide a written policy justification to Congress's foreign affairs and appropriations committees before exercising this authority (per section 613(a)(3) of the 1961 FAA). H.R. 1084 would limit the exercise of that authority to three fiscal years (i.e., FY2008, FY2009, and FY2010).

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 a replenishable conflict response 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.) In addition, they argue, the existing mechanisms for transferring funds to an emergency situation are too time-consuming to provide an immediate response. Proponents have argued for a mechanism like 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 were introduced that would, among other provisions, permanently establish a conflict response fund, but none passed Congress.

In 2006, Congress made funding available through the DOD budget for conflict response fund purposes after turning down several Administration requests for more flexible funding mechanisms.⁴⁷ Section 1207 of the conference version of the National Defense Authorization Act for Fiscal Year 2006 (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

⁴⁷ These requests were contained in both annual and supplemental appropriations measures) for no-year funds to be used for conflict emergencies in foreign countries or regions, and proposals in previous iterations of the Lugar/Biden legislation to establish a replenishable conflict response for a conflict response fund.

country per fiscal year for each FY2006 and FY2007; the NDAA for FY2007 extended the authority through FY2008 (Section 1210, P.L. 110-181).⁴⁸

⁴⁸ 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. (For more information on Section 1207 authority and its uses, see CRS Report RS22871, Department of Defense “Section 1207” Security and Stabilization Assistance: A Fact Sheet.)