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Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom: Questions and Answers About U.S. Military Personnel, Compensation, and Force Structure

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Summary

This report provides short answers to commonly asked questions about military personnel, compensation, and force structure issues related to Operation Noble Eagle (ONE), Operation Enduring Freedom (OEF), and Operation Iraqi Freedom (OIF). Operation Noble Eagle is the name given to military operations related to homeland security and support to federal, state, and local agencies in the wake of the September 11 attacks. Operation Enduring Freedom includes ongoing operations in Afghanistan, operations against terrorists in other countries, and training assistance to foreign militaries which are conducting operations against terrorists. Operation Iraqi Freedom includes the invasion of Iraq, the defeat of Saddam Hussein's regime, and the subsequent rebuilding and counter-insurgency operations in Iraq.

The questions are grouped into three major thematic areas: personnel, compensation and force structure. The section on personnel addresses issues such as casualties, reserve mobilization, "sole surviving" son or daughter status, conscientious objection, and "stop-loss." The section on compensation addresses issues related to the pay and benefits—including casualty and death benefits—provided to members of the U.S. military participating in ONE/OEF/OIF and their families. The section on force structure addresses issues related to how ONE/OEF/OIF might affect the number of personnel needed by the military, and responds to common questions about whether a return to conscription is likely under current circumstances.

This report will be updated as needed.

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Since the September 11 attacks on the World Trade Center and the Pentagon, the United States has launched three major military operations: Operation Noble Eagle (ONE), Operation Enduring Freedom (OEF), and Operation Iraqi Freedom (OIF). Operation Noble Eagle is the name given to military operations related to homeland security[1] and support to federal, state, and local agencies[2] in the wake of the September 11 attacks. Operation Enduring Freedom includes ongoing operations in Afghanistan, operations against terrorists in other countries, and training assistance to foreign militaries which are conducting operations against terrorists. Operation Iraqi Freedom includes the invasion of Iraq, the defeat of Saddam Hussein's regime, and the subsequent rebuilding and counter-insurgency operations in Iraq. This report provides short answers to commonly asked questions about military personnel and compensation issues related to these operations.

The questions are grouped into three major thematic areas: personnel, compensation, and force structure. The section on personnel addresses issues such as casualties, reserve mobilization, "sole surviving" son or daughter status, conscientious objection, and "stop-loss." The section on compensation addresses issues related to the pay and benefits—including casualty and death benefits—provided to members of the U.S. military participating in ONE/OEF/OIF and their families. The section on force structure addresses issues related to how ONE/OEF/OIF might affect the number of personnel needed by the military, and answers common questions about whether or not a return to conscription is likely under current circumstances.

Personnel

How many U.S. military personnel have died in connection with OEF and OIF? Are there any servicemembers who are missing in action (MIA) or prisoners of war (POW)?

As of January 17, 2006, there were 255 fatalities among U.S. military personnel serving in OEF.[3] Of these, 130 were categorized as killed in action, while 125 were categorized as non-hostile deaths.[4] As of that same date, 677 military personnel had been wounded in action while serving in OEF. Of these, 275 were returned to duty within 72 hours.

As of January 17, 2006, there were 2,242 fatalities among U.S. military personnel serving in OIF.[5] Of these, 1,761 were categorized as hostile deaths and 481 as non-hostile. As of that same date, 16,420 military personnel had been wounded in action while serving in OIF. Of these, 8,812 were returned to duty within 72 hours.

[1] For example, air patrols over U.S. cities.

[2] For example, various types of disaster assistance provided at the sites of the terrorist attacks.

[3] Includes casualties which occurred in the following countries: Afghanistan, Pakistan, Uzbekistan, Guantanamo Bay (Cuba), Djibouti, Eritrea, Ethiopia, Jordan, Kenya, Kyrgyzstan, Philippines, Seychelles, Sudan, Tajikisatn, Turkey, and Yemen. Source: Department of Defense. Available at http://www.dod.gov/news/casualty.pdf

[4] Two of the most common types of non-hostile deaths are deaths attributable to vehicle accidents and deaths due to illness.

[5] Includes casualties that occurred on or after March 19, 2003 in the Arabian Sea, Bahrain, Gulf of Aden, Gulf of Oman, Iraq, Kuwait, Oman, Persian Gulf, Qatar, Red Sea, Saudi Arabia, and United Arab Emirates. Prior to March 19, 2003, casualties in these countries were considered OEF. Source: Department of Defense. Available at http://www.dod.gov/news/casualty.pdf

As of January 15, 2006, there was one U.S. soldier classified as a POW, Private First Class Keith M. Maupin who was captured on April 9, 2004.[6] There were no U.S. military personnel classified as MIA.

How many reservists have been called to active duty by the federal government for ONE, OEF, and OIF? After activation, how long can they be required to serve on active duty?

Between September 11, 2001 and January 17, 2006, a total of 532,539 reservists (which includes the National Guard) were involuntarily called to active duty under *federal* orders for ONE, OEF, and OIF. Of these, 126,5345 were serving on active duty as of January 17, 2006, while 406,005 had been demobilized prior to that date after completing their tours.[7] Note, however, that the total mobilization and demobilization figures count reservists more than once if they have been mobilized more than once. The total number of *individuals* mobilized is therefore lower than stated above, and probably by a significant margin due to the number of people who have been called up more than once.[8]

These reservists were called to active duty under a mobilization authority known as Partial Mobilization. In time of a national emergency declared by the President, Partial Mobilization authorizes the Service Secretaries[9] to order members of the Ready Reserve to active duty for a period not to exceed 24 consecutive months. Up to 1 million members of the Ready Reserve may serve on active duty at any one time under this provision of law. The President may declare a national emergency and mobilize reservists under this provision of law without approval from Congress. This authority was also used to mobilize reservists during the later part of the Persian Gulf War (1991).

DOD's general policy has been to keep reservists on active duty for no more than one year; and in the majority of cases to date, mobilized reservists have not been required to serve more than one year. However, the policy does allow the Service Secretary to keep reservists on active duty for up to 24 cumulative months if they are needed to meet operational or other requirements. It should be noted that DOD's policy capping reserve service at 24 *cumulative* months is more restrictive than the 24 *consecutive* month cap specified in law. If DOD were to change its policy to mirror the law, reservists could be mobilized multiple times for tours of 24 consecutive months apiece.

Also, some members of the National Guard have been called up to perform duties related to ONE in a *non-federal status*. Additionally, in 2001 and 2002, thousands of members of the National

[6] Department of Defense News Release, *DoD Announces Soldier's Captured Status*, April 23, 2004.

[7] Office of the Assistant Secretary of Defense, Reserve Affairs, 17 January 2006.

[8] Based on the data available to the author, it is unclear how many individuals have been involuntarily activated more than once.

[9] Section 12302 of Title 10 states "In time of national emergency declared by the President ... or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons concerned, order any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve under the jurisdiction of that Secretary to active duty (other than for training) for not more than 24 consecutive months." The Secretary concerned, as defined in 10 USC 101(a)(9),"is the Secretary of the Army with respect to the Army, the Secretary of the Air Force with respect to the Air Force, the Secretary of the Navy with respect to the Navy, Marine Corps, and Coast Guard (when it is operating as part of the Department of the Navy)". Although the law assigns authority to mobilize reservists to an official designated by "the Secretary concerned," the President, in his capacity as Commander in Chief, is ultimately responsible for the decision to order reservists to active duty.

Guard were activated at the order of their respective governors to provide additional security at airports. They were called up under Title 32 of the U.S. Code, which means they were under state control, but with federal pay and benefits. These distinctions have a significant bearing on the type of pay, benefits, and legal protections to which the affected individuals are entitled. For more information on this topic, see CRS Report RL30802, *Reserve Component Personnel Issues: Questions and Answers*, by Lawrence Kapp.

What policies govern the deployment of "sole surviving" sons and daughters?

No statute governs the deployment of "sole surviving" sons and daughters in today's all-volunteer military.[10] However, the Department of Defense does have an administrative policy governing assignments of a "sole surviving" son or daughter. This policy allows "sole surviving" sons or daughters to apply for a protective assignment status which, once approved, prohibits his or her assignment "to any overseas area designated as a hostile-fire or imminent-danger area ... nor to duties that regularly might subject him or her to combat with the enemy."[11] In addition to protective assignment, enlisted personnel who become sole surviving sons or daughters after having entered service may also apply for and be granted a discharge in most circumstances.[12]

However, the term "sole surviving son or daughter" does not simply mean the only child in a family. According to DOD's definition, a sole surviving son or daughter is the only remaining son or daughter in a family where the father or mother, or one or more sons or daughters, served in the Armed Forces of the United States and, because of hazards with such military service, either (1) was killed, (2) died as a result of wounds, accident or disease, (3) is in a captured or missing-in-action (MIA) status, or (4) is permanently 100-percent disabled, is hospitalized on a continuing basis, and is not employed gainfully because of such disability.[13]

The "sole surviving" son or daughter issue is different from the commonly cited, albeit fictional, "Sullivan Act" or "Sullivan Law." The Sullivans were five brothers serving on board a single U.S. Navy ship (the *U.S.S. Juneau*) during World War II. Their ship was sunk by the Japanese on

[10] However, a law prohibits the *conscription* of "surviving sons"—not necessarily *sole* surviving sons—in certain circumstances. Conscription, also known as the draft, is governed by the Military Selective Service Act, located at 50 USC Appendix 451 to 471. Part of this law, 50 USC Appendix 456 (o), states: "Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title (sections 451 to 471a of this Appendix) unless he volunteers for such induction (1) if the father or the mother or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in line of duty during such service, or (2) during any period of time in which the father or the mother or a brother or a sister of such person is in a captured or missing status as a result of such service. As used in this subsection, the term 'brother' or 'sister' means a brother of the whole blood or a sister of the whole blood, as the case may be." Note, however, that the legal authority to induct men into the military, which is contained in the Military Selective Service Act, expired on July 1, 1973. Therefore, this provision of law is not currently relevant.

[11] Department of Defense Directive 1315.18, *Procedures for Military Personnel Assignments*, paragraph E3.10.1, January 12, 2005.

[12] Department of Defense Directive 1315.15, *Special Separation Policies for Survivorship*, paragraph 4, November 21, 2003.. This policy does not apply during periods of war or national emergency declared by Congress, if the individual has court-martial charges pending, if the individual is being processed for involuntary separation for cause, or if the individual voluntarily enlists, reenlists, or voluntarily extends his or her term of active duty after being notified of the family casualty on which the survivorship claim is made.

[13] Department of Defense Instruction 1315.18, *Procedures for Military Personnel Assignments*, paragraph E2.1.44, January 12, 2005.

November 13, 1942, and all of the brothers died. In response to this tragedy, some proposals were made to prohibit brothers from serving together on the same ship, but Congress did not pass any such law, nor did the President issue an executive order to that effect. In response to a similar tragedy which occurred the previous year (three brothers serving aboard the *U.S.S. Arizona* perished during the Pearl Harbor attacks) the Navy did issue a policy forbidding commanding officers from approving requests from brothers to serve together, but the policy was apparently not enforced and did not prohibit the Navy from assigning brothers to the same ship.[14]

Current DOD policy states that "concurrent assigning of service members of the immediate family to the same military unit or ship is not prohibited, but requests for reassignment to a different unit or ship may be approved for all but one service member." Approval of such requests, however, are contingent upon military requirements.[15]

What policies govern the status of conscientious objectors?

No statute governs the treatment of conscientious objectors currently serving in the military.[16] However, the Department of Defense does have an administrative policy relating to this issue.[17] Of course, in today's all-volunteer military, those who have moral objections to participating in war will likely choose not to join the military. Nonetheless, some people volunteer to join the armed forces with every intention of fulfilling their military obligations, but later develop religious or moral objections to participation in war. Such people may apply for transfer to non-combat related duties or for an administrative discharge, depending on the nature of their convictions. Following application, a formal investigatory procedure is initiated by the military to ascertain the facts and nature of the applicant's claim. Based on this investigation and the criteria for granting conscientious objector status defined in the DOD policy, a determination is made to either grant or deny the applicant's claim.

With respect to the criteria for granting conscientious objector status, a crucial one is the requirement that the individual be "opposed to participation in war in any form."[18] In other words,

[14] Department of the Navy, Naval Historical Center, *Frequently Asked Questions: Sullivan Brothers*, located at http://www.history.navy.mil/faqs/faq72-1.htm.

[15] Department of Defense Instruction 1315.18, *Procedures for Military Personnel Assignments*, paragraph 6.9, January 12, 2005.

[16] However, there is a law which deals with the treatment of conscientious objectors during a draft. The draft, is governed by the Military Selective Service Act, codified in 50 USC Appendix 451 to 471. Part of this law, 50 USC Appendix 456(j), states: "Nothing contained in this title (sections 451 to 471a of this Appendix) shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term ''religious training and belief'' does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title (said sections), be assigned to noncombatant service... or shall, if he is found to be conscientiously opposed to participation in such noncombatant service...be ordered ...to perform for a period equal to the period prescribed in section 4(b) (section 454(b) of this Appendix) such civilian work contributing to the maintenance of the national health, safety, or interest as the Director may deem appropriate...." Note, however, that the legal authority to induct men into the military, which is contained in the Military Selective Service Act, expired on July 1, 1973. Therefore, this provision of law is not relevant to people serving in the military today.

[17] Department of Defense Directive 1300.6, *Conscientious Objectors*, November 21, 2003.

[18] Department of Defense Directive 1300.6, *Conscientious Objectors*, paragraph 5.1.1.1.

the objection "must be to all wars rather than a specific war."[19] This standard precludes those who are opposed to some wars, but not all wars, from being classified as conscientious objectors.

In 2000, slightly over 100 servicemembers applied for conscientious objector status; in 2004 this number was over 400. Of those who apply, approximately half are approved.[20]

Are there other exemptions from serving in a combat zone?

Yes, if a service member is killed, dies, or is declared captured or missing, the other service members of the same family will be exempt, upon request, from serving in designated hostile-fire areas or if already serving in such as area, will be reassigned. This also applies to those who are categorized as 100% disabled by the Service or the Veterans Administration.[21]

In addition, wounded personnel who have been medically evacuated and hospitalized for more than 30 days outside the hostile-fire area will not be returned during the same tour; they may, however, be eligible for subsequent combat tours. This provision does not apply to those hospitalized for injury, accident, illness, self-inflicted wounds, or other non-combat causes.[22]

What is "stop-loss" and what is its effect on separations and discharges?

Under federal law, the President has the authority to suspend laws related to promotion, retirement and separation of military personnel during a period of time when members of the Reserve Component have been involuntarily ordered to active federal service.[23] Since 1990, this authority has been delegated to the Secretary of Defense by executive order.[24] Secretary of Defense Donald Rumsfeld delegated this authority to each of the individual military services on September 19, 2001, allowing those services to "stop loss" by keeping individuals on active duty beyond their normal date of separation or retirement.

Stop-loss has usually been implemented to permit the military to retain people with critical skills during a time of crisis. Since September 11, 2001, all of the Services have implemented such "skill based" stop loss for various lengths of time, although none of the Services currently have such a policy in effect. However, the Army has implemented a stop-loss policy which delays the departure of personnel from units deploying to Iraq and Afghanistan until 90 days after the unit returns from its deployment. The purpose of this "unit based" stop-loss is to maintain unit cohesion and thereby maximize military effectiveness among units headed for a combat environment. The Army has both an Active Army and Reserve Component Unit Stop Loss program. Under both, soldiers are affected from 90 days prior to their unit's mobilization/deployment date through their demobilizatioin/redeployment date, plus a maximum of 90 days. As of December 31, 2005 , stop loss impacted 12,467 soldiers (7,620 active component, 2,418 Reserve and 2,429 National Guard)[25]

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[19] Department of Defense Directive 1300.6, *Conscientious Objectors*, paragraph 5.2.1.

[20] Martha Mendoza, Miami Herald, "More Soldiers Trying to Leave the Military", January 1, 2006.

[21] Department of Defense Instruction 1315.18, *Procedures for Military Personnel Assignments*, paragraph E3.11.1.1.

[22] Department of Defense Instruction 1315.18, *Procedures for Military Personnel Assignments*, paragraph E3.11.2.

[23] 10 U.S.C. 12305.

[24] Executive Order 12728, August 22, 1990. This authority was originally invoked by President George H. W. Bush during the Persian Gulf War and has remained in effect since then.

[25] Information Paper, Army G-1, Subject: Stop Loss Program—Historical with Updated Numbers of Soldiers Affected,

Most *involuntary* separations—for example, discharges due to criminal acts—will not be affected by stop-loss. Additionally, the adoption of a stop-loss policy does not modify service policies or regulations which might lead to an administrative discharge (e.g. for homosexuality) or to a medical discharge.

Most recently, Congress has required the Secretary of Defense to report on the actions being taken to ensure that new enlistees are adequately informed concerning service stop loss policies.[26]

Compensation

What types of special pays and benefits are available to military personnel participating in OEF and OIF?

Many military personnel participating in OEF and OIF are eligible for Hostile Fire or Imminent Danger Pay (HF/IDP). HF/IDP is authorized by 37 U.S.C. 310, which provides a special pay for "duty subject to hostile fire or imminent danger." While DOD regulations distinguish between Hostile Fire Pay and Imminent Danger Pay, they are both derived from the same statute and an individual can only collect Hostile Fire Pay or Imminent Danger Pay, not both simultaneously.[27] The purpose of this pay is to compensate servicemembers for physical danger.[28] Iraq, Afghanistan, Kuwait, Saudi Arabia and many other nearby countries[29] have been declared imminent danger zones. Military personnel serving in such designated areas are eligible for HF/IDP. To be eligible for this pay in a given month, a servicemember must have served some time in one of the designated zones, even if only a day or less. The authorizing statute for HF/IDP sets the rate at $225 per month.[30]

24 January 2006.

[26] P.L. 109-163, section 546, National Defense Authorization Act for FY2006, January 6, 2006..

[27] DOD regulations make clear a distinction between imminent danger pay (IDP) and hostile fire pay (HFP), which is only implicit in the statute. IDP is provided to servicemembers serving in specifically designated places deemed to pose a threat of physical harm or imminent danger due to insurrection, war, or terrorism; HFP is provided to servicemembers in any location where members of the uniformed services are actually exposed to hostile fire or explosion of hostile mines. (In practice, however, this distinction tends to be blurred: areas where hostile fire events are likely to occur have usually already been designated as "imminent danger zones," and, if not, they usually become so designated if hostile fire events occur on even a sporadic basis. Still, the distinction was clearly evidenced in the aftermath of the terrorist attacks of September 11, 2001 when military personnel located at the Pentagon and the World Trade Center on the date of the attacks were given HFP for the month of September, although no part of the United States is designated an "imminent danger zone"). IDP and HFP cannot be collected simultaneously. DOD Financial Management Regulation 7000.14-R, *Special Pay—Duty Subject to Hostile Fire or Imminent Danger*, December 2005.

[28] Department of Defense, *Military Compensation Background Papers*, 5th ed., 1996, 173.

[29] Among the areas designated for receiving imminent danger pay are the land area of Afghanistan, Uzbekistan, Kyrgyzstan, Tajikistan, Pakistan, Iran, Azerbaijan, Iraq, Kuwait, Jordan, Saudi Arabia, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Georgia, Israel, Yemen, Djibouti, the Philippines, Indonesia, Malaysia, and most of Turkey. Service in the airspace above Afghanistan, Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the Persian Gulf, and parts of Turkey qualifies as well. Source: DOD Financial Management Regulation 7000.14-R, *Special Pay—Duty Subject to Hostile Fire or Imminent Danger*, December, 2005. Note that this is not a comprehensive list of all imminent danger locations: there are many locations in other parts of the world which have received this designation.

[30] Until recently, HF/IDP was set at $150 per month. However, Congress temporarily increased that amount to $225 per month in P.L. 108-136, section 619, November 24, 2003, National Defense Authorization Act for Fiscal Year 2004. Congress made this increase permanent in P.L. 108-375, section 623, October 28, 2004, Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

Military personnel serving in Iraq, Afghanistan, parts of the Persian Gulf region, and certain nearby areas[31] are also eligible for Hardship Duty Pay (HDP). HDP is authorized by 37 U.S.C. 305. It is compensation for the exceptional demands of certain duty, including unusually demanding mission assignments or service in areas with extreme climates or austere facilities. The maximum amount of HDP was recently increased by Congress from $300 to $750 per month.[32] The current rate of HDP for Iraq and Afghanistan is $100 per month.

Military personnel participating in OEF and OIF may also be eligible for Family Separation Allowance (FSA). FSA is authorized by 37 U.S.C. 427, which provides a special pay for those servicemembers *with dependents* who are separated from their families for more than 30 days. The purpose of this pay is to "partially reimburse, on average, members of the uniformed services involuntarily separated from their dependents for the reasonable amount of extra expenses that result from such separation...."[33] To be eligible for this allowance, U.S. military personnel must be separated from their dependents for 30 continuous days or more; but once the 30-day threshold has been reached, the allowance is applied retroactively to the first day of separation. The authorizing statute for FSA sets the rate at $250 per month.[34]

Another benefit available to those deployed to Afghanistan, Iraq, and other designated areas nearby[35] is eligibility for the Savings Deposit Program.[36] This program allows service members to earn a guaranteed rate of 10 percent interest on deposits of up to $10,000, which must have been earned in the designated areas. The deposit is normally returned to the servicemember, with interest, within 90 days after he or she leaves the eligible region, although earlier withdrawals can sometimes be made for emergency reasons.

Finally, there is a tax benefit for many of those serving overseas in OEF or OIF called the "combat zone tax exclusion."[37] Afghanistan and the airspace above it have been designated a

[31] Among the areas designated for receiving hardship duty pay include Afghanistan, Kazakhstan, Krygystan, Uzbekistan, Turkmenistan, Tajikistan, India, Pakistan, Iraq, Kuwait, Oman, Yemen, Israel, Jordan, Georgia, Djibouti, and parts of the United Arab Emirates, Turkey, and Qatar. The Phillipines, Malyasia, and Indonesia are also designated hardship duty pay locations. Only people serving on the ground are eligible for Hardship Duty Pay. Sources: DOD Financial Management Regulation 7000.14-R, *Special Pay—Hardship Duty*, December, 2005. Note that this is not a comprehensive list of all hardship duty locations: there are many locations in other parts of the world that have received this designation. Hardship Duty Pay replaced what was known as Foreign Duty Pay in 1999.

[32] P.L. 109-163, section 627, National Defense Authorization Act for FY2006, January 6, 2006.

[33] Department of Defense, *Military Compensation Background Papers*, 5th edition, 1996, 773.

[34] Until recently, the rate for Family Separation Allowance was $100 per month. However, Congress temporarily increased this rate to $250 per month in P.L. 108-136, section 619, November 24, 2003, National Defense Authorization Act for Fiscal Year 2004. Congress made this increase permanent in P.L. 108-375, section 623, October 28, 2004, Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

[35] Eligibility for the Savings Deposit Program includes Afghanistan, Bahrain, Djibouti, Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Tajikistan, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen, the waters of the Red Sea, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, and the Arabian Sea north of 10 degrees north latitude and west of 68 degrees east longitude, as well as the airspace above these regions. Eligibility for this benefit varies slightly depending on the area one is assigned to, but generally a servicemember must serve at least 30 days in the designated area. Some areas also grant eligibility if a servicemember serves at least one day in each of three consecutive months in the designated areas. Some areas require that service be in a designated combat zone, or in support of a designated combat zone, or that the servicemember be in receipt of hostile fire/imminent danger pay. Source: DOD Financial Management Regulation 7000.14-R, *Savings Deposit Program*, December, 2005.

[36] 10 U.S.C. 1035.

[37] 26 U.S.C. 112.

"combat zone" since September 19, 2001.[38] Military personnel serving in direct support of the operations in this combat zone are also eligible for the combat zone tax exclusion.[39] Additionally, certain areas in the Persian Gulf region[40]—including Iraq—have been designated combat zones since 1991. Military personnel serving in direct support of operations in this combat zone are also eligible for the combat zone tax exclusion.[41] For enlisted personnel and warrant officers, this means that all compensation for active military service in a combat zone is free of federal income tax. For commissioned officers, their compensation is free of federal income tax up to the maximum amount of enlisted basic pay plus any imminent danger pay received.[42] While the combat zone tax exclusion contained in federal law applies only to federal income tax, almost all states have provisions extending the benefit to their state income tax as well.[43]

What types of compensation and benefits are available to the dependents of U.S. military personnel who die in the line of duty while participating in ONE, OEF, or OIF?

Dependents of active duty military personnel who die in the line of duty are eligible for a variety of special payments and benefits. The major compensation and benefit programs are listed below.

Compensation in the Form of Cash Payments

Death Gratuity

[44] The death gratuity is a lump sum payment to the surviving spouse of the servicemember, or to the children of the servicemember in equal shares if there is no spouse.[45] The payment amount was recently increased by Congress from $12,420 to $100,000 for all active duty deaths and made retroactive to October 7, 2001.[46] The death gratuity may also be paid if death occurs within 120 days after release from active duty if the death resulted from injury or disease incurred or aggravated during military service.[47] The purpose of this benefit is to provide cash quickly to the survivors in order to help them meet immediate needs.

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[38] Source: Internal Revenue Service, *Combat Zones*, available at http://www.irs.gov/newsroom/article/0,,id=108331,00.html

[39] *Ibid.* To qualify under this provision, servicemembers must be serving in Pakistan, Tajikistan, or Jordan (as of September 19, 2001); Incirlik Air Base in Turkey (as of September 21, 2001); Uzbekistan or Kyrgyzstan (as of October 1, 2001); the Philippines (as of January 9, 2002); Yemen (as of April 10, 2002); or Djibouti (as of July 1, 2002).

[40] *Ibid.* Includes Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, United Arab Emirates, Oman, the waters of Persian Gulf, the Red Sea, the Gulf of Aden, the Gulf of Oman, and the Arabian Sea north of 10 degrees north latitude and west of 68 degrees east longitude, as well as the airspace above these regions.

[41] *Ibid.* Includes Israel and Turkey (as of January 1, 2003) and the Mediterranean Sea east of 30 degrees east longitude (as of April 11, 2003).

[42] According to the Internal Revenue Service, "For 2003, the monthly combat pay exclusion for officers totals $5,957.70. For 2004, it totals $6,315.90." This information, and information on combat zone tax exclusion generally, is available at http://www.irs.gov/newsroom/article/0,,id=101262,00.html.

[43] Department of Defense, *Military Compensation Background Papers*, 5th Edition, September, 1996, 832-837.

[44] See also, Burrelli, David F., *Military Death Benefits: Status and Proposals*, January 24, 2006.

[45] 10 U.S.C. 1475-1480. Amended by P.L. 108-136, section 619, November 24, 2003, National Defense Authorization Act for Fiscal Year 2004.

[46] P.L. 109-163, section 641, National Defense Authorization Act for FY2006, January 6, 2006.

[47] 10 U.S.C. 1476

Payment for Unused Leave

The servicemembers' designated beneficiary, or the statutorily specified next of kin if no beneficiary was designated, is entitled to a payment for any unused leave the servicemember had accrued at the time of death.[48]

Servicemembers Group Life Insurance (SGLI)

All members of the military are automatically enrolled in SGLI for the maximum benefit of $400,000. [49] Servicemembers may reduce or decline coverage under SGLI, but doing so requires that they request this in writing. In contrast to most civilian life insurance providers, SGLI pays benefits in the event of combat-related deaths.

Compensation in the Form of Annuities

Survivor Benefit Plan

Effective September 10, 2001, all active duty personnel are covered by the Survivor Benefit Plan (SBP).[50] Under the SBP, if a servicemember dies while on active duty, the surviving spouse is entitled to an annuity, which is based in part on the deceased's basic pay level[51] and years of service. The interaction between SBP benefits, Social Security benefits, and Dependency and Indemnity Compensation is complex and may result in reduced or offset SBP benefits.[52] For a full description of these interactions, see CRS Report RL31664, *The Military Survivor Benefit Plan: A Description of Its Provisions*, by David F. Burrelli. SBP payments are terminated for a surviving spouse who remarries before age 55.

Dependency and Indemnity Compensation

The Dependency and Indemnity Compensation (DIC) program, administered by the Department of Veterans' Affairs, provides a monthly payment to unremarried surviving spouses, or eligible children, of servicemembers who die because of service related illnesses or injuries. At present, the monthly payment for surviving spouses is $1,033 per month, plus $257 per child. Additional payments can also be made if the survivor has certain disabilities.[53] See the previous paragraph on the Survivor Benefit Plan for important information on the combination of DIC with other government provided annuities.

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[48] 10 U.S.C. 501(d)(1)

[49] 38 U.S.C. 1965-1979. The Servicemembers' Group Life Insurance Enhancement Act of 2005 (P.L. 109-80) increased the maximum benefit from $250,000 to $400,000, effective September 1, 2005. P.L. 109-163 made this permanent for nearly all military deaths retroactive to October 7, 2001.

[50] The program was originally designed to provide benefits only to the widows or widowers of retirement-eligible servicemembers.

[51] Depending on when the deceased servicemember entered active duty, the basic pay level will be either the monthly basic pay earned just prior to death, or the average of the highest 36 months of basic pay that the servicemember earned.

[52] The FY2006 National Defense Authorization Act requires the Government Accountability Office (GAO) to submit a report by July 31, 2006 on the actuarial soundness of SBP, implications of recent SBP changes and possible elimination of the SBP/DIC offset.

[53] 38 U.S.C. 1311

Social Security Survivor Benefits

Surviving spouses and children of servicemembers who die while on active duty may be eligible for Social Security Survivor benefits if they meet certain eligibility requirements.[54] The amount of benefits varies based on a number of factors, including the average lifetime earnings of the decedent, the number of quarters the decedent paid Social Security taxes, and certain characteristics of the beneficiary, such as age and relationship to the decedent. Remarriage can have an effect on a widow's or widower's benefit. See the previous paragraph on the Survivor Benefit Plan for important information on the combination of Social Security benefits with other government provided annuities.

Burial Benefits

Expenses Related To Death

The following expenses may either be paid directly by the military service to which the deceased belonged, or reimbursed to the individual who pays for them: "(1) Recovery and identification of the remains. (2) Notification of the next of kin or other appropriate person. (3) Preparation of the remains for burial, including cremation if requested by the person designated to direct disposition of the remains. (4) Furnishing of a uniform or other clothing. (5) Furnishing of a casket or urn, or both, with outside box. (6) Hearse service. (7) Funeral director's service. (8) Transportation of the remains, and round-trip transportation and prescribed allowances for an escort of one person, to the place selected by the person designated to direct disposition of the remains or, if such a selection is not made, to a national or other cemetery which is selected by the Secretary and in which burial of the decedent is authorized. (9) Interment of the remains. (10) Presentation of a flag of the United States to the person designated to direct disposition of the remains. (11) Presentation of a flag of equal size to the flag presented under paragraph (10) to the parents or parent, if the person to be presented a flag under paragraph (10) is other than the parent of the decedent."[55]

Burial In National Cemeteries

Members of the Armed Forces who die while on active duty are eligible for burial in national cemeteries, including Arlington National Cemetery. The government provides a grave site, opening and closing of the grave, headstone or marker, and maintenance of the site at no cost to the family. Interment of cremated remains in a columbarium is an option as well.

Other Benefits

Housing Benefits

The FY2006 National Defense Authorization Act (NDAA) allows the Secretary of Defense to permit the family of a servicemember who dies on active duty to remain in government quarters

[54] A thorough description of Social Security Survivor Benefits, including eligibility requirements, is provided in *Background Material and Data on Programs Within the Jurisdiction of the Committee on Ways and Means (The Green Book)*, available at

http://www.congress.gov/brbk/html/ebssc1.shtml under the heading "Detailed Program Description (From the Green Book)."

[55] 10 U.S.C. 1482

for up to 365 days, free of charge. Alternatively, the Secretary can authorize payment of the Basic Allowance for Housing, a tax-free allowance designed to cover most of the costs of civilian housing in a given region, for 365 days.[56] Previously, these benefits had been limited to 180 days.

Medical Benefits

The unremarried surviving spouse of a deceased servicemember remains eligible for TRICARE, the military health care system, until age 65. At age 65, the surviving spouse becomes eligible for TRICARE for Life, provided he or she has Medicare Part A and Part B coverage. Children of the deceased servicemember remain eligible for TRICARE until they become 21 years of age, although eligibility may extend past age 21 if the child meets certain requirements and is either enrolled full time in an institution of higher learning or has a severe disability. Surviving family members of a deceased servicemember receive TRICARE benefits at the active duty dependent rate for a three year period, after which they receive TRICARE benefits at the retiree dependent rates.[57]

Commissary and Exchange Access

The unremarried surviving spouse of a deceased servicemember is eligible for unlimited access to the commissary and exchange systems indefinitely. Children of a deceased servicemember are eligible for unlimited access to the commissary and exchange system until they become 21 years of age or get married, although eligibility may extend past age 21 if the child meets certain requirements and is either enrolled full time in an institution of higher learning or has a severe disability.[58]

Educational Assistance

The Survivors' and Dependants' Educational Assistance program,[59] administered by the Department of Veterans' Affairs, provides up to 45 months of educational assistance to unremarried[60] surviving spouses, or eligible children, of servicemembers who die in the line of duty. At present, the monthly payment is $803 per month for full-time attendance at eligible institutions; a lesser amount is paid for part-time attendance. Unremarried spouses have up to ten years to use this benefit. Children may generally receive benefits between the ages of 18 and 26, although there are circumstances where a child can receive benefits before 18 or after 26. This benefit can be used for undergraduate or graduate study, technical or vocational schooling, correspondence courses, some types of on-the-job training, and certain other educational programs.

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[56] 37 U.S.C. 403(l).

[57] Legislation governing military health care benefits is located at10 U.S.C. 1071 et. seq. For more information on TRICARE, see CRS Issue Brief IB93103, *Military Medical Care Services: Questions and Answers*, by Richard Best. See also the DOD sponsored website, http://www.tricare.osd.mil

[58] See DOD Regulation 1330.17-R, *Armed Services Commissary Regulations*, and DOD Instructioin 1330.21, *Armed Services Exchange Regulations*.

[59] Codified in Title 38, Chapter 35 of the United States Code.

[60] However, a recent change in the law allows a surviving spouse to remarry after age 57 and retain eligibility for this benefit, provided he or she still meets the other eligibility criteria. P.L. 108-183, section 101, December 16, 2003.

What types of compensation and benefits are available to military personnel who are severely wounded or injured in OEF and OIF?

Casualties from ongoing combat operations in Iraq and Afghanistan have received media attention and Members of Congress have frequently expressed concern about the level of care for those severely injured or wounded service members and their families. As a result, several new programs have been established:

Traumatic Injury Protection

While the Servicemembers' Group Life Insurance (SGLI) program has offered low-cost life insurance to military personnel, there has not been, until recently, a provision for disability coverage. Effective December 1, 2005, all service members were insured for traumatic injuries at a monthly premium of $1.00, unless they decline coverage. This program, colloquially referred to as TSGLI or Traumatic SGLI, provides an immediate payment between $25,000 and $100,000 to ease the financial burden associated with hospitalization, recovery and rehabilitation.[61] Those who are blind, deaf, paralyzed, severely burned or multiple amputees will qualify for the $100,000 maximum. Other severe injuries will be compensated on a sliding scale of $25,000, $50,000 and $75,000 based on the severity and duration of the condition.

TSGLI is not disability compensation and it has no effect on Veterans Administration entitlements. The Office of the Under Secretary of Defense for Personnel and Readiness is responsible for implementing the program with the services. TSGLI is retroactive to October 7, 2001 if the loss was a direct result of injuries received in OEF or OIF.

Special Pay During Rehabilitation

Based on the FY2006 National Defense Authorization Act (NDAA)[62], service members who are wounded, injured or become ill in a combat zone (as determined by the Secretary of Defense) and who are medically evacuated, will receive a special pay of $430 per month during the period of their hospitalization, recovery and rehabilitation. The special pay will be reduced by any amount of hostile fire or imminent danger pay that is received and the pay is not retroactive.

Meals in Military Medical Treatment Facilities

Because service members receive a Basic Allowance for Subsistence, they have routinely been charged for meals while hospitalized in military medical treatment facilities. Previous legislation had temporarily waived this charge.[63] However, with passage of the FY2006 National Defense Authorization Act[64], service members are no longer required to pay for these meals while they are undergoing continuous care, to include outpatient care, for an injury, illness or disease incurred in support of OEF, OIF or other military operations designated by the Secretary of Defense. This exemption is now effective from October 1, 2005 through December 31, 2006.

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[61] P.L. 109-13, section 1032, 11 May 2005.

[62] P.L. 109-163, section 642, National Defense Authorization Act for FY2006, January 6, 2006.

[63] P.L. 108-375, section 607, October 28, 2004.

[64] P.L. 109-163, section 607, National Defense Authorization Act for FY2006, January 6, 2006.

What protections and advantages does the Servicemembers' Civil Relief Act (SCRA) provide to military personnel?

Military personnel, including reservists called into active federal service, are eligible for a broad array of legal protections under the Servicemembers' Civil Relief Act (SCRA) of 2003.[65] (Note, however, that National Guardsmen who are serving in a purely state status are *not* covered by the SCRA; National Guardsmen performing full time National Guard duty under Title 32, section 502(f) of the U.S. Code are eligible for coverage under the SCRA in certain circumstances).[66] Among other things, the SCRA provides military personnel with certain protections against rental property evictions, mortgage foreclosures, insurance cancellations, and government property seizures to pay tax bills. The SCRA also limits to 6 percent the amount of interest that the servicemember has to pay on loans—except student loans—incurred prior to entry onto active duty. Usually, the provisions of the SCRA only apply during the period of active military service, or for a short period of time afterwards. For a full description of the legal protections provided to activated reservists by the SCRA, see the CRS Report RL32360, *The Servicemembers Civil Relief Act (P.L. 108-189)*, by Estela I. Velez Pollack.

Force Structure

Does the military have sufficient manpower to conduct all of the missions it is currently assigned?

Prior to the September 11 attacks, there was a serious debate between Congress and the executive branch over whether the military was being tasked with more missions than it could realistically handle, given its manpower levels. Congress was especially concerned that these missions—in Bosnia, Kosovo, Southwest Asia, the Sinai, and elsewhere—might be producing personnel tempo (PERSTEMPO) levels[67] high enough to have a negative effect on retention.[68] As such, Congress passed laws requiring the services to track the PERSTEMPO of every servicemember, to monitor individual PERSTEMPO levels more closely, and to pay an allowance to servicemembers assigned lengthy or numerous deployments.[69] Similar concerns about PERSTEMPO led General

[65] P.L. 108-139, codified at 50 U.S.C. App. 501 et. seq. The SCRA replaced the Soldiers' and Sailors' Civil Relief Act (SSCRA) of 1940.

[66] The SCRA covers members of the National Guard serving on active duty under Title 10 of the U.S. Code, and members of the National Guard serving "under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds." This is narrowly defined subset of full time National Guard duty which includes, for example, the thousands of National Guard personnel who performed airport security missions after the terrorist attacks of September 11, 2001 and National Guard personnel activated in response to Hurricanes Katrina and Rita. For more information on non-federal status for National Guardsmen, see CRS Report RL30802, *Reserve Component Personnel Issues: Questions and Answers*, by Lawrence Kapp.

[67] Personnel tempo is the rate at which military personnel are deployed away from their home station.

[68] Deployments can have a positive effect on retention, but some studies indicate that after a certain threshold level, high PERSTEMPO levels have a negative effect on retention. See for example James Hosek and Mark Totten, *Does Perstempo Hurt Reenlistment? The Effect of Long or Hostile Perstempo on Reenlistment*, RAND, 1998; Paul Sticha, Paul Hogan and Diane Maris, *Personnel Tempo: Definition, Measurement, and Effects on Retention, Readiness and Quality of Life*, Army Research Institute, 1999; and Peter Francis, *OPTEMPO and Readiness*, Center for Naval Analysis, 1999.

[69] The PERSTEMPO legislation is codified at 10 U.S.C. 136, 10 U.S.C. 487, 10 U.S.C. 991, and 37 U.S.C. 436. 10

Eric Shinseki, the Army Chief of Staff, to assert before the House Armed Services Committee in July, 2001, that "Given today's mission profile, the Army is too small for the mission load it is carrying." During that hearing, both Shinseki and Secretary of the Army Thomas White endorsed a proposal to increase the Army's end strength from 480,000 to 520,000 soldiers.[70]

Since September 11, 2001, operations Noble Eagle, Enduring Freedom and Iraqi Freedom have dramatically increased the manpower needs of the military services, especially for the Army, which has shouldered the bulk of the manpower burden associated with the occupation of Iraq. These manpower needs have been filled primarily through the call up of over 500,000 reservists, longer duty days and higher PERSTEMPO rates for many active duty personnel, and the use of contract personnel. So far, this response has enabled the military to perform its assigned missions, but some observers note that it could cause problems in the future—for example, in unacceptably low retention rates, unacceptable performance levels, and difficulty responding to new crises—if carried out over an extended period of time.

In order to prevent such problems from occurring, Congress and the executive branch have taken a number of actions. For example, at the end of FY2003 and FY2004 the Department of Defense invoked a statutory provision which allowed it to exceeded its authorized end strength.[71] Additionally, Congress recently authorized an increase of 20,000 to the size of the active Army and an increase of 3,000 to the size of the active Marine Corps in the Ronald W. Reagan National Defense Authorization Act for FY2005.[72] A separate provision in that law gives the Secretary of Defense the authority to temporarily increase the size of the Army by another 10,000 people, and the size of the Marine Corps by 6,000 people.[73]

Most recently, the FY2006 National Defense Authorization Act provides for an active duty end strength (as of September 30, 2006) of 512,400 for the Army (an increase of 30,000) and an end strength of 179,000 for the Marine Corps (an increase of 4,000).[74] Furthermore, this legislation authorized additional annual increases of 20,000 for the Army and 5,000 for the Marine Corps for

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U.S.C. 991(d) contains a national security waiver that states "The Secretary of the military department concerned may suspend the applicability of this section to a member or any group of members under the Secretary's jurisdiction when the Secretary determines that such a waiver is necessary in the national security interests of the United States." On October 8, 2001, Deputy Secretary of Defense Paul Wolfowitz signed an order indefinitely suspending part of the PERSTEMPO legislation, including payments authorized under 37 U.S.C. 436.

[70] Nicholas J. Carter, *ArmyLink News*, "White, Shinseki: Army Needs More Soldiers," July 24, 2001.

[71] Congress regulates the maximum size of the armed forces by setting statutory limits on "end strength" of the military services. (End strength is defined by 10 U.S.C. 101(b)(11) as "the largest number of members authorized to be in an armed force, a component, a branch, a grade, or any other category of the armed forces."). However, there are several provisions of law which allow the services to exceed their authorized end strength under certain circumstances. 10 U.S.C. 115(e) allows the Secretary of Defense to increase the active duty end strength for a fiscal year for any of the armed forces by not more than three percent, and the end strength of certain reserve component personnel by not more than two percent, if he determines it to be in the national interest. 10 U.S.C. 115(f) allows the Secretary of a military department to increase the authorized active duty end strength of the armed force under his or her jurisdiction by not more than two percent if he determines it to be in the national interest. 10 U.S.C. 123a. allows the President to waive any statutory end strength with respect to a given fiscal year if, at the end of that fiscal year, "there is in effect a war or national emergency." This latter provision was delegated by the President to the Secretary of Defense on September 14, 2001 (Executive Order. 13223).

[72] P.L. 108-375, section 401 and 402, October 28, 2004. The increases for the Army and Marine Corps specified in section 401 are subject to a condition that the costs of the increases "be paid out of funds authorized to be appropriated for that fiscal year [2005]for a contingent emergency reserve fund or as an emergency supplemental appropriation."

[73] P.L. 108-375, section 403, October 28, 2004.

[74] P.L. 109-163, section 401, National Defense Authorization Act for FY2006, January 6, 2006.

each FY2007 through 2009.[75] However, the Army is having difficulty increasing its strength due to recruiting shortfalls.

Another prominent initiative intended to reduce manpower strain is the Army's ongoing effort to reorganize itself, converting from a divisional structure to one based on brigade sized "units of action."[76] The Army believes that this reorganization will increase its pool of deployable units, which could help reduce PERSTEMPO rates. The Army is also shifting of some critical military capabilities from the reserve component to the active component, thereby reducing the need to call up reserve units to support military operations, and retraining personnel from skills in lower demand (such as air defense and artillery) to skills in higher demand (such as military police).

Other alternatives which have been suggested include contracting out more functions to the private sector, increasing the use of technologies which reduce manpower needs, securing greater participation in Iraq and Afghanistan by allied military personnel, reducing U.S. involvement in missions such as the Sinai and Kosovo, and withdrawing U.S. forces from Iraq in relatively large numbers.[77]

What would it take to reinstitute the draft? Is a return to conscription in the U.S. likely?

Any attempt to reinstate the draft would require congressional approval. The legal framework for conscription is codified in law, but the law contains a provision which prohibits actual induction into the Armed Forces after July 1, 1973.[78] To reinstate the draft, Congress would have to pass legislation reauthorizing inductions.

At the present time, it appears unlikely that the U.S. will reinstate the draft to meet its manpower needs. While the Army and some of the Reserve Components are having difficulty making recruiting goals, the military is meeting its retention objectives and has a large pool of trained personnel in the reserves that it can draw on to augment its active forces.[79] Additionally, while conscription is useful for producing large numbers of basically trained military personnel, it is not very useful for producing high skill specialists which the military often has the greatest need for: for example, intelligence analysts, linguists, special operations forces, civil affairs personnel, and pilots. These people need years of training and high motivation levels to become proficient in their military occupations. However, should reconstruction and counter-insurgency operations in

[75] P.L. 109-163, section 403, National Defense Authorization Act for FY2006, January 6, 2006.

[76] See CRS Report RL32476, *U.S. Army's Modular Redesign: Issues for Congress*, by Andrew Feickert.

[77] See, for example, Thom Shanker, "After the War: The Military; Rumsfeld Seeking To Bolster Force Without New G.I.'s," *New York Times*, August 24, 2003, 1.

[78] The Military Selective Service Act, 50 U.S.C. App. 451 et. seq. 50 U.S.C. App. 467(c) states: "Notwithstanding any other provision of this title, no person shall be inducted for training and service in the Armed Forces after July 1, 1973, except persons now or hereafter deferred under section 6 of this title after the basis of such deferment ceases to exist."

[79] Although, from a historical perspective, this pool has already been utilized quite heavily since September 11, 2001, many members of the Ready Reserve have not been mobilized yet. The total strength of the Ready Reserve—which is made up of the Selected Reserve, the Individual Ready Reserve, and the Inactive National Guard—is currently about 1.13 million; of these, roughly 35 to 40% have been involuntarily mobilized for federal service in ONE/OEF/OIF under 10 U.S.C. 12302. Still, it appears that over half of the Ready Reserve has not been activated since September 11, 2001. On the other hand, if one looks only at the Selected Reserve, the mobilization ratio is higher; and if one looks at just the Selected Reserve of the Army Reserve and Army National Guard, the mobilization ratio is higher still. Based on the best available data, it appears that about 50% of the currently serving members of the Army National Guard and the Army Reserve have been involuntarily mobilized for federal service in ONE/OEF/OIF under 10 U.S.C. 12302 since September 11, 2001.

Iraq require a major U.S. presence for a prolonged period of time, the utility of a draft might become a more active consideration. Such a mission could demand a large numbers of military personnel who do not require the more specialized skills.[80] The draft might also be useful if Congress decided to dramatically expand the size of the Army over a short period of time.

See also CRS Report RL31682, *The Military Draft and a Possible War with Iraq*, by Robert L. Goldich, for a more detailed discussion of arguments for and against a draft.

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[80] Examples would include junior level security guards and personnel with basic construction skills. However, some would argue that these tasks are not inherently military and could be performed by Iraqi civilians rather than by U.S. military personnel; others would argue that these tasks take on a military character in a hazardous environment like Iraq.