STRATEGY RESEARCH PROJECT

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THE PRESIDENTIAL SELECTED RESERVE CALL-UP STILL CURRENT IN LIGHT OF INCREASED RESERVE APPLICATIONS?

BY

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ABSTRACT

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TITLE: The Presidential Selected Reserve Call-up: Still Current in Light of Increased Reserve Applications?

FORMAT: Strategy Research Project

DATE: 1 April 2000 PAGES: 28 CLASSIFICATION: Unclassified

ABSTRACT: The number of Reserve Forces deployments continue to increase due to the restructuring of the Army, the emphasis on integration initiatives and the potential increase of peacekeeping missions. The Presidential Selected Reserve Call-up (PSRC) is exercised by the National Command Authority (NCA) under Title 10 United States Code (USC) Section 12302, which allows 200,000 Reserves to be called to active duty for up to 270 days of operational missions, other than during war or national emergencies. The purpose of this research is to provide an analysis of the PSRC process from the statutory and regulatory point of view.

Many lessons were learned as a result of President Johnson's decision not to mobilize the Reserves during Vietnam. Efforts by Army Chief of Staff Creighton Abrams regarding the restructuring of the Army and the Reserves virtually guaranteed their availability in any substantial future conflict. The nations will regarding vital interests is seldom debated. Do we risk losing this national will of the people due to increased missions? This issue and also the impact on the use of the Reserves to those left behind, such as their families, their employers and the civilian community who depend on them during peacetime will be discussed.

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PRESIDENTIAL SELECTED RESERVE CALL-UP

> The Army of today is advancing Active and Reserve Component integration in ways that have produced a fundamental and qualitative change in the character of our force structure. The Army has fully integrated the RC and is fundamentally dependent upon reserve forces in the earliest deployment power projection forces.
>
> —Gordan R. Sullivan, Army Chief of Staff, 1992

During war, or in times of crises, the standing military has always looked to the Reserves for augmentation. The United States has historically favored a strong military at the lowest cost. This has been accomplished by maintaining a military that consisted of full time and part time soldiers. The theory being that the country could call upon its part time soldiers in time of need. As a result, it has been recognized that the Reserves not only bring more soldiers to the fight, they bring something much greater, they bring the will of the people. We have come to recognize that without this vital ingredient we cannot be successful. The evolution of the Reserves has resulted in a composition of the total force that guarantees the utilization of the Reserves in most future military operations.

Historically, our military has met the needs of the situation by a combination of efforts. We have mobilized our Reserves and initiated the draft until sufficient force levels have been met. After the conflict ended, we immediately reduced the standing army to peacetime levels. The general public has never been in favor of large standing army due to its enormous costs. The reduction of our forces to include reserve forces coupled with a higher operational tempo has resulted in a greater use of our active and our reserve forces. As a result, the Reserves have been called to active duty more than ever before and all indications are that this practice will increase. Title 10 of the United States Code is the law that authorizes the President to activate a certain number of Reserves for a limited time. This authority is known as the Presidential Selected Reserve Call-up (PSRC) and is the focus of this paper. It should be noted that in 1998 the law was amended changing its title to the Presidential Reserve Call-up (PRC). However the more common use of the title is PSRC and as such will be used throughout this paper. This concept and the historical background of the PSRC will be fully explained further in the paper. Figure 1 shows the Spectrum of Emergencies

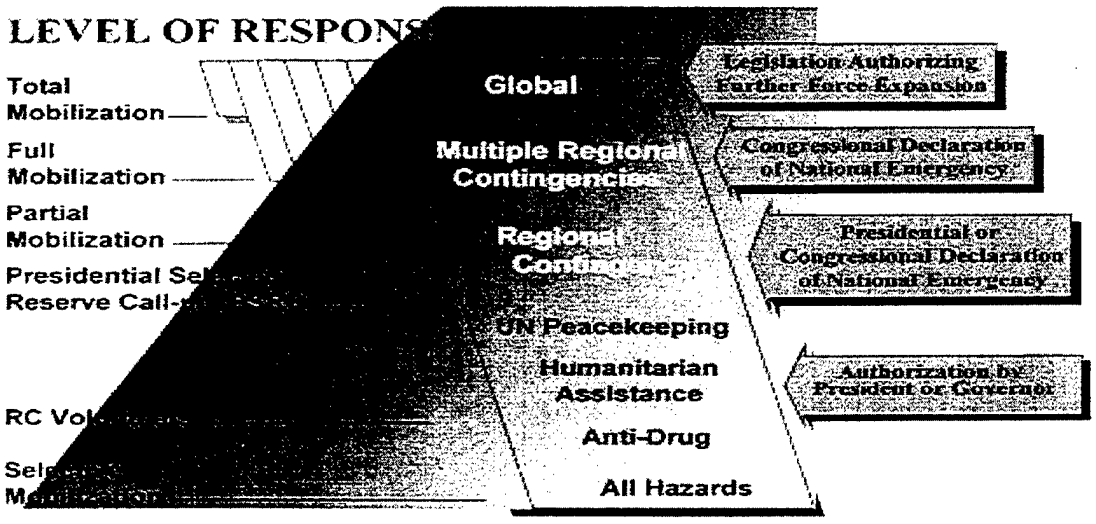

FIGURE 1 – LEVELS OF RESPONSE

and related Level of Response. Roles and missions of the Reserve components extend to all these emergencies. [1]

It should be remembered that each level is of mobilization is separate, and they may present themselves simultaneously. Reservists could be required for more than one of these operations at once[2]. The PSRC, which has only been in existence since 1976,[3] has been modified several times due to the changing needs of the country. Is the PSRC the answer to the familiar concept of a smaller standing army during peacetime? Does it satisfy the requirements of the National Security Strategy of being able to respond to two major theatres of war?[4] Does the expected increased OPTEMPO risk overuse of the Reserve Components (RC)? Since all indications are that it has benefited the Reserves and the military as a whole, one could argue that the answer to the above questions are yes, and I would have to agree. Does the PSRC have to be amended to remain current due to our increased OPTEMPO and reduced forces? The answer to this most important question is also an emphatic yes.

A common mantra of the Reserves is part time job, full time commitment. We should never forget that Reserves due to civilian commitments cannot serve their country on a full time basis. Most joined the Reserves out of a sense of dedication to their country, to serve part-time unless there was a conflict which presented a threat to our country or our vital interests. Our current policy risks the overuse of the RC and should be constantly monitored. In light of this, the Reserves should be maintained in a high state of readiness and their use for prolonged periods in multiple operations should be considered only as a last resort.

This paper will outline the current policy regarding the PSRC and discuss the impact on those most affected by it, the reservists. The original intent as a force generation model and its current practice has put the soldier at a crossroads. This is not the first work which examines the PSRC. There are some ongoing studies that should be reviewed as well, such as the studies by Rand, the Office of the Secretary of Defense for Reserve Affairs, the National Guard Bureau and those being conducted in the Office of the Chief, Army Reserves. Since the PSRC is relatively new and the world situation is shifting however, there remains a need for continued review. My intent is to review the issue not only from the needs of the country during war, but the impact on the reservist as a result of their routine use during peace time such as in military operations other than war (MOOTW). An aspect, which I feel has received minor attention, has been the impact on those employers of reservist once they deploy. There are laws that protect the reservists against retribution from the employer, but is the support, which is required by law, of the employer properly rewarded? Are the four previously mentioned levels of response adequate, or could another "layer" be added? In addition to the history, and opinions of key personnel interviewed, I will offer some recommendations for change that hopefully will improve the PSRC.

HISTORICAL PERSPECTIVE

> "The President's next move was to call up the Reserves. He had the authority to activate up to 200,000 Reserves for up to 180 days without asking Congress, and by doing so he gave a powerful signal to the people of the United States that we had a job to do as a nation. I was in favor of this move: I'd always been convinced that one of the terrible mistakes we'd made during the Vietnam War was *not* mobilizing-Washington sent our soldiers into battle without calling on the American people to support them."[5]
>
> — General Norman Schwarzkopf

The Reserve Forces of the Army, sometimes referred to as the "Citizen Soldier" consist of two components, the Army National Guard (ARNG), and the United States Army Reserve (USAR). Together, they are known as the Reserve Components. The Reserve Components (RC), together with the Active Component (AC) and the Department of the Army Civilians, make up the Army of the United States.[6] When we speak of the Army, whether it be the "Total Army", or more currently, as stated by General Shinseki, "The Army"[7] an effort to ensure seamless integration, we are including the Reserves.

The United States has always been militia based and some National Guard units can trace their origin to 1636.[8] Although the militia was involved in every conflict it did not receive the official name of "National Guard" until the passing of the National Defense Act of 1916.[9] As the National Guard evolved from the tradition of a state controlled militia system, the Army Reserve was born of the need for the country to have a military reserve that could be centrally controlled by the Federal Government. The history of the National Guard is well documented, but that of the Army Reserve is less well known but is important in the evolutionary process of the PSRC. The evolution of the National Guard and Reserves continued through World War's I and II. In 1933, the National Guard was made a component of the Army, and could be federalized if needed.[10]

More than 160,000 Army Reservists served on active duty in World War I. 89,500 officers from the Officers Reserve Corps participated, of which one third were medical doctors. More than 80,000 soldiers of the Enlisted Reserve Corps served with 15,000 assigned to medical units.[11] After the war, the Officers and Enlisted Reserve Corps were combined into the Organized Reserve Corps (ORC).

The great depression provided another mobilization opportunity for the ORC and was a step in the direction of the current PSRC. President Roosevelt's New Deal Program which included the Civilian Conservation Corps (CCC), utilized the ORC. Between 1933 and 1939, over 30,000 officers from the ORC served as commanders or staff officers at 2,700 CCC Camps.[12] This is an example of what is today referred as Operations Other Than War (OOTW).

During World War II the ORC provided 29 percent of the Army's Officers and over 200,000 served in the war itself. The importance of the ORC encouraged Congress to authorize retirement and drill pay in 1948. An important first step in the recognition of the needs of the Army Reserves in times of crises.

Reservists served in the Korean Conflict in increasing numbers. This included over 240,000 soldiers and over 400 ORC units.[13] Changes in the structure and roles of the Army Reserve were

beginning to emerge. During the conflict, the ORC became the US Army Reserve or USAR and in 1952 Congress passed the Armed Forces Reserve Act.[14] The most important aspect was the subdivision of the Reserves into the Ready Reserve, the Standby Reserve and the Retired Reserve. This is an important concept to understand since the PSRC process only involved the Ready Reserve until its recent change. This aspect and the revision will be discussed in detail further in the paper.

The Standby Reserve is the smallest of the three major components. It usually consists of about 500 individuals or less. It does not include any ARNG. They may not be ordered to active duty during a national emergency or under the PSRC. They may only participate at no expense to the government. They may earn retirement points and compete for promotion but are not authorized to participate in reserve duty training.[15] Key employees of the Federal Government, such as members of Congress are examples of those who could be in the Standby Reserve.

The Retired Reserve consists of several categories of individuals who are eligible for and have requested transfer to the Retired Reserve. This includes those who have completed twenty or more qualifying years of service, USAR or ARNG for which retirement benefits are not payable until age sixty. Regular Army enlisted personnel retired after twenty, but less than thirty years of active service are transferred to the Retired Reserve until they have completed thirty years of service. They are not provided any form of training and are not available for military service except in time of war or a congressionally declared national emergency. However, Service Secretaries in the interest of national defense may recall retired personnel with twenty or more years of active service to active duty at any time [16]

The third and most important category regarding the PSRC is the Ready Reserve.[17] The Ready Reserve is further broken down into three sub-categories. They are the Selected Reserve, (SelRes), The Individual Ready Reserve (IRR) which only includes USAR and finally, the Inactive National Guard (ING), which includes only the Army National Guard. (see figure 2)

The Selected Reserve, from which the Presidential *Selected Reserve* Call-up gets its name also, has three sub-categories. They are the Troop Program Unit (TPU), The Individual Mobilization Augmentees (IMA), and the Active Guard and Reserve, or (AGR). This category, the selected reserve, until recently was the complete source of PSRC Call-up. In 1998, it was expanded to include the IRR under some circumstances.[18] Since it no longer only involved the

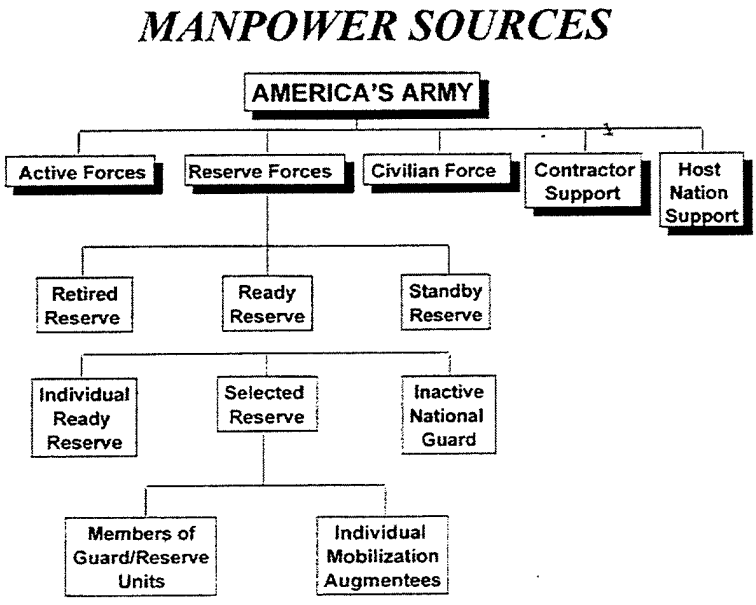

FIGURE 2 - RESERVE ORGANIZATION CHART

Select Reserve, the PSRC in effect became the Presidential Reserve Call-up (PRC), however, as previously mentioned, it is still commonly referred to as the PSRC.

The Armed Forces Reserves Act of 1952 provided some stability and predictability within the Reserves. The act declared that the President must declare a national emergency and that Congress would determine the number ordered to active duty.[19]

More than 69,000 Army Reservists were called to active duty in response to the Berlin Crisis of 1961.[20] The call-up lasted from September 1961 to August 1962 and was hampered by a number of problems, including old equipment, lack of equipment the shortage of soldiers and the difficulty in locating them. As a result the Army Reserves were reorganized 1968, after the war in Vietnam by General Creighton Abrams[21] and more recently by MG Roger W. Sandler, Chief of the Army Reserves[22]. The result was an Army Reserve composed of primarily combat support and combat service support in the USAR and combat arms units mostly in the ARNG. Figure 3 depicts the current status of the Army and clearly depicts that over 50% of the forces are in the Reserves.

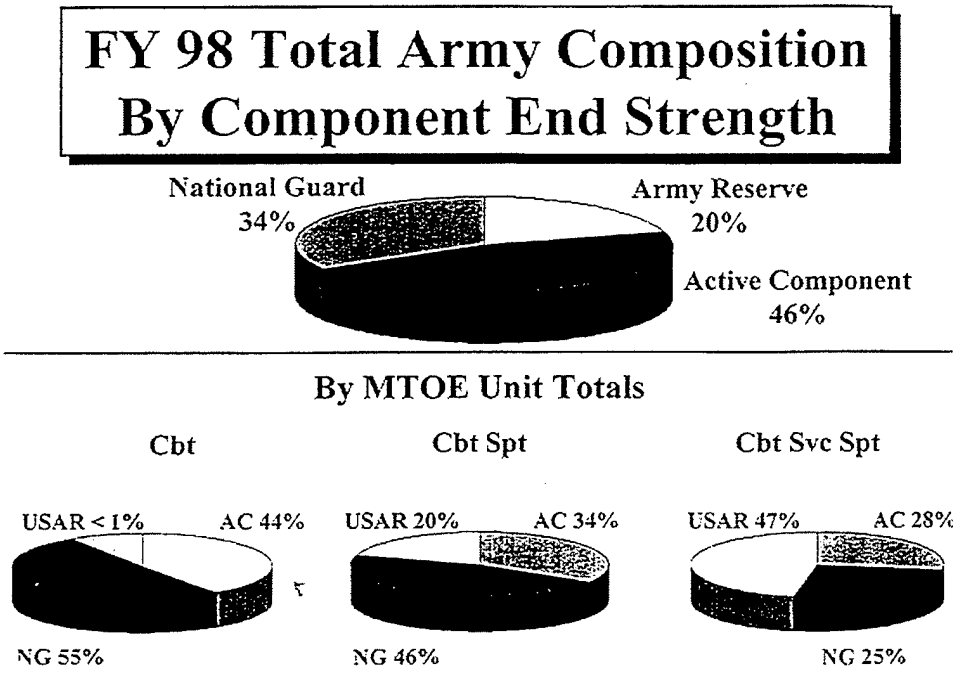

FIGURE 3 - TOTAL ARMY COMPOSITION PIE CHART

Although some Reserves did participate, there was no large-scale call-up during Vietnam. President Johnson already aware that the war was not a popular one felt that the wholesale use of Reserves would further aggravate the situation. [23] Shortly after the war, with the elimination of the draft and downsizing, the Reserves were once again being viewed as a viable source of manpower and also as a way to win popular support if the need arose and the Department of Defense established the Total Force Concept. Its intent was to begin the process of total integration of the Reserves into the Army.

Chief of Staff of the Army, Creighton Abrams took on this task, and a first step was accomplished by assigning combat support and combat service support roles to the Reserves.[24]

The post war Vietnam years represent an enormous change in the Reserves. No longer considered "weekend warriors", they were now receiving wartime guidance from Active Component (AC) higher headquarters, and more importantly they were training with them and evaluated by them. The growing possibility of the use of Reserves resulted in an amendment of the existing law and the passing of the National Defense Authorization Act of 1976. As enacted by Congress, section 673b of Title X US Code authorized the president to call up the Reserves for operations which did not have to include a national emergency and not requiring partial mobilization. This was the original version of the Presidential Selected Reserve Call-up.

This first step was an important one in the Total Force Concept. It was evident, as in the past, that the Reserves would be the bridge during peace in maintaining strength with fewer full time forces. It was also evident that as a result of the after action reviews of Vietnam that the lack of use of the Reserves was a serious mistake[25] and that any major future operation would include their use. Figure 4 is a sample of the current force mix.

Core Competencies

(percent of Total Army assets)

Type unit	%	Type unit	%
Training & Exercise divisions	100	Theater Area Army Commands	40
Railway units	100	Hospitals	54
EPW brigades	100	Terminal battalions	50
Judge Advocate General units	81	Medical groups	66
Civil Affairs units	97	Theater signal commands	66
Psychological Operations units	85	Transportation commands	50
Chemical brigades	100	Transportation groups	80
Chemical battalions	64	Water supply battalions	33
Petroleum groups	50	Petroleum supply battalions	69
Medical brigades	80	Motor battalions	60

FIGURE 4 - PERCENT OF RESERVE FORCES OF TOTAL ARMY ASSETS

The original PSRC authorized the call-up of up to 50,000 Selected Reservists for up to 90 days. The law was amended in 1980 to authorize the call-up of 100,000 Selected Reservists for up to 90 days and again in 1986 it was increased to 200,000 Selected Reservists for up to 90 days. In addition the President could extend the 90 days for an additional 90 days if he deemed it necessary.

The first President to exercise the PSRC was President Bush. As a result of Iraq's Invasion in Kuwait, he implemented the first PSRC and extended it an additional 90 days in November 1991.[26] This

was a very successful mobilization and the benefits of the "will of the people", as expected with deploying reservists was strongly felt. Desert Shield/Desert Storm was partially successful however, due to the length of time allowed to prepare logistically for the war. It was feared that the military would probably not have this luxury in future wars. This fact coupled with further downsizing of the military placed an increased reliance on the Reserves. Currently the Reserves compose over 50% of the total Army, and the composition of the total Army Combat Support and Combat Service Support is heavily weighted in the Reserves (See figures 3 and 4). In 1994 Congress amended the law again and it was generally agreed that additional extensions of call-ups were detrimental but that 180 total days was inadequate. As a result the PSRC authorized a one-time mobilization of up to 200,000 reservists for up to 270 days.

There are currently four PSRC's open and three that are active. They are, Operation Desert Shield/Desert Storm, 22 August 1990, Operation Joint Endeavor in Bosnia, 8 December 1995, Operations In Southwest Asia, 24 February 1998 and Operation Allied Force In Kosovo, 22 April 1999.[27] Although troops are only being utilized for the last three listed, the first, Desert Shield/Desert Storm, officially has not been closed.[28] These missions are accomplished by a series of rotations.[29]

EVALUATION OF PRESIDENTIAL SELECTED RESERVE CALL-UP

Title 10 USC, Chapter 1209 has five sections that address the mobilization or activation of Reserve units and individual members of the Reserve Components. One of the five, Section 12304 – "Selected Reserve and Certain Individual Ready Reserve Members; order to active duty other than during war or national emergency"[30] is also known as the PRC or the more common acronym of PSRC. It currently authorizes ordering members of the Reserve components to active duty without their consent, without declaration of war or national emergency, for operations other than domestic disasters, accidents, or catastrophes. Up to 200,000 Reserve component members may be activated under this authority at any one time. Such service must be other than for training and may not exceed 270 days.

Section 12304 now includes certain members of the IRR. This is an improvement since the criteria that the IRR members can be included are; First that they must volunteer, and second that they must be qualified. However, from a practical standpoint, it also means that they cannot volunteer for more than 270 days, and they cannot volunteer for a domestic disaster, accident or catastrophe without a formal declaration of war or national emergency.

There are three active PSRC's. The use of the PSRC, no small matter, does much more than alert the Reserves. It alerts the world that we consider the matter at hand very seriously. The political signal that the US sends in invoking the PSRC are in keeping with our National Military Strategy. "Mobilization of the Reserve Components has always been an important indicator of the commitment of national will."[31] When President Bush used the PSRC during Desert Shield, the commitment of national will was not only evident in the Middle East, but also at home. As Reserve units responded, so too did the nation. The outpouring of support was evidenced in the volume of mail to our troops and also to the

yellow ribbons that were common in communities across the nation, such as was never seen before or since.

The PSRC to date has been successful in providing adequate numbers in support of the active force. We have not reached the 200,000 limit in any of the PSRC's.[32] The inclusion of the IRR's as volunteers was intended to aid in this area, and also to provide an additional source of easily accessed manpower if necessary.

Another purpose of the PSRC is to theoretically, prime the pump, although there is no requirement to go through the levels of mobilization. For example, the President could go directly to a partial mobilization immediately if he felt it necessary.

AREAS OF CONCERN REGARDING THE PRESIDENTIAL SELECTED RESERVE CALL-UP

Is the PSRC the final end product desired regarding our efforts to quickly integrate the Reserves into the regular Army during our time of need? Does it accomplish that feat in a quick and efficient manner? Does it fulfill the needs of the standing army? What of those left behind, such as the employer, or those reservists who are self employed? Does the law adequately address multiple deployments of either individuals or units? As such does the law risk overuse of Reserves and therefore impact recruiting and retention?

As previously mentioned, the presidential decision to initiate a PSRC sends a strong message to the world of our country's commitment. And there is evidence that those units that have deployed have enjoyed a higher retention rate than those that have not.[33] Although the PSRC to date has fulfilled the needs it was designed for, due to the potential for increased use of the Reserves, some modifications are required to allow more flexibility. When we speak of the will of the people, we are also speaking of employers of reservists. The will of those people cannot and should not be considered automatic, just because the PSRC is invoked. The general public has strong opinions of national interests and the overuse of the Reserves in particular could affect that opinion. We should never take the public for granted, and should always remember there is a cost whenever Reserves are utilized above the normal 39 days per year.

CONSECUTIVE CALL-UPS

The PSRC authorizes the President to order Selected Reserve units or members to involuntary active duty for up to 270 days whenever necessary to augment active forces for an operational mission. The call-up authority is limited to no more than 200K on active duty at any one time. The language of the statute does not prohibit calling up a certain number of SelRes for 270 days, releasing them from active duty, and then calling up different SelRes for 270 days for the same operational mission.[34] Does this risk the overuse of the Reserves? Some operations call for rotations, such as operation Joint Endeavor where the OPLAN called several consecutive rotations of approximately 3,000 SelRes for up to 270 days for each rotation.[35] This, it was noted was not an abuse of the PSRC. "It is the minimum number needed

for the period needed to ensure that we deploy as a total force with the essential capabilities that the Reserves provided."[36]

This issue has surfaced before. The specific questions are; Can the Secretary order repeated involuntary activations of an individual or a unit in the Selected Reserve to serve on the same mission for multiple periods that cumulate to 270 days or less? And, can the President authorize an additional involuntary activation of individuals beyond 270 days by declaring a new operational mission? The answer to both questions is yes.[37] During Senate hearings in 1975 when the PSRC was being written, the following discussion occurred between Senator Nunn and Mr. Brehm, then Assistant Secretary of defense for Manpower and Reserve Affairs:

> Senator Nunn: Can a unit or individual be called up repeatedly under this authority, theoretically?
>
> Mr. Brehm: Theoretically, he may be yes.
>
> Senator Nunn: Practically speaking, what do you think?
>
> Mr. Brehm: I think it is most unlikely.
>
> Senator Nunn: Would the Department of Defense object to a provision in the proposed legislation which would limit the number of times a reserve member or a particular unit is obligated to respond to a call?
>
> Mr. Brehm: I would hope that would not be necessary, but rather that the good judgment of the Defense management could be trusted to handle the situation.[38]

This conversation reveals that this issue was considered when the original bill was being codified. Although it was felt that there should not be repetitive call-ups, there was no change added to the PSRC. There is no evidence that it has been abused, however the with the increased use of the Reserves, the possibility exists for repetitive use of units and or individuals and legally, they would have no recourse.

IMPACT ON EMPLOYERS AND SELF-EMPLOYED RESERVISTS

Since 1940, veterans have received reemployment protection under the law known as the Veterans Reemployment Rights (VRR). On October 13, 1994, President Clinton signed the Uniformed Services Employment and Reemployment Rights Act (USERRA).[39] This represents a comprehensive revision of the VRR. USERRA became fully effective December 12, 1994 and is contained in title 38, United States Code, Chapter 43, sections 4301throurgh 4333.[40] USERRA is the current law governing a service member's right to reemployment after his completion of military training or service.

The law ensures that once military service is completed, the returning soldier will return to his or her place of employment without prejudice if certain requirements have been met. These requirements do not pose a burden on the employee/soldier. For example, the employer must be given notice either verbal or written, except where precluded by the military that they are leaving the job. No amount of advanced notice time is indicated. The time away from the job must not exceed five years. They must be

released from the service under conditions other than dishonorable. Finally, they must report back to their civilian jobs in a timely manner. USERRA applies to voluntary as well as involuntary military service, in peacetime as well as wartime.[41] The expected increased OPTEMPO of the Reserves under PSRC suggests that after a certain period, reservists could have accumulated 5 years of active duty and hence become exempt under the law. This is not true however, since service performed during time of war or national emergency or for other critical missions, contingencies, or military requirements is exempt from the 5-year ceiling. Voluntary service in support of the mission, contingency, contingency or military requirement is also exempt. Simply stated, this means that anyone can leave their place of employment, volunteer for military duty, up to five years or more and return to their job without prejudice.

USERRA requires that while the employee is on active duty, the employee has the right to elect continued health insurance coverage for himself and his dependents, during periods of military service. The costs to the employer are based on the length of time deployed. For periods up to 30 days, the employee pays only the normal share of costs. For more than 30 days the employer may charge up to 102 percent of the premium costs. The employer only has to extend this benefit for 18 months of absence. USERRA provides the right of immediate reinstatement of civilian health insurance coverage upon return to the civilian job.

Upon reemployment, or return from active duty, even though that active duty was voluntary there are four basic entitlements that must be met provided the employee meets the eligibility requirements previously discussed. The employers promptly reinstate the employee. The employee must be treated as if he never left regarding such benefits as accrued seniority, rate of pay, pension vesting and credit for retirement. In other words, it is as though the clock is ticking while he is deployed, or better stated, it is as though he never left. Any training or retraining must be accommodated. This benefit applies if the employee has received a service-connected disability. Finally, there is special protection against termination of employment after his reinstatement. For service of 31-180 days, the employee must not be terminated for 180 days, except for cause. For service over 180 days, he is protected for one year.

If the returning service member is disabled as a result of active duty, the employer must make a reasonable effort to assist that person into reemployment. If the injury is such that the person could never perform the prior employment he must attempt to find a similar task or something approximating the previous job, as far as pay and status.

If any of the above mentioned requirements are not met and the employee and employer dispute the issue or there is a perception or claim of discrimination, the burden of proof is on the employer. Employees are provided assistance in resolving all issues and they are provided an ombudsman, at no charge to assist in resolution.

Of those deploying, many are self-employed or are maintaining professional associations. As any person who maintains a business whether it be retail or service oriented knows, a great deal of cost is attributed to building and maintaining a client base. It is difficult for some professionals to take a vacation for two weeks. Since under the PSRC reservists can be utilized for up to nine months and on multiple

occasions, the potential for a serious economic impact is possible if not the loss of the entire business. There is nothing under USERRA that can benefit those who are self-employed.

An attempt to assist in mobilization related costs was the ill-fated mobilization insurance. This benefit, while well intended, was a dismal failure.[42] As a result, there are no plans to renew it in the future and there is no other plan similar to it to provide relief for those soldiers who would have benefited from it. There is currently no protection or benefit provided for those who are self-employed.

It is comforting to know that laws such as USERRA exist to protect soldiers when they are called to active duty, even if they volunteer. These laws, like any evolved as a result of the need. While no one will argue, that if such laws did not exist, there would be the risk of employee abuse and that would certainly weigh heavily on ones decision to volunteer, or worse yet to begin a part time career in the Reserves. One must also wonder, is there any balance in this law? Is the employer rewarded in any way other than a sense of national pride or patriotism for supporting our country in its time of need? And what of those times that there is no conflict? Many of the rotations are for the purpose of peace keeping and peace enforcement. What if the employer or the country for that matter does not support the operation? Of course, the law still applies regardless of national sentiment.

POTENTIAL OF DRASTIC CHANGE IN RESERVE COMPONENT CULTURE, AND NATIONAL WILL

Since their inception in 1908 the USAR have been deployed countless times. In the past ten years they have been used more than all previous times combined. Although there is no way to predict that this trend will continue, there is no indication that it will decrease. The television ads and recruiters depict reservists drilling one weekend a month and two weeks a year. This is what we have come to expect upon a reserve enlistment. The repercussions of the increased use of reservists could change the overall mindset of not only those who may be contemplating enlisting but also of potential employers of reservists.

A non-tangible, but no less important ingredient is the public support that is expected with the use of Reserves. The loss of this element could be disastrous to the point that it might be detrimental to deploy the Reserves in the first place. We should never take this for granted. If the current personnel cuts continue, and the OPTEMPO continues to escalate. The AC will look to the Reserves in an attempt to provide more relief, especially in non-emergency peace keeping type missions.

The overall effect could be serious erosion in recruiting, retention and employer support. With recruiting and retention already a major concern it only follows that at some point our national military strategy would have to be reviewed for current applicability and or change. The end result could be that perhaps the United States could not handle two Major Theaters of War with current or available assets and that we would have to resist the temptation to assist in world matters even though we would called upon to do so.

CONCLUSIONS AND RECOMMENDATIONS

The PSRC regardless of any shortcomings in its present form has provided the necessary requirements in men and material to the crises when needed.[43]. The PSRC has been successful in applying Reserves in needed locations thereby relieving the AC of shouldering the entire burden and therefore providing them with much needed relief.

Although there exists, due to the terminology of the law, a potential for overuse, there is no evidence that to date this has happened. It has also been stated that Reservists feel a sense of job satisfaction after being deployed. And that in fact the retention numbers are higher for units that have deployed than for those who have not.[44] It has been proven in several studies that the lack of use of Reserves, such as in Vietnam has also been detrimental. As a result of all of this it cannot be ascertained that the PSRC is a failure, it is not. It is in fact a very useful vehicle that will continue to be used, but like any other policy, it should be reviewed on a regular basis and amended as needed to fit the current situation. With that in mind the following recommendations are made.

CHANGE WORDING OF THE PRESIDENTIAL SELECTED RESERVE CALL-UP

Legal opinions are that there is a risk for multiple call-ups since there is no legal impediment to it. All those questioned about it agree that although there is no protection of multiple call-ups for the same operations also agree that it would show poor judgement, and that it probably would not happen. If that is the case, it is highly recommended that the law be changed to prohibit multiple call-ups. The law should stated that once a soldier had deployed for an operation, regardless of the number of days that he not be required to again deploy for the same operation, or any operation within a specific time period. The time between deployments should be at least three years. This would give the reservist and his employer the peace of mind and predictability, that unless a situation at a level higher than a PSRC would occur, he would not have to worry about deploying for three years. The law should also give the reservists the opportunity to volunteer for multiple deployments. Many reservists enjoy the opportunity to deploy for a variety of reasons and they should not be denied if their services can be of use.

PROVIDE INCENTIVES FOR EMPLOYERS

All of the discussions regarding the USERRA laws provide protection for the reservists who deploy from their employers. While such laws are probably necessary, they place a huge burden on employers, particularly small companies who rely heavily on their employees. The loss of a single employee in a small service oriented business can be potentially devastating. To hold the reservists position open for nine months, in addition to the more common two weeks per year, not to mention required schools is asking a lot. They have two choices, they can work short handed for the time the soldier is absent or they can hire a temporary worker. Both are difficult to do, and both require expenditures not necessary with an employee who is not in the Reserves. An increase in future deployments, not to mention multiple deployments, could weigh heavily on the employer's decision to hire someone who is a reservist in the first place.

Employers should be compensated somehow for hiring and utilizing reservists and should be additionally compensated if that reservist were to deploy. Even if the reservists never deploys, the employer must release them for such minor active duty for training such as annual training, or school usually a minimum of about 15 days per year. The employer must not charge this time away as vacation time. For all of this consideration, the employer is supposed to comply with the law due to the contribution that the reservist makes to his country. Although there are numerous complaints annually regarding violations, by and large, most employers comply.

As a reward for the costs incurred as a result of having a reservists as an employee, employers should receive a tax credit of a set amount for every employee who is a reservist. When that employee deploys, that tax credit should be increased for every day the employee is on active duty, not to include annual training or school. The economic burden of having a reservist would therefore be spread out to the general public who benefits every day from the efforts of the citizen soldier. This benefit would go a long way toward improving relations between employers and employees. This much needed tax relief would forestall any future arguments about the costs to employees in the potential future use of reservists. The costs of this tax relief should not come from the already stretched Department of Defense (DOD), budget. Whatever the costs, and they could be easily projected using current figures, should be calculated into the defense budget and it should be increased accordingly.

CREATE NEW LEVEL OF RESPONSE

Due to the increased number and types of missions that the Reserves are going to be expected to participate in, the time may have come when we must create a new level of response with a different type of reservist. This level would be below the PSRC but above the Title 10 Chapter 1209 level. This new level of reservists would be a crisis action group who would be directly assigned to the various CINC's based on the needs of the CINC's and the skills of the reservists. They would still be members of the Ready Reserve. They would deploy for 90 days and no more than once annually. These soldiers would be volunteers based on their skill levels in the Reserves and their commitments in their private lives. They would be able to rapidly deploy and would be expected to do so. Their annual training would be with their various wartime traces to increase familiarity. These soldiers could either be troop program unit (TPU), Individual Mobilization Augmentee (IMA) or Individual Ready Reservists (IRR). In the case of the TPU's, their units would be of the non-deploying type such as Training Divisions. Their absence should not affect their unit's wartime mission. This would defeat the purpose. These soldiers should be dual tracked. They should be managed by Army Reserve Personnel Command, (AR PERSCOM) and also by their mobilization CINC's. The CINC's should create a category for them in their Unit Status Report. They should be programmed so as to respond in a short period of time and arrive in a high state of readiness and morale. This would alleviate the Army from the uncertainty of the time of arrival and the quality of the incoming reservists. This new layer could be easily adapted to the current organizations on a volunteer basis and would be a major step in the Chief of Staff's vision of The Army.

There is no guarantee that every time we decide to mobilize reservists we will have the support of the American Public. If we are to continue to require their support and the support of their employers, we must ensure that they are well informed and are compensated wherever possible. The PSRC while not perfect, has fulfilled its expectations. The changes proposed, although minor could enhance the PSRC and offset some of the areas of concern and provide some much needed and overdue relief to employers of drilling reservists. In this time of challenging recruiting and retention for the Active Component as well as the Reservists coupled with the uncertainty in the world we must be proactive rather than reactive. We will not have the luxury to have an enemy in the future who will wait for us to come to him fully prepared as we did in the Gulf War. We owe it to the American People and the soldiers who will ultimately be affected by our decisions to take advantage of our experience and apply that knowledge to ensure success in the future.

Word Count=6,590

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