



Testimony

Before the Subcommittee on National Security,  
Emerging Threats, and International Relations,  
Committee on Government Reform, House of  
Representatives

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**HOMELAND DEFENSE**

**Preliminary Observations  
on How Overseas and  
Domestic Missions Impact  
DOD Forces**

Statement of Raymond J. Decker, Director  
Defense Capabilities and Management



  
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**Highlights**

Highlights of [GAO-03-677T](#), a testimony before the Subcommittee on National Security, Emerging Threats, and International Relations, Committee on Government Reform, House of Representatives

## Why GAO Did This Study

The way in which the federal government views the defense of the United States has dramatically changed since September 11, 2001. Consequently, the Department of Defense (DOD) is adjusting its Cold War strategic focus (of defending against massed combat forces) to better encompass defense against the asymmetric threats that small terrorist cells represent to U.S. territory.

GAO was asked to review DOD's participation in domestic missions. This testimony represents our preliminary work in response to the request. It addresses (1) the primary differences in military and nonmilitary missions; (2) how DOD evaluates nonmilitary mission requests; (3) how the 1878 Posse Comitatus Act impacts on DOD's nonmilitary missions; (4) whether current management organizations, plans, and forces are adequate to support DOD's domestic missions; and (5) the impact of overseas and domestic missions on military personnel tempo.

GAO is making no recommendations in this testimony.

[www.gao.gov/cgi-bin/getrpt?GAO-03-677T](http://www.gao.gov/cgi-bin/getrpt?GAO-03-677T).

To view the full report, including the scope and methodology, click on the link above. For more information, contact Raymond J. Decker, (202) 512-6020, [deckerr@gao.gov](mailto:deckerr@gao.gov).

## HOMELAND DEFENSE

# Preliminary Observations on How Overseas and Domestic Missions Impact DOD Forces

## What GAO Found

DOD's military and nonmilitary missions differ in terms of roles, duration, discretion to accept or reject, and capabilities normally employed.

DOD evaluates nonmilitary mission requests on the basis of legality, lethality, risk to DOD forces, the cost, the appropriateness of the mission, and the impact on military readiness.

The 1878 Posse Comitatus Act prohibits the direct use of federal military troops in domestic civilian law enforcement, except where authorized by the Constitution or Acts of Congress. Congress has expressly authorized the use of the military in certain situations such as to assist with drug interdiction or assist with terrorist incidents involving weapons of mass destruction.

It is too early to assess the adequacy of DOD's new management organizations or plans but some forces may not be tailored for their domestic missions. DOD established an Office of the Assistant Secretary of Defense for Homeland Defense and U.S. Northern Command to plan and execute domestic missions. U.S. Northern Command's plan for domestic military missions was developed before DOD officials had agreed on the nature of the threat. Forces are not adequately tailored for some domestic missions and readiness could erode because of it. For example, Air Force fighter units deployed since September 11, 2001 to perform combat air patrols are unable to also perform required combat training.

Overseas and domestic missions are stressing U.S. forces as measured in personnel tempo data. In September 2001, about 1,600 Air Force personnel had spent 220 to 365 days away from their homes over the previous year, but by December 2002 almost 22,100 Air Force personnel had been away that long. The Army reported similar increases. To prevent erosion in combat capabilities, DOD issued orders, known as stop loss, to involuntarily retain critical personnel.

### F16 Fighter Aircraft Conduct a Combat Air Patrol Over Washington, D.C.



Source: U.S. Air Force.

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Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to discuss with you today the demands being placed on the Department of Defense (DOD) in the post September 11, 2001, environment. DOD's primary mission is to deter aggression abroad and fight to win if deterrence fails. It does this by undertaking major combat operations on a global basis. However, the federal government view of the defense of U.S. territory has dramatically changed since September 11, 2001. In this regard, DOD is adjusting its Cold War strategic focus of defending against massed combat forces attacking allied nations or U.S. territory to encompass the asymmetric threats that small terrorist cells represent.

You asked us to review DOD's participation in domestic military missions. We will issue a final report on this issue later this spring. My testimony today is based on the preliminary work that we have completed to date on your request. I will address (1) the primary differences in military and nonmilitary missions; (2) how DOD evaluates requests for nonmilitary missions; (3) how the 1878 Posse Comitatus Act impacts DOD's nonmilitary missions; (4) whether current management organizations, plans, and forces are adequate to support DOD's domestic missions; and (5) the impact of overseas and domestic missions on military personnel tempo.<sup>1</sup> To determine the differences in DOD's missions and how DOD evaluates mission requests, we reviewed appropriate guidance and directives specifying mission types, and discussed these issues with knowledgeable officials. To identify legal constraints on DOD's nonmilitary missions, we reviewed the 1878 Posse Comitatus Act and related laws. To determine the adequacy of organizations, plans, and forces, we reviewed DOD reorganizations, visited the new U.S. Northern Command, reviewed campaign plans and related documents, and compared the types of missions performed by forces with their primary missions. Finally, to determine the impact of domestic or overseas missions on personnel tempo, we obtained personnel tempo databases from DOD for the period October 2000 through December 2002 (the most recent data available) and analyzed the data. We conducted this work from July 2002 through April 2003 in accordance with generally accepted government auditing standards.

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<sup>1</sup> Personnel tempo is the amount of time that a member of the armed forces is engaged in their official duties at a location that makes it infeasible to spend off duty time at the member's home, homeport (for Navy service members), or in the members' civilian residence (for reserve components' personnel).

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## Summary

Military missions differ from nonmilitary missions in terms of roles, duration, discretion to accept or reject, and capabilities normally employed. In military missions, DOD is the lead federal agency, operates without a predefined end date, cannot reject the planned mission, and uses combat power and combat support capabilities for their intended purposes. Conversely, in nonmilitary missions, another agency is generally the lead, the mission has a predefined end date, and DOD has some discretion to reject the requested mission and uses military capabilities in a noncombat manner to augment U.S. civil authorities' capabilities.

DOD evaluates all requests by U.S. civil authorities for military assistance against six established criteria, including legality, safety, funding, and impact on readiness. DOD has provided a variety of requested nonmilitary assistance, including over 230 missions in fiscal years 2001 and 2002, such as assisting in fighting wildfires; recovering from tropical storms; providing post-September 11, 2001, assistance to New York City and Virginia; and providing support for the presidential inauguration.

The 1878 Posse Comitatus Act<sup>2</sup> prohibits the direct use of federal military troops in domestic civilian law enforcement, except where authorized by the Constitution or Act of Congress. Congress has expressly authorized the use of the military in certain situations. For example, DOD can use its personnel and equipment in response to requests from civilian law enforcement to assist with drug interdiction efforts and terrorist incidents involving weapons of mass destruction.<sup>3</sup> The Commander of U.S. Northern Command has stated "We believe the [Posse Comitatus] Act, as amended, provides the authority we need to do our job, and no modification is needed at this time."<sup>4</sup>

It is too early to assess the adequacy of DOD's new management organizations or their plans for their domestic missions, since the organizations only recently began operations and the campaign plan was

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<sup>2</sup> 18 U.S.C. §1385 (2002). The Act expressly prohibits the use of the Army or the Air Force to execute the laws. It applies to the Navy and Marine Corps through DOD Directive 5525.5, *DOD Cooperation with Civilian Law Enforcement Officials* and Navy Instruction (SECNAVISNT) 5820.7B, Mar. 28, 1988, *Cooperation with Civilian Law Enforcement Officials*.

<sup>3</sup> 10 U.S.C. §§371-378 (excluding §375) (2002), and 10 U.S.C. §382 (2002).

<sup>4</sup> Statement of General Ralph E. Eberhart, U.S. Air Force, Commander, U.S. Northern Command and North American Aerospace Defense Command, before the House Committee on Armed Services, March 13, 2003.

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only recently written, although some forces may not be fully tailored to the missions. First, DOD has established (1) the Office of the Assistant Secretary of Defense for Homeland Defense and (2) U.S. Northern Command to provide long-term planning and execution capability for domestic missions. The new Assistant Secretary is to provide overall supervision of DOD's domestic missions. U.S. Northern Command is to provide unity of command for U.S. military actions to counter threats to U.S. territory and is to provide military assistance to U.S. civil authorities when directed by the President or the Secretary of Defense. Neither organization was fully functional at the time of our review, so we could not yet evaluate the adequacy of these organizations for their new missions. Second, U.S. Northern Command recently completed its campaign plan for domestic military missions, making it unlikely that the services have yet trained or equipped their forces for these missions. In addition, the plan was developed prior to issuance of a Federal Bureau of Investigation counterterrorism threat assessment and before DOD officials had agreed amongst themselves on the nature of the threat and thus may not take into account the current range of identified threats. Finally, forces are not adequately structured for some current domestic missions, and military readiness may erode. For example, following the September 11, 2001, terrorist attacks, the President deployed fighter aircraft to protect U.S. cities under Operation Noble Eagle. In addition, DOD needed to enhance installation security and deployed military police units. While the missions are legitimate, these forces' military readiness may erode because they get limited training benefit from the missions and do not have the opportunity to conduct required combat training while performing the missions.

Current overseas and domestic missions are impacting U.S. forces as measured by personnel tempo. DOD measures personnel tempo based on three thresholds: 182 days, 220 days, and 401 days deployed<sup>5</sup> away from home. DOD believes that if servicemembers spend too much time away from home, a risk exists that they will eventually leave the service and military readiness may suffer. From September 2001 through December 2002, the number of Air Force personnel exceeding the personnel tempo threshold of 182 days away from home rose from about 2,100 to about 8,300; the number exceeding the personnel tempo threshold of 220 days away from home rose even higher, from about 1,600 to about 22,100. Army

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<sup>5</sup> We used the thresholds to measure days away from home, which includes deployments and activities such as individual training.

data also revealed that personnel tempo had increased during the period. To prevent significant near-term attrition from the force, DOD has used its stop loss authority<sup>6</sup> to prohibit servicemembers affected by the order from leaving the service. DOD has acknowledged that stop loss should only be used for a short period of time and is not to be used as a long-term force management practice.

## DOD's Military and Nonmilitary Missions Differ

Military missions differ from nonmilitary missions on a variety of factors, as shown in table 1.

**Table 1: Differences between DOD Military and Nonmilitary Missions**

<b>Military missions</b>	<b>Nonmilitary missions</b>
Acts as the lead federal agency and follows orders issued by the President, as Commander-in-Chief.	Supports a lead federal agency.
Performs missions under extraordinary circumstances that do not necessarily have defined end dates.	Provides support on a temporary or emergency basis with agreed upon end dates.
Generally cannot reject these missions.	Has some discretion to accept or reject these missions based on six established criteria and uses an approval process guided by DOD Directive 3025.15 <sup>a</sup> to determine whether to provide the requested support.
Applies military combat capabilities that only DOD possesses.	Augments U.S. civil authorities' capabilities with DOD's own military assets or capabilities from its existing force, which are applied in a non-combat manner.

Source: GAO analysis.

<sup>a</sup> *Military Assistance to Civil Authorities*, Feb. 18, 1997.

Military missions involve coordinated military actions, such as campaigns, engagements, or strikes, by one or more of the services' combat forces. Operations Desert Storm in 1991 and Iraqi Freedom in 2003 are examples of overseas military missions, and Operation Noble Eagle is a domestic military mission started on September 11, 2001, and continuing today. In

<sup>6</sup> Stop Loss authority is provided by 10 U.S.C. §12305 (2002). It authorizes the President to suspend any provision of law relating to the promotion, retirement, or separation of any member of the armed forces when members of a reserve component are called to active duty and the President determines the forces are essential to the national security of the United States.

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the latter mission, the President directed the Commander, North American Aerospace Defense Command, to order combat air patrols to identify and intercept suspect aircraft operating in the United States. Since these are military missions, DOD is the lead federal agency and is prepared to apply its combat power if needed.

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## DOD Evaluates Requests for Assistance from Civil Authorities Against Established Criteria

Requests for nonmilitary missions are evaluated against criteria contained in DOD's Directive, *Military Assistance to Civil Authorities*.<sup>7</sup> These requests generally seek DOD support to help alleviate suffering, recover from disasters or assist indirectly with law enforcement.<sup>8</sup> DOD's directive specifies that requests for nonmilitary support be evaluated against the following criteria:

- legality (compliance with laws),
- lethality (potential use of lethal force by or against DOD forces),
- risk (safety of DOD forces),
- cost (who pays, impact on the DOD budget),
- appropriateness (whether the requested mission is in the interest of DOD to conduct), and
- readiness (impact on DOD's ability to perform its primary mission).

According to DOD, in fiscal years 2001 and 2002, it supported over 230 nonmilitary missions in a variety of settings, such as assisting in fighting wildfires, recovering from tropical storms, providing post-September 11, 2001, assistance to New York City and Virginia, providing support for the presidential inauguration, and for other purposes. According to DOD, during this same period, the Department rejected a handful of missions based on the above criteria.

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<sup>7</sup> DOD Directive 3025.15, Feb. 18, 1997, which establishes DOD policy and assigns responsibility for providing military assistance to civil authorities.

<sup>8</sup> DOD Directive 5525.5 provides specific guidance on requests for law enforcement assistance.

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## The Posse Comitatus Act Restricts DOD's Role in Civilian Law Enforcement

The 1878 Posse Comitatus Act<sup>9</sup> prohibits the use of the Army and Air Force “to execute the laws” of the United States except where authorized by the Constitution or Acts of Congress. Federal courts have interpreted “to execute the laws” to mean the Posse Comitatus Act prohibits the use of federal military troops in an active role of direct civilian law enforcement.<sup>10</sup> Direct involvement in law enforcement includes search, seizure, and arrest.<sup>11</sup> The act does not apply to military operations at home or abroad. Further, it does not apply to National Guard personnel when under the direct command of states’ governors.

Congress has expressly authorized the use of the military in certain situations. For example, DOD can use its personnel and equipment to:

- assist with drug interdiction and other law enforcement functions (10 U.S.C. §§371-378 (excluding §375));
- protect civil rights or property, or suppress insurrection (the Civil Disturbance Statutes; 10 U.S.C. §§331-334);<sup>12</sup>
- assist the U.S. Secret Service (18 U.S.C. §3056 Notes);
- protect nuclear materials and assist with solving crimes involving nuclear materials (18 U.S.C. §831);
- assist with terrorist incidents involving weapons of mass destruction (10 U.S.C. §382); and
- assist with the execution of quarantine and certain health laws (42 U.S.C. §§97-98).

The President identified as a major homeland security initiative a review of the legal authority for military assistance in domestic security, which would include the Posse Comitatus Act. The President maintained that the “threat of catastrophic terrorism requires a thorough review of the laws permitting the military to act within the United States in order to determine whether domestic preparedness and response efforts would benefit from greater involvement of military personnel and, if so, how.”<sup>13</sup>

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<sup>9</sup> 18 U.S.C. §1385 (2002).

<sup>10</sup> See, for example, *United States v. Red Feather*, 392 F. Supp. 916 (D.S.D. 1975).

<sup>11</sup> DOD Directive 5525.5, *DOD Cooperation with Civilian Law Enforcement Officials* provides other examples of prohibited direct involvement.

<sup>12</sup> DOD Directive 3025.12, Feb. 4, 1994, *Military Assistance for Civil Disturbances*, which identifies policy and responsibilities governing the planning and response by DOD for its assistance to civil authorities, including law enforcement.

<sup>13</sup> *National Strategy for Homeland Security*, Office of Homeland Security, July 2002.



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In addition to this review, the Congress directed DOD to review and report on the legal implications of members of the Armed Forces operating on United States territory and the potential legal impediments affecting DOD's role in supporting homeland security.<sup>14</sup> In March, 2003, the Commander of U.S. Northern Command has stated, "We believe the [Posse Comitatus] Act, as amended, provides the authority we need to do our job, and no modification is needed at this time."<sup>15</sup> At the time of our review, neither the President's nor the congressionally directed legal reviews had been completed.

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## The Adequacy of New Management Organizations, Plans, and Forces for Domestic Missions

It is too early to assess the adequacy of DOD's new management organizations or its plans, although forces may not be fully tailored to the current domestic missions. DOD has established new organizations for domestic missions at the policy and operational levels, and written a new campaign plan for the defense of the United States. At the same time, DOD has used existing forces for these missions since September 11, 2001. However, at the time of our review, the organizations were not yet fully operational; plans had been developed before issuance of a counterterrorism threat assessment and before DOD officials had reached agreement on the nature of the threat; and force capabilities were not well matched to their domestic missions, potentially leading to an erosion of military readiness.

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## New DOD Organizations to Address Military Domestic Missions Are Not Yet Fully Operational

Two new organizations—the Office of the Assistant Secretary of Defense for Homeland Defense and U.S. Northern Command—together provide long-term policy direction, planning, and execution capability but are not yet fully operational, because they have only recently been established and are not fully staffed. Because these organizations had only recently been activated and were still being staffed and structured, we did not evaluate the adequacy of these organizations for their missions.

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<sup>14</sup> The Bob Stump National Defense Authorization Act for Fiscal Year 2003, P.L. 107-314, (Dec. 2, 2002), Sec. 921(7) Report on Establishment of the United States Northern Command and Sec. 1404(11) Report on the Role of the Department of Defense in Supporting Homeland Security.

<sup>15</sup> Statement of General Ralph E. Eberhart, U.S. Air Force, Commander, U.S. Northern Command and North Aerospace Defense Command, before the House Committee on Armed Services, March 13, 2003.

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The Senate confirmed the President's nominee to be Assistant Secretary of Defense for Homeland Defense in February 2003, but this office was not fully operational at the time of our review, with approximately one-third of the staff positions filled. The new Assistant Secretary is to provide overall supervision for domestic missions.

U.S. Northern Command was established by the President in an April 2002 revision to the Unified Command Plan<sup>16</sup> and was activated in October 2002. However, the command is not planned to be fully operational until October 2003. As of last week, only about 46 percent of the command's positions had been filled. During our trip to U.S. Northern Command, we found that a key challenge that the command is grappling with is the need to conduct its ongoing missions while staffing the command's positions. The activation of the command marks the first time that there has been a unity of command for military activities within the continental United States. Prior to U.S. Northern Command's activation, U.S. Joint Forces Command provided for military actions to defend U.S. territory from land- and sea-based threats. The North American Aerospace Defense Command defended the United States from airborne threats (and still does). The Commander of U.S. Northern Command is also the Commander of the North American Aerospace Defense Command providing the new unity of command for the three missions.

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### The Nature of the Threat Was Still Under Discussion When the Campaign Plan Was Written

DOD's planning process requires the Department and the services to staff, train, and equip forces for their military missions as outlined in campaign plans and deliberate plans<sup>17</sup> developed by the combatant commanders, including the Commander of U.S. Northern Command. U.S. Northern Command's campaign plan was completed in October 2002 and is classified. However, I can note, that although it may reflect current intelligence from DOD and other intelligence community sources, it was completed before the January 2003 issuance of the Federal Bureau of Investigation's counterterrorism threat assessment, so it may not take all threats into account. Moreover, an official in the Office of the Secretary of

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<sup>16</sup> Unified Command Plans provide guidance to the combatant commanders and establish their missions, responsibilities, force structure, and geographic areas of responsibility, among other things.

<sup>17</sup> Campaign plans represent the combatant commander's vision of the arrangement of operations to attain strategic objectives. Deliberate plans are designed to use forces and apportion resources for potential contingencies.

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Defense acknowledged that DOD officials continue to debate the nature of the threat to U.S. territory, thus DOD itself has not yet reached internal agreement on the nature of the threat facing the United States.

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### DOD's Forces Are Not Tailored to Conduct Long-Term Military Missions Domestically

Based on our review, DOD's forces are not tailored for some of the missions that they have been performing since September 11, 2001, and the result could be eventual erosion of military readiness. To respond to the terrorist attacks of that day, the President identified the need to protect U.S. cities from air attack, and in response, DOD deployed 338 Air force and about 20 Navy aircraft within 24 hours of the attacks. Air Force fighter aircraft flew continuously from September 11, 2001, through March 2002, and intermittently thereafter. These combat patrols continue today. While these forces may obtain some training benefit from actually conducting the mission, the benefit is limited by the narrow scope of maneuvers performed during these missions. Specifically, Air Force and Air National Guard fighter units performing domestic combat air patrols are inhibited from executing the full range of difficult, tactical maneuvers with the frequency that the Air Force requires to prepare for their combat missions. In one Air National Guard wing that we reviewed, the average pilot could not meet their training requirements in 9 out of 13 months between September 2001 and September 2002. Consequently, such units may need to resume training after domestic combat air patrols end or they are reassigned, to ensure their readiness for combat operations, their primary missions. Similarly, DOD identified the need to enhance installation security, and it subsequently deployed active, reserve, and National Guard military police units for the mission. However, these units were designed for a different mission, and received limited training benefit from the domestic mission. For example, officials at a military police internment and resettlement battalion told us that while the battalion can provide installation security, its primary mission is to operate enemy prisoner of war camps. Instead, for nearly a year, the battalion carried out a domestic installation security mission, which while important, prevented the battalion from completing required training for its primary overseas combat mission. As a result, the battalion's military readiness may become eroded, which could mean accepting an increased risk to the battalion if it deploys or resuming training before it deploys again.

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## Increased Overseas and Domestic Missions Add to High Army and Air Force Personnel Tempo

Current overseas and domestic missions are stressing U.S. forces as measured in personnel tempo data. DOD believes that if servicemembers spend too much time away from home, a risk exists that they will leave the service and military readiness may ultimately suffer.

The National Defense Authorization Act for Fiscal Year 2000<sup>18</sup> requires that DOD formally track and manage for the number of days that each member of the armed forces is deployed and established two thresholds—servicemembers deployed more than 182 or 220 days away from home out of the preceding 365 days. The National Defense Authorization Act for Fiscal Year 2001<sup>19</sup> established a third threshold, which requires that servicemembers who are deployed for 401 or more days out of the preceding 730-day (2-year) period receive a \$100 high deployment per diem allowance.<sup>20</sup> Between September 2001 and December 2002, personnel tempo increased dramatically for Army and Air Force personnel due to ongoing missions or commitments around the world and their increasing support of Operations Noble Eagle and Enduring Freedom.<sup>21</sup>

DOD data that we obtained indicated tempo is high and increasing. For example, as shown in figure 1, in September 2001, over 6,600 Army personnel (including active, reserve, and National Guard personnel) had exceeded a desired threshold, spending 182 to 219 days away from home during the previous 365 days. By December 2002, that number had risen to over 13,000. During the same period, the number spending 220 to 365 days away, had risen from about 800 to over 18,000.

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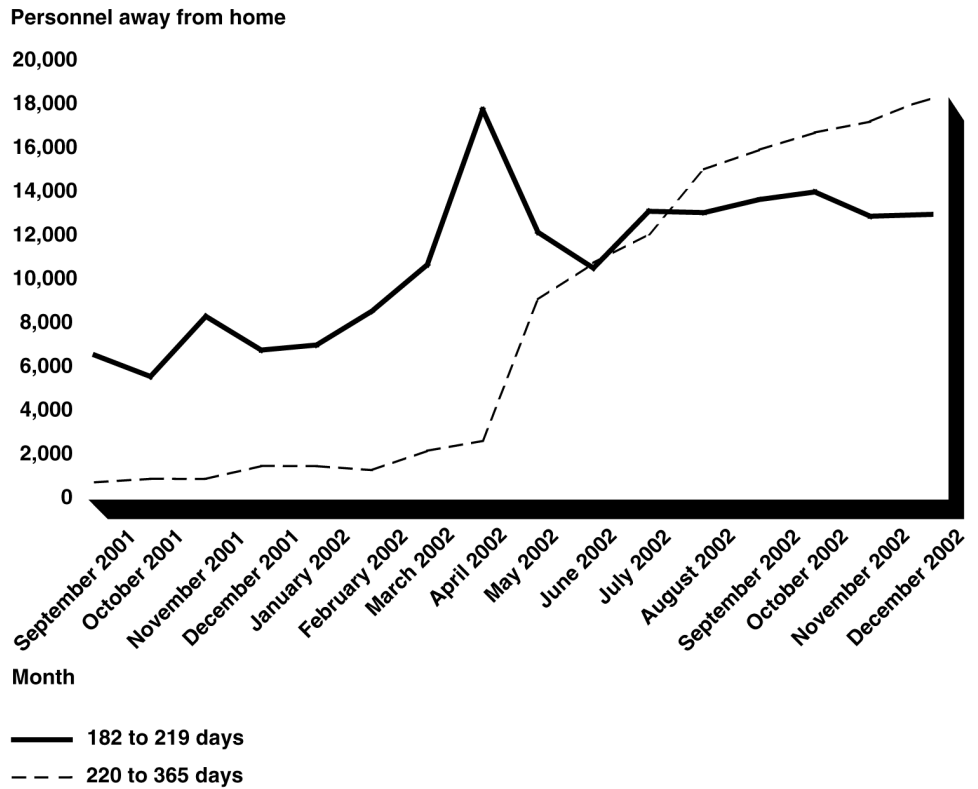
<sup>18</sup> P.L. 106-65 (Oct. 5, 1999), §586(a) (codified at 10 U.S.C. §991).

<sup>19</sup> P.L. 106-398 (Oct. 30, 2000), §574(c) (codified at 37 U.S.C. §436).

<sup>20</sup> On October 8, 2001, DOD suspended the counting of deployed days for payment purposes as permitted by law. Moreover, the statutory requirement for general and flag officers to personally manage the deployments of servicemembers exceeding the 182- and 220-day thresholds was also suspended at the same time.

<sup>21</sup> The data does not include the impact on personnel tempo stemming from participation in Operation Iraqi Freedom, which is not yet fully available. Operation Enduring Freedom is the ongoing military mission in Afghanistan. While the Navy and Marine Corps did not experience high levels of personnel tempo during the October 2000 to December 2002 time frame, their tempo may have increased due in part to deployments for Operation Iraqi Freedom.

**Figure 1: Army Personnel Exceeding the Desired Personnel Tempo Thresholds**



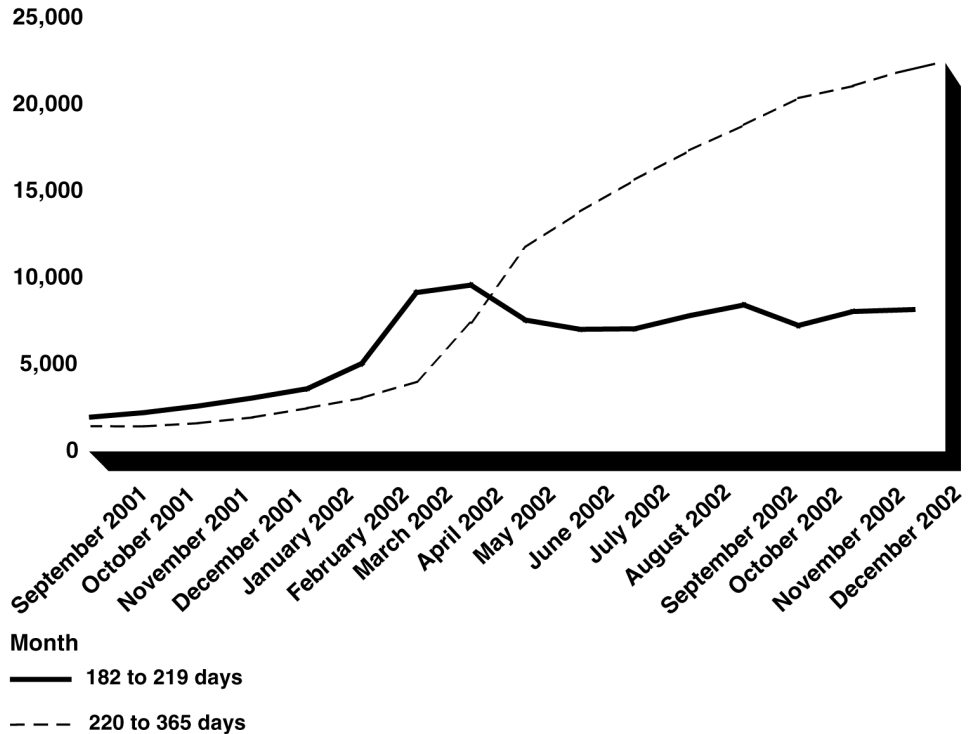
Source: GAO analysis of Department of the Army data.

Note: Each data point represents the total number of servicemembers away from home in the preceding 365 days from the last day of the month indicated.

The Air Force reported similar trends. As shown in figure 2, in September 2001, about 2,100 Air Force servicemembers were away from home for 182 to 219 days, but that had risen to about 8,300 by December 2002. Also, as with the Army, Air Force servicemembers away 220 to 365 days had risen from about 1,600 to over 22,100.

**Figure 2: Air Force Personnel Exceeding the Desired Personnel Tempo Thresholds**

Personnel away from home



Source: GAO analysis of Defense Manpower Data Center data.

Note: Each data point represents the total number of servicemembers away from home in the preceding 365 days from the last day of the month indicated.

The number of Air Force active, Air Force reserve, and Air National Guard Air Force personnel exceeding the third personnel tempo threshold of 401 or more days away from home in the preceding 730-day period also increased during the latter period of 2002, starting at about 3,700 personnel in September 2002 and rising to more than 8,100 servicemembers in December 2002. Of those, about one-half of these personnel were Air National Guard personnel, some of whom were tasked with conducting air sovereignty alert missions in the continental United States.<sup>22</sup> In September 2002, 1,900 had spent more than 401 days away from

<sup>22</sup> These servicemembers are deployed from their home to another installation in the United States.

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home over a 2-year period. By December 2002, the number of Air National Guard personnel spending more than 401 days away from home had increased to about 3,900. Exceeding the threshold on a sustained basis can indicate an inadequacy in the force structure or the mix of forces.

DOD has recognized the potential for retention problems stemming from the current high personnel tempo but has balanced that against immediate critical skill needs to support ongoing operations. Therefore, to prevent servicemembers with key skills from leaving the services, DOD issued orders to prevent degradation in combat capabilities, an action known as stop loss authority. DOD took these actions because it recognized that individuals with certain key skills—such as personnel in Army military police and Air Force fighter units—were needed, in some cases, to perform the increasing number of military domestic missions. These orders affected personnel with designated individual job skills or in some cases all of the individuals in specific types of units that were critical for overseas combat and military domestic missions.

Officials from the four services who manage the implementation of these orders cautioned that they are short-term tools designed to maintain unit-level military readiness for overseas combat and military domestic missions. Moreover, the officials added that the orders are not to be used as a long-term solution to address mismatches or shortfalls in capabilities and requirements, or as a substitute for the routine recruiting, induction, and training of new servicemembers.

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Mr. Chairman, this concludes my prepared statement. I would be happy to answer any questions that you or members of the subcommittee may have.

#### **Contacts and Staff Acknowledgments**

For future questions about this statement, please contact Raymond J. Decker at (202) 512-6020. Individuals making key contributions to this statement include Brian J. Lepore, Deborah Colantonio, Richard K. Geiger, Kevin L. O'Neill, William J. Rigazio, Susan K. Woodward, and Michael C. Zola.

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# Related GAO Products

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*Combating Terrorism: Observations on National Strategies Related to Terrorism.* [GAO-03-519T](#). Washington, D.C.: March 3, 2003.

*Major Management Challenges and Program Risks: Department of Homeland Security.* [GAO-03-102](#). Washington, D.C.: January 2003.

*Homeland Security: Management Challenges Facing Federal Leadership.* [GAO-03-260](#). Washington, D.C.: December 20, 2002.

*Homeland Security: Effective Intergovernmental Coordination Is Key to Success.* [GAO-02-1013T](#). Washington, D.C.: August 23, 2002.

*Reserve Forces: DOD Actions Needed to Better Manage Relations between Reservists and Their Employers.* [GAO-02-608](#). Washington, D.C.: June 13, 2002.

*Homeland Security: Key Elements to Unify Efforts Are Underway but Uncertainty Remains.* [GAO-02-610](#). Washington, D.C.: June 7, 2002.

*Homeland Security: A Risk Management Approach Can Guide Preparedness Efforts.* [GAO-02-208T](#). Washington, D.C.: October 31, 2001.

*Combating Terrorism: Selected Challenges and Related Recommendations.* [GAO-01-822](#). Washington, D.C.: September 20, 2001.

*Combating Terrorism: Observations on Options to Improve the Federal Response.* [GAO-01-660T](#). Washington, D.C.: April 24, 2001.

*Combating Terrorism: Comments on Counterterrorism Leadership and National Strategy.* [GAO-01-556T](#). Washington, D.C.: March 27, 2001.

*Military Personnel: Full Extent of Support to Civil Authorities Unknown but Unlikely to Adversely Impact Retention.* [GAO-01-9](#). Washington, D.C.: January 26, 2001.

*Combating Terrorism: Federal Response Teams Provide Varied Capabilities: Opportunities Remain to Improve Coordination.* [GAO-01-14](#). Washington, D.C.: November 30, 2000.

*Combating Terrorism: Linking Threats to Strategies and Resources.* [GAO/T-NSIAD-00-218](#). Washington, D.C.: July 26, 2000.



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*Combating Terrorism: Observations on the Threat of Chemical and Biological Terrorism.* [GAO/T-NSIAD-00-50](#). Washington, D.C.: October 20, 1999.

*Combating Terrorism: Need for Comprehensive Threat and Risk Assessments of Chemical and Biological Attacks.* [GAO/NSIAD-99-163](#). Washington, D.C.: September 7, 1999.

*Combating Terrorism: Issues to Be Resolved to Improve Counterterrorism Operations.* [GAO/NSIAD-99-135](#). Washington, D.C.: May 13, 1999.

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