COMPETITIVE SOURCING PROGRAM

Mobilization Assessment

October 2001

The President declared a national emergency on September 14, 2001, pursuant to the National Emergencies Act (50 U.S.C. §§ 1601 et seq.). On that day, the President also issued Executive Order 13223, which authorized the Department of Defense to order members of the Ready Reserve to duty for not more than 24 months. On September 19, the Secretary of Defense delegated authority to the Secretaries of the Military Departments, under Section 12302 of title 10 of the United States Code, to activate the Ready Reserve. Since then, the Military Departments have ordered the Ready Reserve to active duty. On September 14, Congress passed a $40 billion supplemental appropriation to support the Administration's response to the attacks, as well as a joint resolution approving the use of force. On September 21, OMB announced that the Administration had released $5.1 billion for emergency spending, including $1.8 billion for the Department of Defense to upgrade intelligence and security, enhance force protection, improve command and control, and increase full readiness. Over the past several weeks, the Armed Forces have conducted air strikes and ground operations in Afghanistan.

To determine whether these events constitute a "military mobilization" that would suspend the application of OMB Circular A-76, we have found useful guidance only in the publications of the Department of Defense. No discussion of the term appears in the Circular, OMB's Revised Supplement Handbook, the opinions of the General Accounting Office, or the decisions of the federal courts. The Department of Defense, however, has consistently defined "mobilization" to include the activation of the Ready Reserve upon the declaration of a national emergency by the President. Department of Defense Directive 1235.10, "Activation, Mobilization, and Demobilization of the Ready Reserve" (July 1, 1995), establishes policy for "[p]lanning and executing the mobilization and demobilization of Reserve component units and members serving on active duty...during periods of national emergencies..." The Directive divides the term "mobilization" into categories, including "partial mobilization," which the Directive defines as "[a]ctivation by the President of not more than 1 million Ready Reservists for not more than 24 consecutive months, under Section 12302 of 10 U.S.C. (applicable during a national emergency declared by the President)...and the resources needed for their support to meet the requirements of a national emergency." A similar definition appears in Department of Defense Instruction 1235.12, "Accessing the Ready Reserves" (January 19, 1996), and in Joint Publication 1-02, "The Department of Defense Dictionary of Military and Associated Terms" (April 12, 2001). The Directive and Instruction, designed for use during a national emergency declared by the President, establish that the activation of the Ready Reserve constitutes a "mobilization." The recent appropriations and resolutions of Congress, apportionment of funds by OMB, and military operations in Afghanistan, reinforce our conclusion that a mobilization is underway. Consequently, Circular A-76 is suspended while the mobilization continues, consistent with the exception at paragraph 7.c.(3).