

## Office of the Secretary of Defense

## § 76.3

been affiliated, other than military, political, or labor organizations.

(d) *References.* Any additional information, such as letters of reference or official statements of organizations to which the applicant belongs or refers in his application, that the applicant desires to be considered by the authority reviewing his application. The burden is on the applicant to obtain and forward such information.

### § 75.10 Statement (counseling concerning Veterans Administration benefits).

I have been advised of the provisions of 38 U.S.C. 3103 concerning possible nonentitlement to benefits administered by the Veterans Administration due to discharge from the military service as a conscientious objector under certain conditions. I understand that a discharge as a conscientious objector, who refused to perform military duty or otherwise to comply with lawful orders of competent military authority, shall bar all rights, based upon the period of service from which discharged, under any laws administered by the Veterans Administration except my legal entitlement (if any) to any war risks, government (converted) or National Service Life Insurance.

### § 75.11 Statement (counseling concerning designation as conscientious objector).

I have been counseled concerning designation as a conscientious objector. Based on my religious training and belief, I consider myself to be a conscientious objector within the meaning of the statute and regulations governing conscientious objectors and am conscientiously opposed to participation in combatant training and service. I request assignment to noncombatant duties for the remainder of my term of service. I fully understand that on expiration of my current term of service I am not eligible for voluntary enlistment, reenlistment, or active service in the Armed Forces.

## PART 76—MOBILIZATION OF THE READY RESERVE

Sec.

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AUTHORITY: Sec. 280, 70A Stat. 14; 10 U.S.C. 280.

SOURCE: 51 FR 44462, Dec. 10, 1986, unless otherwise noted.

### § 76.1 Reissuance and purpose.

This part reissues 32 CFR part 76 and establishes DoD policy for planning and procedures for executing mobilization of the Ready Reserve, in compliance with DoD Master Mobilization Plan (MMP), June 26, 1982.

### § 76.2 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense (OSD); the Military Departments and the Coast Guard (by agreement with the Department of Transportation) including the National Guard and Reserve Components; the Organization of the Joint Chiefs of Staff (OJCS); and the Defense Agencies.

(b) Applies to all mobilization of the Ready Reserve. The Ready Reserve comprises units and individuals liable for involuntary order to active duty under sections 672 and 673.

(c) Does not cover the ordering or calling of National Guard units or individuals to duty while under control of State Governments.

(d) Does not cover the involuntary ordering of Coast Guard Reserve units or individuals to active duty in response to domestic emergencies while under the Secretary of Transportation.

### § 76.3 Definitions.

*Activation.* Order to active duty (other than for training) in the Federal service.

*Active Guard/Reserve (AGR) Personnel.* National Guard and Reserve members on full-time duty for the purpose of organizing, administering, recruiting, instructing, or training the National Guard and Reserve Components and who are paid from the reserve personnel appropriations of the Military Departments.

*F-hour.* The effective time of an announcement by the Secretary concerned of a decision to mobilize reserve units.

*M-day.* The day on which mobilization commences or is due to commence.

*Military technicians.* Dual status Federal civilian employees of a Military

Department who are assigned to provide support to the National Guard or Reserve Components and are concurrently members in the Selected Reserve of the organization they support.

*Mobilization.* The process by which the Armed Forces or part of them are brought to a state of readiness for war or other national emergency. This includes activating all or part of the Reserve Components as well as assembling and organizing personnel, supplies, and material. Mobilization of the Armed Forces includes but is not limited to the following categories.

(1) *Full mobilization.* Expansion of the active Armed Forces resulting from action by Congress and the President to mobilize all Reserve Component units in the existing approved force structure, all individual reservists, retired military personnel, and the resources needed for their support to meet the requirements of a war or other national emergency involving an external threat to the national security.

(2) *Partial mobilization.* Expansion of the active Armed Forces resulting from action by Congress (up to full mobilization) or by the President (not more than 1,000,000) to mobilize Ready Reserve Component units, Individual Ready Reservists, and the resources needed for their support to meet the requirements of a war or other national emergency involving an external threat to the national security.

(3) *Selective mobilization.* Expansion of the active Armed Forces resulting from action by Congress and/or the President to mobilize Reserve Component units, Individual Ready Reservists, and the resources needed for their support to meet the requirements of a domestic emergency that is not the result of an enemy attack.

(4) *Total mobilization.* Expansion of the active Armed Forces resulting from action by Congress and the President to organize and/or generate additional units or personnel, beyond the existing force structure, and the resources needed for their support, to meet the total requirement of a war or other national emergency involving an external threat to the national security.

*Ready Reserve.* Organized in units or as individuals, members of the Ready Reserve are liable for order to active

duty to augment the active forces in time of war or national emergency. The Ready Reserve consists of the Selected Reserve, the Individual Ready Reserve and the Inactive National Guard.

(1) *Inactive National Guard (ING).* The ING consists of personnel of the Army National Guard Ready Reserve who are in an inactive status. The term is not applicable to the Air National Guard. ING members are attached to National Guard units, but do not participate in training activities. Upon mobilization, they would mobilize with their units. To remain members of the ING, such personnel must muster once a year with the assigned unit. In accordance with 32 CFR part 4, ING personnel are in reserve training category II.

(2) *Individual Ready Reserve (IRR).* The IRR is a manpower pool principally consisting of individuals who have had training and have previously served in the active forces or in the Selected Reserve. The IRR consists of obligors and non-obligors who have fulfilled their military service obligation. IRR members are liable for involuntary active duty for training and fulfillment of mobilization requirements in accordance with title 10, U.S. Code, section 673. In addition, the IRR also includes some personnel who are participating in officer training programs or in the Armed Forces Health Scholarship Program. All IRR members are in an active status. In accordance with part 4 of this title, IRR members include reserve training categories RE, RH, RJ, and RK.

*Selected Reserve.* The Selected Reserve consists of those units and individuals within the Ready Reserve designated by their respective services and approved by the Joint Chiefs of Staff as so essential to initial wartime missions that they have priority over all other reserves. The Selected Reserve consists of subcategories defined as follows:

(1) *Individual Mobilization Augmentees (IMAs).* Individual members of the Selected Reserve not assigned to a Reserve Component unit. These reservists are trained and preassigned to an active force organization, Selective Service, or Federal Emergency Management Agency billet that must be filled on or shortly after mobilization. IMAs

participate in training activities on a part-time basis in preparation for mobilization. In accordance with 32 CFR part 4 trained individuals include reserve training categories TB, TR, and TW.

(2) *Selected Reserve units.* Units manned and equipped to serve and/or train as operational or augmentation units. Operational units train and serve as units. Augmentation units train as a unit but lose their unit identity when mobilized, being subsumed into an active unit or activity. Selected Reserve units include trained unit members who participate in unit training activities, and Full-Time Support (FTS) personnel in the Active Guard/Reserve and Military Technicians. In accordance with 32 CFR part 4 members of Selected Reserve units include reserve training categories SA, SG, SH, and ST.

(3) *Training pipeline.* Selected Reserve personnel who have not yet completed initial active duty training or are awaiting initial active duty training. In accordance with 32 CFR part 4 those in the training pipeline include reserve training categories UF, UP, UQ, and UX.

#### § 76.4 Legal authority.

Title 10 U.S. Code 672 and 673 provide authority for mobilization of the Ready Reserve. Specific authorities are vested in the President, Congress, the Secretary of Defense, the Secretary of Transportation, and the Secretaries of the Military Departments. Appropriate authority must be obtained from the President, Congress, or Secretary concerned before mobilization actions may be started.

#### § 76.5 Policy.

DoD policy directs an increasing reliance on the Ready Reserve to meet wartime requirements. In certain contingencies, plans call for the deployment of some Selected Reserve units and individuals before active units. The Selected Reserve, as a subset of the Ready Reserve, shall receive priority in manning, training, and equipment programs when Selected Reserve units and individuals deploy before active units. DoD policy for mobilization of the Ready Reserve is organized under the

three major categories of manpower, training, and equipment.

(a) *Manpower.* Achieving manpower goals for both active and Reserve Components is essential for an effective mobilization process. Personnel shortages and military skill imbalances affect wartime capabilities of the total force, not just the DoD Component possessing such deficiencies. DoD manpower policy is as follows:

(1) Achieve and maintain a pretrained manpower pool adequate to staff all shortfalls in active and Reserve Component units to wartime levels of programmed manning within the time specified in mobilization and deployment plans.

(2) Have members of the Individual Ready Reserve (IRR) affiliated or preassigned with units of the active or reserve forces, when practicable, insofar as it would enhance refresher training, rapid deployment, and effective utilization in a war or national emergency.

(3) Achieve an annual aggregate operating strength population in the Reserve Components that possesses skill, grade, and experience qualifications represented in the programmed manning requirements.

(4) Program resources for maximizing the effectiveness and for improving the management of the pretrained manpower pool, including the IRR and the Inactive National Guard (ING).

(b) *Training.* Effective utilization of the total force requires the rapid assimilation of Reserve Component units and individuals into active service in a mobilization. This may be accomplished only if requisite training has occurred before the event. DoD policy is as follows:

(1) Ensure that early deploying Reserve Component units are trained fully in their wartime taskings and are capable of attaining requisite readiness status before the deployment time specified by contingency plans.

(2) Ensure that Reserve Component individuals and units are trained appropriately for augmenting active forces on mobilization.

(3) Determine IRR skill proficiency degradation and conduct skill refresher training.

(4) Ensure that Ready Reserve training and evaluating procedures are consistent with standards established for the active force.

(5) Ensure that training cadres are equipped and prepared for mobilization training base programs supporting the total force after M-Day.

(c) *Equipment.* Equipment compatibility among total force components is a battlefield imperative. Active and Reserve Component units deploying at the same time shall have equal claim on equipment inventories; i.e., the first units scheduled to become operational in theater shall be equipped first regardless whether active or Reserve Component. Equipment policy applies equally to tools, technical documentation, spares and repair parts, and all items of supply that are prescribed for unit issue. DoD policy is to ensure the following:

(1) Procuring and distributing new and/or combat serviceable equipment is consistent with DoD policy guidance in DoD Directive 1225.6.<sup>1</sup>

(2) Equipment interoperability among reserve and active units serving together on the battlefield when interoperability of the respective equipment is essential for effective military operations.

(3) Equipment on hand is adequate for enabling reserve units to conduct effective training before mobilization.

(4) Plans are developed to redistribute those assets left in the Continental United States (CONUS) by units deploying to prepositioned stocks on mobilization, to procure and distribute sufficient assets for not-fully-equipped units before the deployment time specified in contingency plans.

#### § 76.6 Mobilization procedures.

(a) *Planning.* Use of the Ready Reserve must consider the entire crisis spectrum. Plans for mobilizing the Ready Reserve must be flexible, consistent, responsive, and sufficiently comprehensive for meeting all contingencies and employment options. Mobilization plans and procedures must:

(1) Provide for fully developed plans of Ready Reserve mobilization including each reserve category in the Ready Reserve; i.e., Selected Reserve, IRR, and ING.

(2) Enhance the readiness of Ready Reserve units and individuals so they may respond rapidly and effectively.

(3) Encompass all actions necessary for warning, alerting, and mobilizing Ready Reserve units and individuals and for bringing them rapidly to full combat capability.

(4) Specify authorizations, responsibilities, and coordination of decisions required for alerting, mobilizing, deploying, and employing Ready Reserve units and individuals.

(5) Provide sufficient flexibility in the mobilization decision and execution process for accommodating rapid changes.

(6) Include appropriate provisions for using National Guard and Ready Reserve members on a voluntary basis during the early stages of increasing tensions.

(7) Include appropriate provisions to facilitate employing mobilized National Guard and other Reserve Component force in support of civil protection where authorized by Federal Statute and directed by the National Command Authority.

(b) *Screening.* 32 CFR part 44 provides guidance on screening members of the Ready Reserve. The screening system is a continuous peacetime process and the primary means for ensuring that reserve members receive fair treatment and are evaluated on their mobilization responsibilities. The screening process shall be used to identify members not meeting mobilization requirements and to eliminate them from the Ready Reserve before mobilization. On mobilization, all members remaining in the Ready Reserve shall be considered immediately available for active duty service.

(c) *Alert notification.* An official action informing commands, staffs, members of Selected Reserve units, and individual reservists that mobilization is imminent or seems imminent. Each Military Service shall publish procedures for alerting any or all of its Ready Reserve and for systematically executing the mobilization order.

<sup>1</sup>Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, Attn: Code 301, 5801 Tabor Avenue, Philadelphia, PA 19120.

Based on a decision by the President and/or the Congress, the Secretary of Defense shall direct the Military Departments to mobilize all or any specified number of reservists (F-Hour) and shall determine the day that mobilization is to begin (M-Day). The Secretary of Transportation shall perform this function for the Coast Guard when the Coast Guard is not operating as a Service in the Navy.

(d) *Ordering.* An official notification directing members of a Reserve Component to report for active duty is a legal order whether written or oral. Each Military Service shall establish procedures for notifying Ready Reserve members by the simplest and fastest means consistent with military and security requirements. When ordered, a member shall report for active duty at the location and time specified in the notification order. Under title 10, U.S. Code, section 892, persons lawfully notified of the requirement to report for active duty are subject to military jurisdiction from the date and time they are required to report.

(e) *Reporting.* When mobilization is ordered, all members of the Ready Reserve shall report to their respective units or initial reporting assignment unless it is physically impossible. Members shall be available to report for active duty in the times specified below, unless a different reporting time is specified by the Military Service concerned. Military Services shall develop policy and procedures to deal with members who fail to report or fail to contact their units within specified reporting times.

(1) *Selected Reserve.* Report within 24 hours of notification.

(2) *Individual Ready Reserve/Inactive National Guard.* Report within 5 to 15 days of notification as determined by the different Military Service procedures.

(f) *Execution of Orders.* All Ready Reserve members shall be prepared to execute mobilization orders when ordered to active duty. To ensure reporting times are met, members shall arrange in advance the handling of family, personal, business and other responsibilities. While circumstances may hinder an individual from reporting as directed, no member of the

Ready Reserve shall be exempt from mobilization. Military Services shall develop specific procedures to deal with members having difficulty in mobilizing. Those persons having difficulty in executing mobilization orders due to unusual circumstances shall be guided by the following:

(1) *Deferments.* Members physically unable to report for active duty or who cannot qualify for active duty service because of temporary health disorders may be granted a deferment. This category includes Ready Reserve members who are hospitalized, unqualified temporarily for active duty for medical reasons, or incarcerated temporarily. When a deferment is granted, it shall contain written authorization and shall specify a reporting date. Members authorized a deferment shall remain obligated to enter active duty while the mobilization order remains in effect. Deferments shall not be authorized for civilian employment, civilian occupation, or for exempting members from active duty. No categories or groups shall be granted an automatic deferment except non-prior Service members with a reporting date for initial active duty.

(2) *Emergency leave.* Members with temporary personal emergencies such as death of a family member may be granted a short period of emergency leave, but only after physically reporting for active duty and receiving proper authorization.

(3) *Separation.* Continuous screening in peacetime ensures the transfer or discharge of Ready Reserve members who may not mobilize. On mobilization all members shall report for active duty as ordered. Once on active duty, a member with an unexpected hardship may request release, separation, or discharge. Services shall evaluate each request utilizing the policies established for evaluating active duty members.

(g) *Integrity of units.* Title 10, U.S. Code, section 672(c) provides that, "so far as practicable, during any expansion of the active Armed Forces that requires that units and members of the Reserve Components be ordered to active duty (other than for training), members of units organized and trained to serve as units, who are ordered to that duty without their consent, shall

be so ordered with their units.” Members of those units may be reassigned after being ordered to active duty (other than for training) to meet requirements of the Military Service concerned.

(h) *Extension of service.* (1) Title 10 U.S. Code sections 511(a) and 511(c) provide for extending the terms of reserve enlistments or the terms of service in Reserve Components in time of war or national emergency declared by Congress for a maximum of 6 months after the end of the war or emergency unless terminated sooner by the Secretary concerned.

(2) Section 671a of title 10 U.S. Code provides that the period of active service of a Service member is extended for the duration of any war in which the United States is engaged and for 6 months thereafter.

(3) Section 671b of title 10 U.S. Code allows the President to authorize the Secretary of Defense to extend maximally for 6 months the enlistments, appointments, and periods of active duty, periods of active duty for training, periods of obligated service or other Military Service when Congress is not in session, with a provision for Congressional review when reconvening.

(4) Section 673c of title 10 U.S. Code empowers the President to suspend any law on promoting, retiring, or separating any member of the Armed Force, whom the President finds to be essential to U.S. security.

#### § 76.7 Responsibilities.

(a) The *Under Secretary of Defense (Policy) (USD(P))* shall provide overall mobilization policy and planning guidance for DoD programs with other DoD Directives.

(b) The *Assistant Secretary of Defense (Reserve Affairs) (ASD(RA))* shall provide policy, programs, and guidance for the management and mobilization of the Ready Reserve, in accordance with 32 CFR part 379.

(c) The *Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P))* shall provide policy and planning guidance for military and civilian defense manpower, in accordance with the DoD Master Mobilization Plan.

(d) The *Assistant Secretary of Defense (Health Affairs) (ASD(HA))* shall provide policy, programs, and guidance for the management and mobilization of reserve health personnel and medical assets, in coordination with ASD(RA).

(e) The *Assistant Secretary of Defense (Acquisition and Logistics) (ASD(A&L))* shall provide policy, programs, and guidance for the management of Reserve Component logistical resources, installations, and associated functions, in accordance with DoD Directive 5128.1.<sup>1</sup>

(f) The *Assistant Secretary of Defense (Public Affairs) (ASD(PA))* shall ensure a free flow of news and information to the media, other appropriate forums, and the American people, limited only by U.S. security constraints and statutory mandates.

(g) The *Assistant Secretary of Defense (Legislative Affairs) (ASD(LA))* shall provide specific information on mobilization activities to the jurisdictional Congressional Committee members and staff.

(h) The *Joint Chiefs of Staff* shall:

(1) Ensure that the Joint Deployment Agency (JDA), Military Transportation Management Command, and other Agencies responsible for ensuring that logistics, transportation, and other requirements for Ready Reserve mobilization may be met promptly.

(2) Ensure that JCS-sponsored mobilization exercises include realistic scenarios that facilitate Military Service testing and assessing of management and mobilization of the Ready Reserve.

(i) The *Secretaries of Military Departments* shall:

(1) Prepare mobilization plans in accordance with this part and with supplementary guidance issued by OJCS.

(2) Ensure that mobilization plans and procedures provide for all exigencies so that Ready Reserve units and members execute their responsibilities effectively and the active DoD Components support and effectively assimilate mobilized reserve units and individuals.

(3) Conduct comprehensive assessments for ensuring that a balanced capability exists to mobilize reserve

<sup>1</sup> See 376.5(c)(1).

forces. The following areas should be in this assessment:

- (i) Intra-CONUS transportation requirements.
- (ii) Training base equipment, manpower, and facilities requirements.
- (iii) Units training, equipping, and manning requirements.
- (iv) Deficiencies in any of these areas should be identified and both short term and long term solutions developed.
- (4) Conduct periodic mobilization and readiness tests of Selected Reserve units.
- (5) Order IRR members to active duty at least 1 day each year for annual screening.
- (6) Order IRR members to active duty, as necessary, for refresher skill proficiency training.
- (j) The *Commandant of the Coast Guard*, with respect to the Coast Guard when it is not operating as a Service in the Navy, shall fulfill the same responsibilities with which the Secretaries of the Military Departments are charged in this part, but within the policy and fiscal parameters also established by the Secretary of Transportation.

## PART 77—PROGRAM TO ENCOURAGE PUBLIC AND COMMUNITY SERVICE

Sec.

- 77.1 Purpose.
- 77.2 Applicability and scope.
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APPENDIX A TO PART 77—DD FORM 2580, OPERATION TRANSITION DEPARTMENT OF DEFENSE OUTPLACEMENT AND REFERRAL SYSTEM/PUBLIC AND COMMUNITY SERVICE INDIVIDUAL APPLICATION

APPENDIX B TO PART 77—DD FORM 2581, OPERATION TRANSITION EMPLOYER REGISTRATION

APPENDIX C TO PART 77—DD FORM 2581-1, PUBLIC AND COMMUNITY SERVICE ORGANIZATION VALIDATION

AUTHORITY: 10 U.S.C. 1143 (c).

SOURCE: 59 FR 40809, Aug. 10, 1994, unless otherwise noted.

### § 77.1 Purpose.

This part implements Pub. L. 102-484, Section 4462 and Pub. L. 103-160, Sec-

tion 561 by establishing policy, assigning responsibilities, and prescribing procedures to:

- (a) Encourage and assist separating Service members, Service members retiring with 20 or more years of service, DoD civilian personnel leaving the Government, and spouses to enter public and community service employment.
- (b) Encourage and assist Service members requesting retirement with fewer than 20 years of service to register for public and community service employment.

### § 77.2 Applicability and scope.

This part applies to:

- (a) The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, and the Defense Agencies (hereafter referred to collectively as “the DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

- (b) All active duty Service members and former members under Pub. L. 102-484, Section 4462 and Pub. L. 103-160, Section 561, and DoD civilian personnel leaving the Government, and their spouses.

### § 77.3 Definitions.

- (a) *Community service employment.* Work in nonprofit organizations that provide or coordinate services listed in paragraphs (d) (1) through (12) of this section. “Nonprofit” is defined as having been recognized by the Internal Revenue Service as having a tax-exempt status under 26 U.S.C. 501 (c)(3) or (c)(4). These organizations shall not be administered by businesses organized for profit, labor unions, partisan political organizations, or organizations engaged in religious activities, unless such activities are unrelated to religious instructions, worship services, or any form of proselytization.

- (b) *Creditable early retirement public or community service employment for service members.* Employment in a DoD-registered public and community service organization that provides the services listed in paragraphs (d) (1) through (12) of this section, or that coordinates the