THE UNDER SECRETARY OF DEFENSE

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ACQUISITION AND
TECHNOLOGY

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MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETATY OF THE NAVY
SECRETARY OF THE AIR FORCE
DIRECTORS OF DEFENSE AGENCIES

SUBJECT: Authorization to Utilize Contingency Operations Contracting Procedures

Operation "Enduring Freedom" meets the statutory definition of "contingency operation," thereby permitting the use of all "contingency operations" contracting provisions and procedures in the Federal Acquisition Regulation (FAR) and the Defense FAR Supplement for procurements in support of "Enduring Freedom."

Presidential Proclamation 7463 of September 14, 2001, "Declaration of National Emergency by Reason of Certain Terrorist Attacks," established a national emergency "by reason of the terrorist attacks at the World Trade Center and the Pentagon and the continuing and immediate threat of further attacks on the United States." Executive Order 13223 of September 14, 2001, "Ordering the Ready Reserve of the Armed Forces To Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Transportation," among other things, invoked the provisions of 10 U.S.C. 12302 to authorize the Secretaries of the Military Departments to order members of the Ready Reserve to active duty. The Secretaries of the Military Departments have exercised this authority to support ongoing operations of the Department of Defense. These actions meet the criteria set forth in 10 U.S.C. 101(a)(13)(B) for establishing that the military operations that result in the call up of military personnel under 10 U.S.C 12301 are "contingency operations."