

Travel Regulations, Volume 1, Members of Uniformed Services; and

(3) Invitational travel to persons serving without compensation whose consultive, advisory or other highly specialized technical services are required in a capacity that is directly related to, or in connection with DCAA activities, pursuant to the provisions of 5 U.S.C. 5703.

(k) Approve the expenditure of funds available for travel by military personnel assigned or detailed to DCAA for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 412). This authority cannot be redelegated.

(l) Develop, establish and maintain an active and continuing records management program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 3102), the Freedom of Information Act program (5 U.S.C. 552) and the Privacy Act program (5 U.S.C. 552a).

(m) Establish and use imprest funds for making small purchases of material and services other than personal for DCAA when it is determine more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 5100.71, "Delegation of Authority and Regulations Relating to Cash Held at Personal Risk Including Imprest Funds," March 5, 1973, and the Joint Regulation of the General Services Administration/Treasury Department/General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

(n) Authorize the publication of advertisements, notices or proposals in newspapers, magazines or other public periodicals as required for the effective administration and operation of DCAA (44 U.S.C. 3702).

(o) Establish and maintain appropriate property accounts for DCAA and appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for DCAA property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed or otherwise rendered unserviceable, in accord-

ance with applicable laws and regulations.

(p) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DCAA, pursuant to subsections III.A and V.B. of DoD Directive 5200.8, "Authority of Military Commanders Under the Internal Security Act of 1950 to Issue Security Orders and Regulations for the Protection of Property or Places Under Their Command," August 20, 1954.

(q) Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1, "Department of Defense Directive System," November 18, 1977.

(r) Enter into support and service agreements with the military departments, other DoD agencies, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DCAA.

PART 388—BALLISTIC MISSILE DEFENSE ORGANIZATION (BMDO)

Sec.

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APPENDIX A TO PART 388—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 113.

SOURCE: 59 FR 43477, Aug. 24, 1994, unless otherwise noted.

§ 388.1 Purpose.

Under the authority vested in the Secretary of Defense by 10 U.S.C. 113, this part establishes the BMDO as an agency of the Department of Defense with the responsibilities, functions, relationships, and authorities as prescribed herein.

§ 388.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”).

§ 388.3 Mission.

(a) BMDO shall manage, direct, and execute the Ballistic Missile Defense Program (BMDP) to achieve the following objectives:

(1) Enable deployment of an effective and rapidly relocatable advanced theater missile defense capability to protect forward-deployed and expeditionary elements of the Armed Forces of the United States as well as friends and allies of the United States;

(2) Develop options for, and deploy when directed, an antiballistic missile (ABM) system that is capable of providing effective defense of the U.S. homeland against limited attacks of ballistic missiles, including accidental, unauthorized launches or deliberate attacks;

(3) Demonstrate advanced technologies—as options for enhancing initial BMD systems—such as space-based defenses and their associated sensors that could provide an overlay to ground-based interceptors; and

(4) Continue programs of basic and applied research to develop follow-on technologies for both near-term and future technology insertion options and new system options to sustain a highly effective missile defense capability.

(b) The BMDP shall provide the basis for informed decisions regarding development, production, and deployment milestones, and shall be carried out in full consultation and, where appropriate, with participation of our allies. The program shall be conducted in compliance with all existing international agreements and treaty obligations and shall utilize nonnuclear weapon technologies to achieve the deployments in paragraphs (a)(1) and (a)(2) of this section. The BMDP shall focus on the development, acquisition, and integration of theater missile de-

fenses and strategic defenses against ballistic missile threats to the United States.

§ 388.4 Organization and management.

(a) BMDO shall consist of a Director and such subordinate organizational elements as are established by the Director within resources authorized by the Secretary of Defense. The Director, BMDO, shall serve also as the BMD Acquisition Executive (BMDAE) for BMDO-funded programs and/or projects.

(b) The Under Secretary of Defense for Acquisition and Technology (USD(A&T)), as the Defense Acquisition Executive (DAE), shall provide DoD oversight and guidance for the BMD acquisition program, and shall conduct formal reviews, including Defense Acquisition Board milestone reviews, for BMDPs. All such reviews shall emphasize streamlined acquisition strategies. The USD(A&T) shall provide oversight for the BMD technology base activities contained in the BMDP.

(c) A BMD Acquisition Review Council (BMDARC) may be established by the BMDAE to assist the BMDAE to:

(1) Review BMDP progress in preparation for acquisition milestone decisions;

(2) Resolve critical programmatic and technical issues; and

(3) Determine specific program directions.

(4) The Service Acquisition Executives (SAEs) and Vice Chiefs of Staff of the Services shall provide representatives to the BMDARC. Membership shall also include representatives of the Vice Chairman of the Joint Chiefs of Staff and Commanders of the Unified Combatant Commands, as necessary.

§ 388.5 Functions and responsibilities.

The Director, BMDO, is responsible for BMD programmatic policy, requirements, priorities, systems, resources, and programs, and is responsible and accountable for the research, development, and transition of BMD systems to the Military Departments and operations by the Combatant Commands. The Director shall:

(a) Organize, direct, and manage BMDO and all assigned resources and

activities; provide for the procurement and fielding of assigned systems; and administer and supervise all programs, services, and items under the BMDP to include but not be limited to:

- (1) Theater missile defense systems;
 - (2) The U.S. ballistic missile defense systems; and
 - (3) Other antiballistic missile systems or upgrades as may be assigned by the USD(A&T).
- (b) Develop programmatic policies and issue program guidance and direction to the DoD Components consistent with U.S. national security policy.
- (c) Establish the BMD management network including BMDO, the Services, and other Agencies to execute all program activities; and delegate appropriate authority to key individuals to ensure successful program execution and integration.
- (d) Establish the systems and procedures necessary to coordinate integration into the overall BMDP of the major BMD acquisition programs and other acquisition programs that directly relate to the BMDP's objectives for development and deployment.
- (e) Develop systems' standards and procedures for the administration and management of approved BMD plans and programs; establish program goals and objectives; set priorities; and evaluate BMDP activities of DoD Components and, as appropriate, those of other Federal Agencies.
- (f) Prepare the BMDP objectives memoranda and budget submissions in coordination with appropriate DoD Components; make determinations regarding priorities and resources; provide recommendations on program budget decisions to the USD(A&T), Comptroller of the Department of Defense, and Director, Program Analysis and Evaluation, for incorporation into the planning, programming, and budgeting system process; and initiate and implement congressional reprogramming actions.
- (g) Make such determinations regarding priorities and resources in coordination with appropriate DoD Components to include the Joint Requirements Oversight Council, as may be required to achieve approved program objectives and to enable the incremental development and deployment of BMD

systems for U.S. Forces, the United States, and allies.

(h) In coordination with the USD(A&T) and appropriate DoD officials, identify Military Department, Defense Agency, and BMDO responsibilities for program execution, and in such cases where source-selection is not delegated to the Military Departments and Defense Agencies, retain that authority within BMDO.

(i) Develop mechanisms for coordinating BMDPs with other DoD research, development, test, and evaluation efforts.

(j) Oversee, in coordination with appropriate DoD Components, the participation of U.S. allies and friends in the BMD technical cooperation programs.

(k) Provide periodic program reviews and milestone decision information to the DAE, as well as to the BMDARC.

(l) Serve as principal DoD official responsible for presenting the BMDP budget to the Congress.

(m) Ensure that jointly funded programs have been reviewed by appropriate SAEs prior to initiating programmatic discussions with the USD(A&T).

(n) Serve as principal public spokesperson for the BMDP.

(o) Promote coordination, cooperation, and mutual understanding within the Department of Defense and between the Department of Defense and other Federal Agencies, and the civilian community with respect to BMD matters.

(p) Serve on boards, committees, and other groups pertaining to BMD activities, functions, and responsibilities.

(q) Establish internal procedures for compliance with the ABM Treaty and other Arms Control Agreements, pursuant to DoD Directive 2060.1.

(r) Perform such other duties as the USD(A&T) may prescribe.

§388.6 Relationships.

(a) In the performance of assigned functions, the Director, BMDO, shall:

- (1) Serve under the authority, direction, and control of them USD(A&T).
- (2) Serve as a member of the Defense Planning and Resources Board, when BMD matters are under consideration, and Chairman of the BMDARC.

(3) Consult with the Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Under Secretary of Defense for Policy when addressing issues under their respective purview, to include the strategy and policy implications of defensive capabilities.

(4) Operate within the DoD Acquisition System, as defined in DoD Directive 5000.1¹ and DoD Instruction 500.2,² taking direction from the USD(A&T); and work directly with appropriate OSD committees and offices.

(5) Establish, in consultation with the USD(A&T), mechanisms for coordination of BMDPs with other DoD technical efforts; and coordinate and exchange information with other DoD officials having collateral or related functions.

(6) Establish procedures for streamlined communication with each Military Department and Defense Agency involved in the BMDP.

(7) Maintain active liaison for the exchange of information and advice in the field of assigned responsibility with all the DoD Components, other U.S. Government activities, and non-DoD research institutions (including private business entities and educational institutions).

(8) Through the USD(A&T), keep the Secretary of Defense, the Deputy Secretary of Defense, the DoD Components, and non-DoD U.S. Government Agencies informed, as appropriate, on schedules, status, and significant new developments, breakthroughs, and technological advances within assigned projects.

(9) Use existing facilities and services of the Department of Defense and other Federal Agencies, whenever practicable, to avoid duplication and to achieve maximum efficiency and economy.

(b) The Heads of the DoD Components shall:

(1) Provide support within their respective fields of responsibilities, to the Director, BMDO, as required, to carry out the responsibilities and functions assigned to BMDO.

(2) Provide information, as necessary, to the Director, BMDO, on all programs and activities that include, or are related to, BMD research, technology, and the BMDP.

(c) The Secretaries of the Military Departments and Directors of Defense Agencies shall:

(1) Execute BMD element programs and BMD technology development efforts as recommended by the Director, BMDO, and approved by the Secretary of Defense.

(2) Provide the personnel (to include a BMD Program Executive Officer and Element Program Managers) and the infrastructure necessary to support all Service BMD activities.

(3) Provide program recommendations and advice to the Director, BMDO on budgeting, resources, and program execution.

(4) Provide advice on BMD activities, including readiness for advancing through the acquisition process, technical and programmatic issues, and general program guidance.

(5) Submit program documentation and reports required by the Director, BMDO, in support of DAE reviews and milestone decisions.

§388.7 Authorities.

The Director, BMDO, is hereby delegated authority to:

(a) Communicate directly and enter into agreements with heads of DoD Components, as necessary, in carrying out assigned responsibilities. Communications with the Commanders of the Unified Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

(b) Recommend to the USD(A&T) revisions or exceptions to Military Department and/or Defense Agency regulations, directives, procedures, or instructions for, or related to, system acquisition for individual or a class of BMD requirements as determined necessary to accomplish the BMD objectives.

(c) Enter into and administer contracts, directly or through a Military Department, as appropriate, for supplies, equipment, and services required to accomplish the mission of the BMDO.

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to §388.6(a)(4).

(d) Serve as the head of an Agency and Contracting Activity, and act as the Senior Procurement Executive, within the meaning of and subject to the limitations of 48 CFR 202.101 and 48 CFR 2.1, for the BMDO.

(e) Authorize the allocation and/or sub-allocation of funds made available to BMDO for assigned research, development, test, and acquisition projects.

(f) Acquire or construct, through a Military Department or other Government Agency, such research, development, and test facilities and equipment required to carry out assignments that may be approved by the Secretary of Defense or Deputy Secretary of Defense as recommended by the USD(A&T), in accordance with applicable statutes.

(g) Negotiate agreements, as necessary, with other U.S. Agencies and organizations to ensure proper coordination and execution of the BMDP.

(h) Negotiate agreements, as necessary, with foreign governments to execute allied participation in the BMDP. These agreements shall be subject to approval by duly appointed DoD authorities, in accordance with DoD Directive 5530.3.³

(i) Establish, in coordination with appropriate DoD Components, special security procedures for sensitive BMDPs.

(j) Exercise original classification authority over BMDO funded technology development and acquisition programs. In general, where another DoD Component has been designated for program execution, original classification authority will be delegated to that Component as part of a program management agreement with BMDO. All original classification decisions must be made in coordination with the BMDO, Military Departments, and other appropriate DoD organizations.

(k) Exercise foreign disclosure authority over BMDO funded technology development and acquisition programs. In general, where another DoD Component has been designated for program execution, foreign disclosure authority will be delegated to that Component as part of a program management agreement with BMDO. All foreign disclosure decisions must be made in accordance with National Disclosure Policy

and applicable DoD procedures, and be coordinated with the BMDO, Military Departments, and other appropriate DoD organizations.

(l) Carry out the functions and exercise the responsibilities of the Theater Missile Defense Initiative Office, as established by section 231 of the National Defense Authorization Act for Fiscal Year 1993.

(m) Exercise the administrative authorities contained in appendix A to this part.

§388.8 Administration.

(a) The Director, BMDO, shall be appointed by the Secretary of Defense, upon recommendation from the USD(A&T).

(b) The Military Departments shall assign personnel to BMDO, in accordance with approved authorizations and procedures for joint duty assignment and the Defense Acquisition Workforce Improvement Act.

(c) Administrative support required for BMDO shall be provided by the other DoD Components, as appropriate.

(d) The Director, BMDO, shall consult on all key military and civilian personnel assignments within the BMD management network.

APPENDIX A TO PART 388—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Director, BMDO, or, in the absence of the Director, the person acting for the Director, is hereby delegated authority, in the administration and operation of the BMDO, to:

1. Perform the following functions in accordance with the provisions of 5 U.S.C. 7532; Executive Order 10450, 3 CFR, 1949-1953 Comp., p. 936 and 32 CFR part 154.

a. Designate and position in the BMDO as a "sensitive" position.

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the BMDO, for a limited period of time, for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

c. Authorize the suspension, but not the termination, of the services of a BMDO employee in the interest of national security.

2. Authorize and approve:

³See footnote 1 to §388.6(a)(4).

a. Travel for BMDO civilian employees, in accordance with Joint Travel Regulations,¹ Volume II.

b. Temporary duty travel only for military personnel assigned or detailed to BMDO, in accordance with Joint Travel Regulations, Volume I.

c. Invitational travel to persons serving without compensation whose consultative, advisory, or other specialized technical services are required in a capacity directly related to, or in connection with, BMDO activities.

3. Approve the expenditure of funds available for travel by military personnel assigned or detailed to BMDO for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense or designee is required by law (37 U.S.C. 412).

4. Develop, establish, and maintain an active and continuing Records Management Program under DoD Directive 5015.2;² DoD Directive 5400.7;³ and DoD Directive 5400.11.⁴

5. Establish and use imprest funds for making small purchases of material and services, other than personal, for the BMDO when it is determined more advantageous and consistent with the best interests of the Government, in accordance with DoD Directive 7360.10⁵ and Volume 5, DoD 7000.14-R,⁶ and the Joint Regulation of the General Services Administration-Treasury.⁷

6. Authorize and approve overtime work for civilian personnel in BMDO, in accordance with provisions of the Federal Personnel Manual Supplement⁸ 990-1, section 550.11.

7. Establish and maintain appropriate property accounts for BMDO and appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for BMDO property contained in the authorized property accounts that have been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

¹Copies may be obtained, at cost, from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

²Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

³See footnote 2 to section 4. of this appendix.

⁴See footnote 2 to section 4. of this appendix.

⁵See footnote 2 to section 4. of this appendix.

⁶See footnote 2 to section 4. of this appendix.

⁷See footnote 1 to section 2.a. of this appendix.

⁸See footnote 1 to section 2.a. of this appendix.

8. Establish and maintain for the functions assigned an appropriate publications system for the promulgation of regulations, Instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1-M.⁹

9. Issue the necessary security regulations for protection of property and places under the jurisdiction of the BMDO, under DoD Directive 5200.8.¹⁰

10. Exercise original TOP SECRET classification authority.

11. Establish security classification guidance and review policy.

12. Enter into inter-service support agreements with the Military Departments, other DoD Components, or other Government Agencies, as required, for the effective performance of responsibilities and functions assigned to the BMDO.

13. Establish advisory committees pursuant to the provisions of the Federal Advisory Committee Act of 1972 (Pub. L. 92-463) and DoD Directive 5105.18.¹¹

14. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of BMDO (44 U.S.C. 3702).

15. Request specific Military Departments and Defense Agencies to serve as contracting activities for the BMDO, as necessary.

PART 390—ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

Sec.

390.1 Purpose.

390.2 Applicability.

390.3 Policy.

390.4 Responsibilities.

390.5 Organization.

390.6 Functions.

390.7 Authority.

390.8 Effective date and implementation.

AUTHORITY: 10 U.S.C. 133.

SOURCE: 53 FR 16254, May 6, 1988, unless otherwise noted.

§ 390.1 Purpose.

This part is issued to update and clarify the responsibilities and functions of the Armed Forces Radiobiology Research Institute

⁹See footnote 2 to section 4. of this appendix.

¹⁰See footnote 2 to section 4. of this appendix.

¹¹See footnote 2 to section 4. of this appendix.