

§ 394.5

(1) Exercise direction, authority, and control over the DLSA, consistent with DoD Directive 5145.4³.

(2) Coordinate actions and exchange information with other DoD organizations having collateral or related functions.

(3) Promote coordination, cooperation, and mutual understanding of matters pertaining to assigned functions within the Department of Defense and between the Department of Defense, other Government Agencies, and the public.

(4) Serve on boards, committees, and other groups concerned with matters pertaining to assigned functions and represent the Secretary of Defense on assigned functions outside the Department of Defense, including serving as the representative of the Secretary of Defense to the Department of Justice on all appropriate matters.

(5) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(b) All DoD Components shall coordinate with the GC, DoD, on matters related to the functions in § 394.3

§ 394.5 Authorities.

The GC, DoD, is delegated authority to:

(a) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M,⁴ that implement policies approved by the Secretary of Defense in the functions assigned to the GC, DoD. Instructions to the Military Departments shall be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands shall be issued through the Chairman, Joint Chiefs of Staff (CJCS).

(b) Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7750.5,⁵ to carry out assigned functions and responsibilities.

(c) Communicate directly with the heads of the DoD Components. Communications to the Commanders of Uni-

³See footnote 1 to § 394.3(i).

⁴See footnote 1 to § 394.3(i).

⁵See footnote 1 to § 394.3(i).

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fied and Specified Commands shall be coordinated through the CJCS.

(d) Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

PART 395—DEFENSE LEGAL SERVICES AGENCY

Sec.

395.1 Purpose.

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APPENDIX TO PART 395—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 133.

SOURCE: 55 FR 2808, Jan. 29, 1990, unless otherwise noted.

§ 395.1 Purpose.

This part, pursuant to the authority vested in the Secretary of Defense under title 10, United States Code, updates the Defense Legal Services Agency (DLSA) charter with functions, responsibilities, relationships, and authorities as outlined herein.

§ 395.2 Definition.

DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

§ 395.3 Organization and management.

(a) The DLSA is established as a separate agency of the Department of Defense under the direction, authority, and control of the General Counsel of the Department of Defense (GC, DoD). It shall consist of a Director and such subordinate organizational elements as are established by the Director within resources assigned by the Secretary of Defense. It shall include the legal staffs assigned to the Defense Agencies and DoD Field Activities.

(b) Budgeting, management of ceiling spaces, personnel services, and other

administrative support for DLSA personnel shall be the responsibility of the Defense Agency or Field Activity to which those personnel are assigned.

(c) The GC, DoD, shall serve as the Director, DLSA.

§ 395.4 Functions and responsibilities.

The *Director, Defense Legal Services Agency* (DLSA), shall:

(a) Organize, direct, and manage the DLSA and all resources assigned to the DLSA.

(b) Provide legal advice and services for the Defense Agencies, DoD Field Activities, and other assigned organizations.

(c) Provide technical support and assistance for development of the DoD Legislative Program.

(d) Coordinate DoD positions on legislation and Presidential Executive orders.

(e) Provide a centralized legislative document reference and distribution point for the Department of Defense, and maintain the Department's historical legislative files.

(f) Develop DoD policy for standards of conduct and administer the Standards of Conduct Program for the OSD and other assigned organizations.

(g) Administer the Defense Industrial Security Clearance Review Program.

(h) Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

§ 395.5 Relationships.

(a) In performance of assigned responsibilities and functions, the Director, DLSA, shall:

(1) Coordinate actions and exchange information with other DoD organizations having collateral or related functions.

(2) Promote coordination, cooperation, and mutual understanding of matters pertaining to assigned functions within the Department of Defense and between the Department of Defense, other Government Agencies, and the public.

(3) Serve on boards, committees, and other groups concerned with matters pertaining to assigned functions, and represent the Secretary of Defense on assigned functions outside the Department of Defense.

(4) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(5) Provide professional supervision for DLSA attorneys serving in Defense Agencies, DoD Field Activities, and other organizations to which such attorneys are assigned. This includes, in consultation with the DoD Component head concerned, evaluation of their performance and/or other action that may be necessary based on professional performance.

(b) All DoD Components shall coordinate with the Director, DLSA, on matters related to the functions in § 395.4.

§ 395.6 Authorities.

The Director, DLSA, is delegated authority to:

(a) Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7750.5¹ to carry out assigned functions and responsibilities, as necessary.

(b) Communicate directly with the heads of the DoD Components. Communications to the Commanders of Unified and Specified Commands shall be coordinated through the Chairman, Joint Chiefs of Staff (CJCS).

(c) Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

APPENDIX TO PART 395—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority, and control, and in accordance with DoD policies, Directives, and Instructions, the Director, DLSA, or, in the absence of the Director, the person acting for the Director is hereby delegated authority, as required in the administration and operation of DLSA, to:

1. In accordance with 5 U.S.C. 7532, Executive Order 10450, as amended, and DoD Directive 5200.2:²

a. Designate positions as "sensitive";

b. Authorize, in case of an emergency, the appointment to a sensitive position, for a limited period of time, of a person for whom

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

²See footnote 1 to § 395.6(a).

a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

c. Authorize the suspension, but not terminate the service, of an employee in the interest of national security.

2. Authorize and approve overtime work for civilian officers and employees in accordance with subchapter V, chapter 55, title 5, U.S.C., and applicable Civil Service Regulations.

3. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to 44 U.S.C. 3102.

4. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals, consistent with 44 U.S.C. 3702.

5. Comply with the policies and procedures prescribed in DoD 5025.1-M.³

PART 396—DoD COORDINATOR FOR DRUG ENFORCEMENT POLICY AND SUPPORT

Sec.

396.1 Purpose.

396.2 Applicability.

396.3 Responsibilities and functions.

396.4 Relationships.

396.5 Authorities.

AUTHORITY: 10 U.S.C. 113.

SOURCE: 55 FR 5006, Feb. 13, 1990, unless otherwise noted.

§ 396.1 Purpose.

This part establishes the position of DoD coordinator for Drug Enforcement Policy and Support, with responsibilities, functions, relationships, and authorities, as prescribed herein.

§ 396.2 Applicability.

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

§ 396.3 Responsibilities and functions.

The *DoD Coordinator for Drug Enforcement Policy and Support*, as the principal staff assistant and advisor to the Secretary of Defense for drug control

policy, requirements, priorities, systems, resources, and programs, shall:

(a) Develop policies, conduct analysis, provide advice, make recommendations, and issue guidance on DoD drug control plans and programs.

(b) Develop systems and standards for the administration and management of approved DoD drug control plans and programs.

(c) Promulgate plans, programs, actions, and taskings pertaining to the DoD drug control program consistent with the National Drug Control Strategy and DoD drug control policies and objectives.

(d) Review, evaluate, coordinate, and monitor DoD drug control plans and programs to ensure adherence to approved policies and standards.

(e) Promote coordination, cooperation, and mutual understanding within the Department of Defense, within Congress, and between the Department of Defense and other Federal Agencies, State and local governments, and the civilian community.

(f) Serve on boards, committees, and other groups pertaining to assigned functional areas and represent the Secretary of Defense on Drug control matters outside the Department.

(g) Serve as the DoD point of contact for the Office of the Director of National Drug Control Policy and other Federal and State agencies as appropriate.

(h) Participate in, and oversee and monitor planning, programming, and budgeting for the DoD counter-drug mission in coordination with OSD officials; the CJCS; and appropriate DoD Components.

(i) Coordinate and monitor DoD support of civilian drug-law enforcement.

(j) Coordinate and monitor inter-agency detection and monitoring of maritime and aerial transit of illegal drugs into the United States.

(k) Coordinate and monitor, in conjunction with the Assistant Secretary of Defense (Reserve Affairs) (ASD(RA)), National Guard support to State drug-law enforcement operations, and to the Department of Defense, as required.

(l) Coordinate and monitor, in conjunction with the Assistant Secretary of Defense (Command, Control, Communications and Intelligence)

³See footnote 1 to § 395.6(a).