

13. With the exception of the determination of highly sensitive classified programs, which is retained by the Secretary of Defense, exercise the responsibilities and authorities of the Secretary of Defense to designate major defense acquisition programs, as defined in title 10, United States Code, section 2430.

14. Act for the Secretary of Defense in preparing and revising an acquisition strategy for a major defense acquisition program throughout the period from the beginning of Full-Scale Development (Engineering and Manufacturing Development) through the end of production under Sections 2438 and 2439 of title 10, United States Code.

15. Act for the Secretary of Defense in making certifications, providing reports, and approving waivers for major defense acquisition programs required by Title 10, United States Code. This authority includes, but is not limited to, the following:

a. Submit Selected Acquisition Reports (SARs) (Section 2432), to include notifications of SAR waivers and research, development, test, and evaluation-only SARs.

b. Make and submit certifications required for Unit Cost Reports (Section 2433).

16. Exercise all authorities delegated to the Secretary of Defense by E.O. 12580, January 23, 1987, 52 FR 2923, 3 CFR, 1977 Comp., p. 193, on responses to releases of hazardous substances for DoD facilities and vessels under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) as amended by the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499, October 17, 1986) (100 Stat. 1613).

17. Exercise all responsibilities and authority of the Secretary of Defense under 10 U.S.C. 2701-2707 and 10 U.S.C. 2810 on conduct of the Defense Environmental Restoration Program.

18. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2354 for the DoD Components other than the Military Departments.

19. Serve on and attend meetings of the Federal Acquisition Regulatory Council, established by section 25 of the Office of Federal Procurement Policy Act, as amended. The PDUSD(A&T) shall serve in the absence of the USD(A&T). This authority may be redelegated consistent with section 25 of the Office of Federal Procurement Policy Act, as amended (Pub. L. 93-400, 88 Stat 796), and section 809 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, Pub. L. 102-190 (105 Stat. 1290).

20. Perform the functions and responsibilities set out at section 25(d) of the Office of Federal Procurement Policy Act, as amended. The authority to review and approve or disapprove regulations relating to procurement under subsection 25(d)(1) may not be

redelegated to any person outside the Office of the USD(A&T).

21. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2350b with respect to NATO Cooperative Projects as defined in section 27 of the Arms Export Control Act (Pub. L. 90-629, 82 Stat. 1320). The authority to grant waivers as authorized in subsection 2350b.(c) may not be redelegated.

22. Exercise all powers and duties of the Secretary of Defense under 10 U.S.C. 2535 to provide a comprehensive and continuous defense industrial reserve program.

23. Act for the Secretary of Defense in the exercise of authority under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) in accordance with E.O. 12626, February 25, 1988, 53 FR 6114, 3 CFR, 1988 Comp., p. 552.

24. Act for the Secretary of Defense, under the authority of Federal Property Management Regulations, 41 CFR 101-33.002, or under any other Delegation of Authority that may hereafter be made by the Administrator of General Services, to enter into contracts for public utility services for a period not to exceed 10 years. This authority may be delegated.

25. Act for the Secretary of Defense in establishing and exercising policy direction and oversight over a defense technology office in Japan, in compliance with section 248 of the National Defense Authorization Act for fiscal year 1991 (Pub. L. 101-510) (104 Stat. 1485).

26. Exercise the authority of the Secretary of Defense in 10 U.S.C. 2410i, section 9069 of the DoD Appropriations Act, 1993 (Pub. L. 102-396) (106 Stat. 1876), and section 8072A of DoD Appropriations Act, 1992 (Pub. L. 102-172) (105 Stat. 1150) to waive prohibitions on awarding contracts to foreign entities that have not certified that they do not comply with the secondary boycott of Israel.

II. The USD(A&T) may redelegate these authorities, as appropriate, except as otherwise specifically indicated in this appendix or prohibited by law, Directive, or regulation.

[59 FR 35262, July 11, 1994, as amended at 59 FR 41405, Aug. 12, 1994]

PART 385—DEFENSE INTELLIGENCE AGENCY

Sec.

385.1 Purpose.

385.2 Mission.

385.3 Responsibilities and functions.

385.4 Organization and administration.

385.5 Relationships.

385.6 Authorities.

385.7 Delegation of authority.

AUTHORITY: 10 U.S.C. chapter 4.

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SOURCE: 42 FR 33734, July 1, 1977, unless otherwise noted. Redesignated at 58 FR 39360, July 22, 1993.

§ 385.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, United States Code, the Defense Intelligence Agency (hereinafter "the DIA") is hereby established with responsibilities, functions and authorities as prescribed herein.

§ 385.2 Mission.

The mission of the DIA is to satisfy, or to ensure the satisfaction of, the foreign intelligence requirements of the Secretary of Defense, the Joint Chiefs of Staff, DoD components and other authorized recipients, and to provide the military intelligence contribution to national intelligence.

§ 385.3 Responsibilities and functions.

The Director, DIA, shall advise the Secretary of Defense on intelligence matters. Under his direction and control, the DIA shall:

(a) Produce, or through tasking and coordination ensure the production of foreign intelligence required for support to the DIA mission. This function specifically includes the maintenance of a strong DoD scientific and technical intelligence program. For the purposes of this section, "production" includes the evaluation, correlation, analysis, interpretation and presentation of foreign intelligence.

(b) Provide intelligence and intelligence staff support to the Joint Chiefs of Staff in accordance with their requirements and established procedures.

(c) Ensure that adequate, timely and reliable intelligence is available to the Unified and Specified Commands.

(d) Participate in the DSARC process as established in DoD Directive 5000.2,¹ by providing the Director of Defense Research and Engineering with threat descriptions based on the information derived from intelligence and threat validation in support of systems acquisition.

(e) Supervise the DoD indications system and provide support to the National Military Command System through the National Military Intelligence Center.

(f) Validate, register, assign, recommend priorities for, and monitor the satisfaction of DoD collection requirements, including those requirements assigned under the provisions of DoD Directive S-3115.7.

(g) Provide central management for the Defense Attache 1 System.

(h) Participate in the National Photographic Interpretation Center and the Defense Special Missile and Astronautics Center.

(i) Establish, maintain and operate facilities for DoD imagery indexing, processing, duplication, evaluation exploitation and central repository services in support of DoD and other authorized recipients.

(j) Supervise a DoD-wide intelligence dissemination program and provide centralized dissemination services in support of DoD and other authorized recipients.

(k) Provide intelligence bibliography, reference library, and research services as required to fulfill the DIA mission.

(l) Operate the Defense Intelligence School.

(m) In coordination with other intelligence agencies concerned, recommend plans for intelligence operations, including plans for the use of national intelligence systems to support military operational commanders. As directed, coordinate the execution of approved intelligence operations plans.

(n) Subject to the staff supervision of the Assistant Secretary of Defense (Communications, Command, Control and Intelligence) (ASD(C³ I)), act as manager for all aspects of Defense intelligence production within the General Defense Intelligence Program and recommend changes or improvements in collection systems to the ASD(C³ I).

(o) Act as management authority for all DoD intelligence information systems except those systems dedicated to signals intelligence operations and support functions falling within the scope of DoD Directive S-3115.7.

(p) Establish and operate a DoD career development program for civilian general intelligence personnel; review,

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

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coordinate, and evaluate effectiveness of career development programs for military general intelligence personnel; conduct planning and guidance activities in coordination with DoD components on these programs to meet DoD requirements. Provide technical assistance in the development and conduct of DoD general intelligence training.

(q) Provide guidance, in conformance with policies of DoD and the Director of Central Intelligence, to DoD components concerning the release of Defense intelligence information to foreign governments, international organizations and the public.

(r) Administer DoD security policies and programs to protect intelligence and intelligence sources and methods, including direction of the Defense Special Security System.

(s) Adjudicate clearance eligibility for DIA civilian personnel and eligibility for access to compartmented intelligence for all personnel assigned to OSD, OJCS, and the Defense Agencies, with the exception of NSA, including contractors and consultants.

(t) Provide representation on national and international intelligence committees, boards and working groups, as appropriate.

(u) Provide the DoD focal point for relationships with foreign intelligence services.

(v) Prepare and submit to the Secretary of Defense the DIA program and budget.

(w) Ensure that all DIA policies, plans, programs, and activities are carried out in accordance with law and the provisions of Executive Orders and other directives from higher authority establishing oversight controls on foreign intelligence activities.

(x) Report to the Inspector General for Defense Intelligence and the General Counsel, Department of Defense, any activities that raise questions of legality or propriety.

(y) Establish and conduct or recommend research development, test and evaluation programs or projects to carry out the responsibilities assigned herein.

(z) Perform such other functions and services as the Secretary of Defense may from time to time assign.

[42 FR 33734, July 1, 1977. Redesignated and amended at 58 FR 39360, July 22, 1993]

§ 385.4 Organization and administration.

(a) The Director, DIA, will be a commissioned officer of suitable general of flag rank appointed by the Secretary of Defense from officers of the Armed Forces on active duty. The DIA shall be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

(b) The Director, DIA, shall report to the Secretary of Defense and the Chairman, Joint Chiefs of Staff. The Director, DIA, shall be under the operational control of the Joint Chiefs of Staff for the purposes of:

(1) Obtaining the intelligence support required to perform the statutory and assigned responsibilities of the Joint Chiefs of Staff; and

(2) Ensuring that adequate, timely and reliable intelligence support is available to the Unified and Specified Commands.

(c) Staff supervision of the DIA for the Secretary of Defense will be exercised by the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence) with respect to resources, and by the Deputy Under Secretary of Defense (Policy Review) with respect to policy.

(d) The performance of the Director, DIA, will be evaluated by the Secretary of Defense. The Chairman, JCS, shall report on performance of the Director, DIA, concurrently with the Secretary of Defense's report.

[42 FR 32537, June 27, 1977, as amended at 44 FR 36032, June 20, 1979; 45 FR 84996, Dec. 24, 1980]

§ 385.5 Relationships.

(a) In the performance of his duties the Director, DIA, shall:

(1) Coordinate actions, as appropriate, with DoD components and governmental agencies having collateral or related functions in the field of his assigned responsibilities.

(2) Maintain liaison for the exchange of information and advice with DoD

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components and other governmental agencies in the field of his assigned responsibilities.

(b) The Military Departments and other DoD components shall provide such support and assistance to the DIA as may be necessary for carrying out its mission.

§ 385.6 Authorities.

A delegation of the administrative authorities required by the Director, DIA, to administer and direct the operations of the Agency is contained in § 385.7. In the performance of assigned responsibilities and functions, the Director, DIA, is specifically delegated authority to:

(a) Establish, operate and control all organizations and activities assigned to DIA.

(b) Assign tasks and issue instructions and guidance to DoD components as necessary to carry out the functions assigned herein and such additional functions as may be assigned. All such assignments and issuance to a Military Department shall be through the Secretary of Defense or his designee. For activities under the cognizance of the Joint Chiefs of Staff, the Director, DIA, shall function as the intelligence staff officer of the Joint Staff and assign tasks in accordance with procedures of the Joint Chiefs of Staff.

(c) Have free and direct access to and communication with DoD components, the U.S. Intelligence Community, and other executive departments and agencies as necessary.

(d) Obtain from any DoD component such information as may be necessary for the performance of assigned functions, subject to the provisions of DoD Directive 5000.19.²

(e) Enter into agreements on intelligence exchanges and cooperation with foreign military intelligence services as required to fulfill the DIA mission.

[42 FR 33734, July 1, 1977. Redesignated and amended at 58 FR 39360, July 22, 1993]

§ 385.7 Delegation of authority.

Pursuant to the authority vested in the Secretary of Defense, the Director, DIA, or, in the absence of the Director,

²See footnote 1 to § 385.3.

his designee, is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, authority as required in the administration and operation of DIA to:

(a) Exercise the power vested in the Secretary of Defense by 5 U.S.C. 302 and 5 U.S.C. 3101 pertaining to the employment, direction and general administration of DIA civilian personnel.

(b) Fix rates of pay for wage rate employees exempted from the Classification Act by 5 U.S.C. 5102, on the basis of rates established under the Coordinated Federal Wage System. DIA, in fixing such rates, shall follow the wage schedule established by the DoD Wage Fixing Authority.

(c) Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of DIA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 3109(b), and the agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated March 14, 1975.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of 5 U.S.C. 2903(b) and designate in writing, as may be necessary, officers and employees of DIA to perform this function.

(e) Establish a DIA Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect DIA or its subordinate activities in accordance with the provisions of 5 U.S.C. 4503 and applicable Civil Service Regulations.

(f) In accordance with the provisions of 5 U.S.C. 7532; Executive Order 10450, "Government Personnel Security Program," August 5, 1954; and 32 CFR part 156:

(1) Designate any position in DIA as a "sensitive" position;

(2) Authorize, in case of any emergency, the appointment to a sensitive position in the DIA for a limited period of time of a person for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not terminate the services of, an employee in the interest of national security in positions within DIA.

(g) Clear DIA civilian personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of 32 CFR part 156 and Executive Order 11652, "Classification and Declassification of National Security Information and Material," March 8, 1972.

(h) Act as agent for the collection and payment of employment taxes imposed by chapter 21 of the Internal Revenue Code of 1954, as amended; and as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954, as amended, and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to DIA employees.

(i) Authorize and approve overtime work for DIA civilian officers and employees in accordance with the provisions of subchapter V, chapter 55, title 5, U.S. Code, and applicable Civil Service Regulations.

(j) Authorize and approve:

(1) Travel for DIA civilian employees in accordance with the Joint Travel Regulations, Volume 2, Department of Defense Civilian Personnel.

(2) Temporary duty travel for military personnel assigned or detailed to DIA in accordance with Joint Travel Regulations, Volume I for Members of the Uniformed Services.

(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 DIA activities, pursuant to the provisions of 5 U.S.C. 5703.

(k) Approve the expenditure of funds available for travel by military per-

sonnel assigned or detailed to DIA for expense incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances when the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 412, 5 U.S.C. 4110 and 4111).

(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).

(m) Establish and use imprest funds for making small purchases of material and services other than personal for DIA when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Directive 5100.71,³ "Delegation of Authority and Regulations Relating to Cash Held at Personal Risk Including Imprest Funds," March 5, 1973.

(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 DIA (44 U.S.C. 3702).

(o) Establish and maintain appropriate Property Accounts for DIA, and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DIA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable in accordance with applicable laws and regulations.

(p) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DIA, pursuant to subsection III.A and V.B. of DoD Directive 5200.8,⁴ "Security of Military Installations and Resources," July 29, 1980.

(q) 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 Directive

³See footnote 1 to §385.3.

⁴See footnote 1 to §385.3.

5025.1,⁵ "Department of Defense Directives System," October 16, 1980.

(r) Enter into support and services agreements with the Military Departments, other DoD components, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DIA.

(s) Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus personal property.

The Director, DIA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

(t) Enter into and administer contracts, directly or through another DoD Component or other Federal Agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the Defense Intelligence Agency. Contracting will be accomplished in accordance with applicable laws, DoD regulations and the Defense Acquisition Regulation. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the Secretarial level of the Military Department, such authority will be exercised by the appropriate Under Secretary of Defense.

[42 FR 33734, July 1, 1977, as amended at 45 FR 84996, Dec. 24, 1980. Redesignated and amended at 58 FR 39360, July 22, 1993]

PART 386—CENTRAL IMAGERY OFFICE

Sec.

- 386.1 Purpose and applicability.
- 386.2 Mission.
- 386.3 Organization and management.
- 386.4 Responsibilities and functions.
- 386.5 Relationships.
- 386.6 Delegations of authority.
- 386.7 Administration.

AUTHORITY: 10 U.S.C. 301 and E.O. 12333, 3 CFR, 1981 Comp., p. 200.

SOURCE: 57 FR 23157, June 2, 1992, unless otherwise noted. Redesignated at 58 FR 39360, July 22, 1993.

⁵See footnote 1 to §385.3.

§ 386.1 Purpose and applicability.

(a) This part establishes a Central Imagery Office (CIO) within the Department of Defense to ensure that United States Government intelligence, mapping, charting and geodesy, and other needs for imagery are met effectively and efficiently in a manner conducive to national security, consistent with the authorities and duties of the Secretary of Defense and the Director of Center Intelligence under title 10, U.S.C., E.O. 12333, and DoD Directive 5240.1.¹

(b) This part applies to the Office of the Secretary of Defense; the Military Departments; the Chairman of the Joint Chiefs of Staff and the Joint Staff; the Unified and Specified Combatant Commands; the Defense Agencies; and DoD Field Activities.

§ 386.2 Mission.

The Central Imagery Office shall provide support to the Department of Defense, the Central Intelligence Agency, and other Federal Government departments and agencies on matters concerning imagery relating to the national security.

§ 386.3 Organization and management.

The Central Imagery Office is hereby established as a defense agency of the Department of Defense under 10 U.S.C. and is hereby designated as a combat support agency. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall exercise overall supervision over the Central Imagery Office. The Central Imagery Office shall consist of a Director of the Central Imagery Office and such subordinate organizational elements, including the central imagery tasking authority required by §386.5(a)(4), as the Director establishes within the resources made available.

§ 386.4 Responsibilities and functions.

The Director of the Central Imagery Office shall:

(a) Organize, direct, and manage the Central Imagery Office and all assigned resources.

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