



Department of Defense

DIRECTIVE

NUMBER 5134.01

December 9, 2005

Incorporating Change 1, April 1, 2008

DA&M

SUBJECT: Under Secretary of Defense for Acquisition, Technology, and Logistics
(USD(AT&L))

- References:
- (a) Sections 113, 133, 186, 1702, 1746, and 2222 of title 10, United States Code
 - (b) DoD Directive 5134.1, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), April 21, 2000 (hereby canceled)
 - ~~(e) DoD Directive 5000.1, "The Defense Acquisition System," May 12, 2003~~
 - (c) *Deputy Secretary of Defense Memorandum, "Chartering Delegations of Authority," April 1, 2008 (hereby canceled)*
 - ~~(d) Office of Management and Budget Circular No. A-109, "Major System Acquisitions," April 5, 1976~~
 - (d) *Secretary of Defense Memorandum, "Delegation of Energy Authority Authorized in Title 10, United States Code, Section 2402," November 24, 2003 (hereby canceled)*
 - (e) through (~~xz~~), see enclosure 1

1. REISSUANCE AND PURPOSE

Under the authority vested in the Secretary of Defense by sections 113 and 133 of reference (a), this Directive:

1.1. Reissues reference (b) to update the responsibilities, functions, relationships, and authorities of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)).

1.2. Authorizes the USD(AT&L), as a Principal Staff Assistant reporting directly to the Secretary of Defense, to promulgate DoD policy in DoD Instructions within the responsibilities, functions, and authorities assigned herein.

1.3. Authorizes the USD(AT&L) to reissue, as necessary, the chartering DoD Directives for the Deputy Under Secretary of Defense for Acquisition and Technology (DUSD(A&T)), the Deputy Under Secretary of Defense for Logistics and Materiel Readiness (DUSD(L&MR)), the

Change 1, April 1, 2008

Director of Defense Research and Engineering (DDR&E), and the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs (ATSD(NCB)).

1.4. Supersedes Deputy Secretary of Defense and Secretary of Defense Memorandums (References (c) and (d)).

2. APPLICABILITY

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

3. RESPONSIBILITIES AND FUNCTIONS

The Under Secretary of Defense for Acquisition, Technology, and Logistics is the Principal Staff Assistant and advisor to the Secretary of Defense for all matters relating to the DoD Acquisition System; research and development (R&D); modeling and simulation (M&S); systems engineering; advanced technology; developmental test and evaluation; production; systems integration; logistics; installation management; military construction; procurement; environment, safety, and occupational health management; utilities and energy management; business management modernization; document services; and nuclear, chemical, and biological defense programs. In this capacity, the USD(AT&L) shall:

3.1. Serve as the Defense Acquisition Executive with overall responsibility for supervising the performance of the DoD Acquisition System and enforcing the policies and practices in DoD Directive 5000.1 (reference (~~ee~~)) and Office of Management and Budget (OMB) Circular No. A-109 (reference (~~df~~)).

3.2. Chair the Defense Acquisition Board (DAB), consistent with DoD Instruction 5000.2 (reference (~~eg~~)).

3.3. Serve as the DoD Procurement Executive, with responsibilities as prescribed in Executive Order (E.O.) 12931 (reference (~~fh~~)) and chapter 7 of title 41, United States Code (U.S.C.) (reference (~~gi~~)).

3.4. Establish and publish policies and procedures governing the operations of the DoD Acquisition System and the administrative oversight of defense contractors.

3.5. Establish policies for and oversee developmental testing and evaluation, and coordinate with the Director of Operational Test and Evaluation (DOT&E) on the Test and Evaluation Master Plan for Acquisition Category (ACAT) 1 programs, co-oversee the Joint Test and Evaluation Program with the DOT&E, and manage the Foreign Comparative Testing Program.

3.6. Prescribe policies, in coordination with the DoD IG, and the Under Secretary of Defense (Comptroller) (USD(C)), to ensure that audit and oversight of contractor activities are coordinated and carried out to prevent duplication by different elements of the Department of Defense. The exercise of this responsibility shall not affect the authority of the DoD IG, under the Inspector General Act of 1978, as amended (reference (~~h~~)).

3.7. Coordinate research, development, and production programs DoD-wide to eliminate duplication of effort and ensure that available resources are used to maximum advantage.

3.8. Establish policies and programs that improve, streamline, and strengthen DoD Component technology access and development programs, encourage open market competition and technology-driven prototype efforts that offer increased military capabilities at lower total ownership costs and faster fielding times, and exploit the cost-reduction potential of accessing innovative or commercially developed technologies.

3.9. Develop acquisition related plans, strategies, guidance, and assessments, to ensure that acquisition Milestone Review and the Planning, Programming, Budgeting, and Execution (PPBE) processes are timely and effectively implemented.

3.10. Develop, in coordination with the Under Secretary of Defense for Policy (USD(P)), and the General Counsel of the Department of Defense, agreements with friendly and allied nations and international organizations relating to acquisition matters, consistent with DoD Directive 5530.3 (reference (~~i~~)).

3.11. Develop assessments of, and establish policies to maintain, the capability of the U.S. defense industry to meet DoD needs.

3.12. Supervise the management and performance of the Strategic and Critical Materials Program pursuant to E.O. 12626 (reference (~~j~~)).

3.13. Establish policies and procedures, in coordination with the Under Secretary of Defense for Personnel and Readiness, for the effective management of the acquisition, technology, and logistics (AT&L) workforce in the Department of Defense, consistent with section 1702 of reference (a).

3.14. Establish policies and procedures, in coordination with the USD(P), for the effective development of AT&L programs that support current security cooperation goals.

3.15. Establish accountability policies and guidance, in coordination with the USD(C), for all property, plant, and equipment of the Department of Defense and develop and oversee strategic plans for property accountability systems.

3.16. Ensure homeland defense and special operations and low-intensity conflict programs, systems, and activities related to acquisition effectively support the Combatant Commanders and warfighters, in coordination with the USD(P). Ensure intelligence and intelligence-related

programs, systems, and activities related to acquisition effectively support the Combatant Commanders and warfighters, in coordination with the Under Secretary of Defense for Intelligence (USD(I)).

3.17. In consultation with the USD(P), establish and manage the cooperative R&D program, and promote the establishment of mutually beneficial international cooperative R&D programs consistent with national security considerations.

3.18. Manage the OSD Study Program.

3.19. Serve as the Vice Chairman of the Defense Business Systems Management Committee (DBSMC) and establish and chair an Investment Review Board to review the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of all defense business systems for which the USD(AT&L) is responsible, consistent with sections 186 and 2222 of reference (a). One aspect of the DBSMC shall be to ensure all defense business systems are designed, developed, and maintained in accordance with applicable DoD information technology (IT) policy and law.

3.20. Establish acquisition policies and procedures to ensure that individuals with disabilities have access to, and use of, DoD electronic and information technology, in compliance with 29 U.S.C. 794d (reference (~~km~~)).

3.21. Serve as the sponsor of the Defense Science Board and the Defense Threat Reduction Advisory Committee.

3.22. Chair the Nuclear Weapons Council.

3.23. Execute the authority of the Secretary of Defense to designate the DoD-Designated Agency Safety and Health Official in accordance with E.O. 12196 (reference (~~ln~~)).

3.24. Establish policies and procedures for utilities and energy management.

3.25. Establish and oversee DoD small business policies.

3.26. Establish policies and procedures for the management of DoD installations and environment to support military readiness with regard to facility construction, sustainment and modernization, including: housing; base closures and reuse, including economic assistance for affected communities; privatization and competitive sourcing; base operations; energy use and conservation; real property management; environmental management systems, natural infrastructure capabilities and sustainment; safety; occupational health; fire protection; pest management; and explosive safety.

3.27. Establish policies and procedures, including the promulgation of regulations, and exercise all statutory and regulatory authorities and responsibilities relating to base closures and realignments vested in the Secretary of Defense or delegated to the Secretary by another Federal agency, but excluding:

3.27.1. The authorities and responsibilities of the Secretary relating to the process for selecting installations for closure or realignment under title XXIX of Pub. L. No. 101-510 (reference ~~(ho)~~).

3.27.2. The authorities and responsibilities of the Secretary relating to indemnification for claims under section 330 of Pub. L. No. 102-484 (reference ~~(hp)~~).

3.28. In coordination with the USD(P) and the Director, Defense Security Cooperation Agency, as appropriate, develop foreign disclosure and sales policies and procedures for AT&L-related information, technology, and systems (including proposed international cooperation, Foreign Military Sales, and direct commercial sales) in accordance with National Disclosure Policy-1 (reference ~~(oq)~~) and the export license approval processes governed by the International Traffic in Arms Regulations (reference ~~(pr)~~) and Export Administration Regulations (reference ~~(qs)~~).

3.29. Chair the Low Observable/Counter Low Observable (LO/CLO) Executive Committee pursuant to DoD Instruction S-5230.28 (reference ~~(rf)~~).

3.30. Develop technology and/or weapons system export recommendations for the Deputy Secretary of Defense pursuant to LO/CLO export issues in support of National Disclosure Policy decisions, consistent with references ~~(oq)~~ and ~~(rf)~~.

3.31. Serve as the National Armaments Director (NAD) at the North Atlantic Treaty Organization (NATO) Conference of National Armaments Directors (CNAD) and in other similar NAD-level multilateral and bilateral fora. Establish and publish policies and procedures governing DoD Acquisition System activities in support of the CNAD, the Senior NATO Logisticians Conference, the NATO Research and Technology Organization, and other similar multilateral or bilateral fora.

3.32. Establish policies and procedures that ensure all DoD activities are fully compliant with arms control agreements to which the United States is a party and that national security information is not compromised, in accordance with DoD Directive 2060.1 (reference ~~(su)~~).

3.33. Serve as the Defense Logistics Executive with overall responsibility for improving and maintaining the Defense Logistics and Global Supply Chain Management System, in accordance with Secretary of Defense Memorandum (reference ~~(tv)~~). Co-Chair, with the Vice Chairman of the Joint Chiefs of Staff, the Defense Logistics Board, with responsibility to assess and confirm materiel readiness and supply availability and provide advice to the Director, Defense Logistics Agency (DLA), on global supply chain resource allocation determinations.

3.34. Establish policies and procedures that ensure test and evaluation (T&E) facilities and resources within and outside the Department of Defense are adequate to meet the T&E requirements of the Department of Defense.

3.35. Establish and maintain the DoD management and administrative structure for M&S, in accordance with DoD Directive 5000.59 (reference (~~hw~~)). Sponsor the DoD Executive Council for Modeling and Simulation. Develop policies, plans, and programs to coordinate, harmonize, and rationalize DoD M&S, including the DoD Modeling and Simulation Master Plan and Investment Plans. Ensure that DoD M&S investments support operational needs and the acquisition process; the development of common tools, methodologies, and databases; and the establishment of standards and protocols promoting interoperability, data exchange, open system architecture, and software reusability.

3.36. Synchronize strategic planning related to assigned responsibilities and functions and those organizations reporting to the USD(AT&L), specifically Balanced Score Cards and Strategic Plans. Likewise, synchronize transformational initiatives, including issue and gap resolution.

3.37. Provide policy guidance to the DoD Components regarding the operation and management of document services (printing, high speed-high volume duplicating, and document conversion and/or automation services) in the Department of Defense and represent the Department of Defense on printing services policy matters with the Joint Committee on Printing, Government Printing Office, Office of Management and Budget, and other Government Agencies.

3.38. Establish and maintain a Defense Acquisition University (DAU) structure, consistent with section 1746 of reference (a).

3.39. Periodically assess the DoD Executive Agent assignments under the cognizance of the USD(AT&L) for continued need, currency, and effectiveness and efficiency in satisfying end user requirements, consistent with DoD Directive 5101.1 (reference (~~vx~~)).

3.40. Ensure that AT&L policies and programs are designed and managed to improve standards of performance, ethics, economy, and efficiency and that all of the Defense Agencies and DoD Field Activities under the authority, direction, and control of the USD(AT&L) are attentive and responsive to the requirements of their organizational customers, both internal and external to the Department of Defense.

3.41. Perform such other duties as the Secretary of Defense may prescribe.

4. RELATIONSHIPS

4.1. In the performance of assigned responsibilities and functions, the USD(AT&L) shall:

4.1.1. Report directly to the Secretary of Defense.

4.1.2. Pursuant to section 133 of reference (a), take precedence in the Department of Defense, after the Secretary and the Deputy Secretary of Defense, on all matters for which the USD(AT&L) has responsibility by law or by direction of the Secretary of Defense. On all other

matters, the USD(AT&L) shall take precedence after the Secretary and the Deputy Secretary of Defense and the Secretaries of the Military Departments.

4.1.3. Exercise authority, direction, and control over:

4.1.3.1. The Deputy Under Secretary of Defense for Acquisition and Technology (DUSD(A&T)).

4.1.3.2. The Deputy Under Secretary of Defense for Logistics and Materiel Readiness (DUSD(L&MR)).

4.1.3.3. The Director of Defense Research and Engineering (DDR&E).

4.1.3.4. The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs (ATSD(NCB)).

4.1.3.5. The Deputy Under Secretary of Defense for Installations and Environment (DUSD(I&E)).

4.1.3.6. The Director, Defense Advanced Research Projects Agency, through the DDR&E.

4.1.3.7. The Director, DLA, through the DUSD(L&MR).

4.1.3.8. The Director, Missile Defense Agency.

4.1.3.9. The Director, Defense Threat Reduction Agency, through the ATSD(NCB).

4.1.3.10. The Director, Defense Contract Management Agency, through the DUSD(A&T).

4.1.3.11. The Director, Defense Business Transformation Agency.

4.1.3.12. The Director, Office of Economic Adjustment, through the DUSD(I&E).

4.1.3.13. The Director, DoD Test Resource Management Center.

4.1.3.14. The Director, Defense Technical Information Center, through the DDR&E.

4.1.3.15. The Director of Small and Disadvantaged Business Utilization, through the DUSD(A&T).

4.1.3.16. Such other organizations that are or may be established by the USD(AT&L), consistent with applicable law, within resources provided by the Secretary of Defense.

4.1.4. Use existing systems, facilities, and services of the Department of Defense and other Federal Agencies, when practicable, to avoid duplication and to achieve maximum efficiency and economy.

4.1.5. Coordinate with the DoD Chief Information Officer on IT management matters in accordance with applicable DoD IT policy and law.

4.1.6. Work directly with the Service Acquisition Executives.

4.1.7. Coordinate and exchange information with the other OSD officials and the Heads of the DoD Components having collateral or related responsibilities and functions.

4.2. The Heads of the DoD Components shall consult the USD(AT&L) before assigning an officer or employee to serve as a Program Executive Officer or a Program Manager, or reassigning an officer or employee so serving, for any program subject to review by the DAB.

4.3. The Heads of the DoD Components shall consult the USD(AT&L) before assigning an officer or employee to serve as a Chief, Office of Defense Cooperation or Security Assistance Organization (SAO), or for any others performing the functions of Defense Attaché Office or SAO to countries with existing Defense Cooperation in Armaments programs, or reassigning an officer or employee so serving.

4.4. The USD(C) shall coordinate with the USD(AT&L) prior to approving the transfer or reprogramming of funds into or from a program within the purview of the USD(AT&L).

4.5. The USD(P) shall coordinate with the USD(AT&L) to ensure that technological aspects of export control policies and procedures necessary to protect the national security interests of the United States are technologically sound.

4.6. The other OSD officials and the Heads of the DoD Components shall coordinate with the USD(AT&L) on all matters related to the authorities, responsibilities, and functions assigned in this Directive.

5. AUTHORITIES

The USD(AT&L) is hereby delegated authority to:

5.1. Direct the Heads of the DoD Components in all areas of assigned responsibilities and functions.

5.2. Decide the appropriate implementing actions to be taken as a result of DAB reviews. The USD(AT&L) decisions shall be reflected in an Acquisition Decision Memorandum issued by the USD(AT&L) for implementation by the Heads of the DoD Components.

5.3. Direct the USD(C) to withhold the release of funds to an acquisition program when the USD(AT&L) determines that such direction is necessary to ensure that the program meets the criteria established by DoD Directives for exiting the Milestone and all additional exit criteria for the program established by the Secretary of Defense or the USD(AT&L). The USD(AT&L) shall first coordinate with the USD(I) before directing a withhold on National Intelligence Program, Joint Military Intelligence Program, and Tactical Intelligence and Related Activities programs. The USD(AT&L) may not redelegate the authority granted by this paragraph to anyone other than a Principal Deputy USD(AT&L).

5.4. Establish DAU facilities if needed facilities or services of other DoD Components are not available. New facilities and services shall be established using standard procedures and program and budget processes.

5.5. Promulgate, in DoD Instructions, DoD policy within the authorities and responsibilities assigned herein, including authority to identify collateral responsibilities of OSD officials and the Heads of the DoD Components. Such Instructions shall be fully coordinated in accordance with DoD *Instruction* 5025.01-~~M~~ (reference (~~wy~~)). Further, in areas of assigned responsibilities and functions, the USD(AT&L) has authority to issue other DoD Instructions, DoD Publications, and one-time directive-type memoranda, consistent with reference (~~wy~~), that implement policy approved by the Secretary of Defense. Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments. Instructions to the Combatant Commands normally shall be communicated through the Chairman of the Joint Chiefs of Staff.

5.6. Obtain reports and information, consistent with DoD *Directive Instruction* 8910.01 (reference (~~xz~~)), as necessary in carrying out assigned responsibilities and functions.

5.7. Communicate directly with the Heads of the DoD Components, as necessary, to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance. Communications to the Military Departments shall be through the Secretaries of the Military Departments, their designees, or as otherwise provided in law or directed by the Secretary of Defense in other DoD issuances. Communications to the Commanders of the Combatant Commands normally shall be transmitted through the Chairman of the Joint Chiefs of Staff.

5.8. Establish arrangements for DoD participation in non-DoD governmental programs for which the USD(AT&L) is assigned primary DoD cognizance.

5.9. Communicate with other Executive Branch officials, representatives of the Legislative Branch, State and local officials, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned responsibilities and functions. Communications with representatives of the Legislative Branch shall be coordinated with the Assistant Secretary of Defense for Legislative Affairs and be consistent with the DoD Legislative Program.

5.10. Approve designation of positions to Key Leadership Positions unless authority has been delegated to the Component Acquisition Executives.

5.11. Exercise the delegations of authority in enclosure 2.

6. RELEASABILITY

UNLIMITED. This Directive is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

6.7. EFFECTIVE DATE

This Directive is effective immediately.



Gordon England

Enclosures - 2

- E1. References, continued
- E2. Delegations of Authority

E1. ENCLOSURE 1

REFERENCES, continued

- (e) *DoD Directive 5000.01, "The Defense Acquisition System," May 12, 2003*
- (f) *Office of Management and Budget Circular No. A-109, "Major System Acquisitions," April 5, 1976*
- (eg) DoD Instruction 5000.2, "Operation of the Defense Acquisition System," May 12, 2003
- (fh) Executive Order 12931, "Federal Procurement Reform," October 13, 1994
- (gi) Chapter 7 of title 41, United States Code
- (hj) Public Law 95-452, "Inspector General Act of 1978," October 12, 1978, as amended
- (ik) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (jl) Executive Order 12626, "National Defense Stockpile Manager," February 25, 1988
- (km) Section 794d of title 29, United States Code
- (ln) Executive Order 12196, "Occupational Safety and Health Programs for Federal Employees," February 26, 1980
- (mo) Title XXIX of Public Law 101-510, "The Defense Base Closure and Realignment Act of 1990," November 5, 1990, as amended
- (np) Section 330 of Public Law 102-484, "The National Defense Authorization Act for Fiscal Year 1993," October 23, 1992
- (oq) National Disclosure Policy-1, "National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations," October 2, 2000¹
- (pr) Title 22, Code of Federal Regulations, Part 120-Part 130, "International Traffic in Arms Regulations," current edition
- (qs) Title 15, Code of Federal Regulations, Chapter VII, Subchapter C, "Export Administration Regulations," current edition
- (rt) DoD Instruction S-5230.28, "Low Observable (LO) and Counter Low Observable (CLO) Programs (U)," October 2, 2002
- (su) DoD Directive 2060.1, "Implementation of, and Compliance with, Arms Control Agreements," January 9, 2001
- (tv) Secretary of Defense Memorandum, "Actions to Improve Logistics and Global Supply Chain Management," September 16, 2003
- (uw) DoD Directive 5000.59, "DoD Modeling and Simulation (M&S) Management," *January 4, 1994 August 8, 2007*
- (vx) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002
- (wy) DoD *Instruction 5025.01-M*, "DoD Directives *System Procedures Program*," *current edition October 28, 2007*
- (xz) DoD *Directive Instruction 8910.01*, "*Management and Control of Information-Requirements Information Collection and Reporting*," *June 11, 1993 March 6, 2007*

¹ Classified document, not releasable to the public

E2. ENCLOSURE 2

DELEGATIONS OF AUTHORITY

E2.1.1. Pursuant to the authority vested in the Secretary of Defense, and subject to his or her authority, direction, and control, and in accordance with DoD policies, DoD Directives, and DoD Instructions, the USD(AT&L) is hereby delegated authority to exercise, within his or her assigned responsibilities and functional areas, all authority of the Secretary of Defense derived from statute, Executive Order, regulation, and interagency agreement, except where specifically limited by statute or Executive Order to the Secretary of Defense, including but not limited to:

E2.1.1.1. Exercise all authorities delegated to the Secretary of Defense by the Department of Commerce for the Defense Priorities and Allocations System (DPAS Del. No. 1, as amended). In addition, exercise the authorities delegated to the Secretary of Defense by E.O. 12742, January 8, 1991.

E2.1.1.2. Act for the Secretary of Defense in the exercise of extraordinary contractual action authority under Public Law (Pub. L.) No. 85-804, an Act to authorize the making, amendment, and modification of contracts to facilitate the national defense, August 28, 1958, in accordance with E.O. 10789, November 14, 1958, as amended, and Part 50 of the Federal Acquisition Regulation.

E2.1.1.3. Make Secretarial determinations, justifications, and approvals on behalf of the Defense Advanced Research Projects Agency, the Missile Defense Agency, the Defense Contract Management Agency, the Defense Logistics Agency, the Defense Threat Reduction Agency, the Defense Business Transformation Agency, the Office of Economic Adjustment, the DoD Test Resource Management Center, the Defense Technical Information Center, and the Defense Acquisition University, and on behalf of other DoD Components to the extent the matter is within the responsibilities of the USD(AT&L), under 10 U.S.C., with the authority to re-delegate to the Heads of those organizations, and other organizations as may be assigned to the USD(AT&L), as appropriate.

E2.1.1.4. Act for the Secretary of Defense in making determinations and authorizing waivers under the Buy American Act (41 U.S.C. 10a-10d).

E2.1.1.5. Act for the Secretary of Defense on delegations of authority to him or her by the U.S. Trade Representative to waive the prohibition against procurement from certain countries, pursuant to title III of Pub. L. No. 96-39; Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.); and E.O. 12260, December 31, 1980, as amended.

E2.1.1.6. Act for, and exercise the powers of, the Secretary of Defense on requests for waiver of the navigation and vessel inspection laws of the United States under Pub. L. No. 891, 81st Congress, 2nd Session, December 27, 1950, (64 Stat. 1120), except on those matters that have been delegated by the Secretary of Defense to the Secretary of the Army.

E2.1.1.7. Make recommendations to the Department of Energy in connection with facilities for transmission of electric energy and natural gas across borders of the United States, pursuant to the authority given the Secretary of Defense in E.O. 10485, September 3, 1953, as amended by E.O. 12038, February 3, 1978.

E2.1.1.8. Exercise all responsibilities and authorities of the Secretary of Defense under 10 U.S.C. 2404, pertaining to the acquisition, exchange, and sale of defined fuel sources and services.

E2.1.1.9. Act for the Secretary of Defense in the implementation of OMB Circular No. A-109, "Major System Acquisitions," April 5, 1976.

E2.1.1.10. Make the determination required by 50 U.S.C. 1512(l) on transportation or testing of any lethal chemical or any biological warfare agent.

E2.1.1.11. Make written determinations for conduct of all closed meetings of Federal Advisory Committees under his or her cognizance as prescribed by section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix II, 10(d)).

E2.1.1.12. Act for the Secretary of Defense in the implementation of OMB Circular A-76, "Performance of Commercial Activities," as revised, May 29, 2003, except for those functions delegated to the Under Secretary of Defense for Personnel and Readiness under DoD Directive 1100.4.

E2.1.1.13. 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 10 U.S.C. 2430.

E2.1.1.14. Act for the Secretary of Defense in making certifications, providing reports, and approving waivers for major defense acquisition programs and major systems required by 10 U.S.C. This authority includes, but is not limited to, the following:

E2.1.1.14.1. Submit Selected Acquisition Reports (SARs) (10 U.S.C. 2432), including notifications of SAR waivers and research, development, test, and evaluation-only SARs.

E2.1.1.14.2. Make and submit certifications required for Unit Cost Reports (10 U.S.C. 2433).

E2.1.1.15. Exercise all authorities delegated to the Secretary of Defense by E.O. 12580, January 23, 1987, as amended, 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.

E2.1.1.16. Exercise all responsibilities and authority of the Secretary of Defense under Chapter 160 of 10 U.S.C. relating to the Defense Environmental Restoration Program.

E2.1.1.17. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2354 for the DoD Components other than the Military Departments.

E2.1.1.18. 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(AT&L) shall serve in the absence of the USD(AT&L). This authority may be redelegated in writing, consistent with section 25 of the Office of Federal Procurement Policy Act, as amended, and section 809 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, Pub. L. No. 102-190 (1991).

E2.1.1.19. 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(AT&L).

E2.1.1.20. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2350a with respect to cooperative R&D program determinations, and 10 U.S.C. 2350b with respect to NATO Cooperative Projects as defined in section 27 of the Arms Export Control Act. The authority to make determinations as authorized in 10 U.S.C. 2350a(b)(2) and grant waivers as authorized in 10 U.S.C. 2350b(c)(3) may not be redelegated.

E2.1.1.21. 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.

E2.1.1.22. 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.

E2.1.1.23. Act for the Secretary of Defense, under the authority of 40 U.S.C. 501 and the Federal Management Regulations, Title 41 Code of Federal Regulations, Part 102-82.25, 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.

E2.1.1.24. 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. No. 101-510).

E2.1.1.25. Exercise the authority of the Secretary of Defense in 10 U.S.C. 2410i; section 9069 of the DoD Appropriations Act, 1993 (Pub. L. No. 102-396); and section 8072A of the DoD Appropriations Act, 1992 (Pub. L. No. 102-172) to waive prohibitions on awarding contracts to foreign entities that have not certified that they do not comply with the secondary boycott of Israel.

E.2.1.1.26. Exercise all authorities delegated to the Secretary of Defense by E.O. 12777, October 18, 1991, relating to responsibilities of Federal trustees for natural resources under Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) and the Oil Pollution Act of 1990 (33 U.S.C. 2701, et seq.).

E.2.1.1.27. Act for the Secretary of Defense in the exercise of authority under the Federal Activities Inventory Reform Act of 1998 (Pub. L. No. 105-270).

E.2.1.1.28. Exercise all responsibilities and authorities of the Secretary of Defense, under 10 U.S.C. 2865, for the conduct of the Energy Conservation Investment Program, the Energy Annual Report, and other energy management matters.

E.2.1.1.29. Act for the Secretary of Defense to comply with the National Energy Conservation Policy Act (Pub. L. No. 95-619.92 Stat. 3206, 42 USC 8252 et seq.), as amended by the Energy Policy Act of 1992 (Pub. L. No. 102-486, 106 Stat.2776), and 3 U.S.C. 301 and E.O. 13123, which directs Federal leadership of energy management.

E.2.1.1.30. Exercise all responsibilities and authorities of the Secretary of Defense, under 10 U.S.C. 2688, concerning the privatization of DoD utility systems.

E.2.1.1.31. Exercise all responsibilities of the Secretary of Defense, under 10 U.S.C. 2222, concerning the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of any defense business systems the primary purpose of which is to support acquisition, logistics, and/or installations and environment activities of the Department of Defense.

E.2.1.1.32. Serve as the Department of Defense Senior Energy official and exercise all responsibilities and authorities of the Secretary of Defense, under 10 U.S.C. 2865, as amended by 10 U.S.C. 2801.

E.2.1.1.33. Act for the Secretary of Defense in complying with, making determinations under, and authorizing waivers from the policies and requirements of section 318 of the National Defense Authorization Act for Fiscal Year 2002, Pub. L. No. 107-107 (2001), relating to the procurement of light duty trucks.

E.2.1.1.34. Certify under 42 U.S.C. 13212 that motor vehicles acquired and used for military purposes must be exempt from Federal fleet alternative fuel vehicle acquisition requirements.

E.2.1.1.35. Exercise all powers conferred upon the Secretary of Defense under sections 181, 182, and 184 of 35 U.S.C., with respect to the secrecy of certain inventions and the withholding of patents.

E.2.1.1.36. Consistent with DoD Instruction 5025.01, reissue, as necessary:

E.2.1.1.36.1. DoD Directive 5134.13 to update the responsibilities, functions, relationships, and authorities of the DUSD(A&T), consistent with section 133a of title 10 U.S.C.

E2.1.1.36.2. DoD Directive 5134.12 to update the responsibilities, functions, relationships, and authorities of the DUSD(L&MR), consistent with section 133b of title 10 U.S.C.

E2.1.1.36.3. DoD Directive 5134.3 to update the responsibilities, functions, relationships, and authorities of the DDR&E, consistent with section 139a of title 10 U.S.C.

E2.1.1.36.4. DoD Directive 5134.8 to update the responsibilities, functions, relationships, and authorities of the ATSD(NCB), consistent with section 142 of title 10 U.S.C.

This authority may not be redelegated.

E2.1.2. The USD(AT&L) may redelegate these authorities, as appropriate, in writing except as otherwise specifically indicated above or prohibited by law, E.O., DoD Directive, or regulation.