

agencies on matters related to the WHS mission.

§ 364.7 Authorities.

The Director, WHS, or designee, specifically is delegated authority to:

(a) Obtain such information, consistent with the policies and criteria of DoD Directive 7750.5¹ advice, and assistance from DoD Components, as necessary.

(b) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M² that implement approved policies in the functions assigned to the Director, WHS. Instructions to the Military Departments shall be issued through the Secretaries of those Departments, or their designees. Instructions to the Unified and Specified Commands shall be issued through the Chairman of the Joint Chiefs of Staff.

(c) Communicate directly with heads of DoD Components and other Executive Departments and Agencies, as necessary, in carrying out assigned responsibilities and functions. Communications to the Commanders in Chief of the Unified and Specified Commands shall be coordinated with the Chairman of the Joint Chiefs of Staff.

(d) Exercise the delegations of authority contained in appendix A to this part.

[56 FR 23802, May 24, 1991. Redesignated and amended at 58 FR 39360, July 22, 1993]

APPENDIX A TO PART 364—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, WHS, or the person properly designated to act for him or her, is hereby delegated authority with respect to the WHS and activities receiving administrative support from the WHS to:

1. Exercise the power vested in the Secretary of Defense by sections 302 and 3101 and chapters 41 and 51 of 5 U.S.C. on the employment, direction, and general administration of civilian personnel.

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

²See footnote 1 to § 364.7(a).

2. Fix rates of pay for wage-rate employees exempted from the Classification Act of 1949 by 5 U.S.C. 5102 on the basis of rates established under the Federal Wage System. In fixing such rates, the Director, WHS, shall follow the wage schedule established by the DoD Wage Fixing Authority.

3. Establish advisory committees and employ temporary or intermittent experts or consultants, as approved by the Secretary of Defense, for the performance of WHS functions consistent with 10 U.S.C. 173; 5 U.S.C. 3109(b); DoD Directive 5105.4,¹ "DoD Federal Advisory Committee Management Program," September 5, 1989; and the agreement between the Department of Defense and the Office of Personnel Management (OPM) on employment of experts and consultants, June 21, 1977.

4. 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 5 U.S.C. 2903(b).

5. Establish an Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government for suggestions, inventions, superior accomplishments, or other personal efforts, including special acts of services, in accordance with 5 U.S.C. 4502, 4503, and 4505 and applicable OPM regulations.

6. In accordance with 5 U.S.C. 7532; Executive Orders 10450, 12333, and 12356; and DoD Directive 5200.2,² "DoD Personnel Security Program," December 20, 1979, as appropriate:

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

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

d. Initiate investigations, issue personnel security clearances and, if necessary in the interest of national security, suspend, revoke, or deny a security clearance for personnel assigned, detailed to, or employed by DoD Components for which the Director, WHS, has been delegated responsibility or has consented by written agreement to provide personnel security support. Any action to deny or revoke a security clearance shall

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

²See footnote 1 to § 3 of this appendix.

be taken in accordance with procedures prescribed in DoD 5200.2–R,³ “DoD Personnel Security Program,” January 1987.

7. Act as agent for the collection and payment of employment taxes imposed by appropriate statutes.

8. Authorize and approve overtime work for civilian officers and employees in accordance with subchapter V, chapter 55 of 5 U.S.C., and applicable OPM regulations.

9. Authorize and approve:

a. Temporary duty travel for military personnel in accordance with Volume I, Joint Federal Travel Regulations.

b. Travel for civilian officers and employees in accordance with Volume II, Joint Travel Regulations.

c. Invitational travel to non-DoD employees whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, WHS activities, in accordance with Volume II, Joint Travel Regulations.

10. Approve the expenditures of funds available for travel by military personnel for expenses 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).

11. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 3102).

12. Establish and use imprest funds for making small purchases of material and services, other than personal, when it is determined to be more advantageous and consistent with the best interest of the Government, in accordance with DoD Directive 7360.10,⁴ “Disbursing Policies,” January 17, 1989.

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

14. Establish and maintain appropriate property accounts and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for 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.

15. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of this Directive, pursuant to DoD Directive 5200.8,⁵ “Se-

curity of Military Installations and Resources,” July 29, 1980.

16. Establish and maintain, for the Department of Defense, an appropriate publications system for the promulgation of Directives, Instructions, publications, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1–M, “DoD Directives System Procedures,” December 1990.

17. 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 5025.1–M, “DoD Directives System Procedures,” December 1990.

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

19. Enter into and administer contracts, directly or through a Military Department, a DoD contract administration services component, or other Government Department or Agency, as appropriate, for supplies, equipment, and services required to accomplish assigned responsibilities and functions. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

20. Approve contractual instruments for commercial-type concessions at the seat of Government, and maintain general supervision over commercial-type concessions operated by or through the Department of Defense at the seat of Government, in accordance with DoD Directive 5120.18,⁶ “DoD Concessions Committee,” April 8, 1980.

21. Act as custodian of the seal of the Department of Defense and attest to the authenticity of official records of the Department of Defense under said seal (10 U.S.C. 132).

22. Exercise the authority vested in the Secretary of Defense by 10 U.S.C. 2674 on the jurisdiction, custody, and control over, and responsibility for, the operation, maintenance, and management of the Pentagon Reservation.

a. Prescribe such rules and regulations as appropriate to ensure the safe, efficient, and secure operation of the Pentagon Reservation, including rules and regulations necessary to govern the operation and parking of motor vehicles on the Pentagon Reservation.

³See footnote 1 to §3 of this appendix.

⁴See footnote 1 to §3 of this appendix.

⁵See footnote 1 to §3 of this appendix.

⁶See footnote to §3 of this appendix.

b. Establish rates and collect charges for space, services, protection, maintenance, construction, repairs, alterations, or facilities provided at the Pentagon Reservation.

c. Authorize expenditures from the Pentagon Reservation Maintenance Revolving Fund for real property management, operations, protection, design and construction, repair, alteration, and related activities for the Pentagon Reservation.

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

These delegations of authority are effective May 6, 1991.

PART 365—OFFICE OF ECONOMIC ADJUSTMENT

Sec.

365.1 Purpose.

365.2 Mission.

365.3 Organization and management.

365.4 Responsibilities and functions.

365.5 Relationships.

365.6 Authority.

365.7 Administration.

365.8 Delegation of authorities.

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

SOURCE: 44 FR 4670, Jan. 23, 1979, unless otherwise noted.

§ 365.1 Purpose.

(a) Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10 U.S. Code, this part establishes the Office of Economic Adjustment (hereafter referred to as the "OEA") with responsibilities, functions, authorities, and relationships as stated below.

(b) "Economic Adjustment" as used in this part refers to responsibilities of the Secretary of Defense under Executive Order 12049, "Defense Economic Adjustment Programs," March 27, 1978, and related responsibilities stated in DoD Directive 5410.12,¹ "Economic Adjustment Assistance to Defense-Impacted Communities," April 21, 1973.

§ 365.2 Mission.

The OEA shall:

¹Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention Code 301.

(a) Plan, direct, coordinate, and manage economic adjustment programs to alleviate serious social and economic impacts that may result from major changes in DoD activities.

(b) In cooperation with DoD Components, identify proposed changes that could result in adverse local impacts, and encourage local officials to initiate early economic adjustment planning on a contingency basis.

(c) Upon request, and in coordination with appropriate local, State and Federal agencies, assist community officials to develop and implement feasible adjustment plans that will alleviate the impact of DoD actions.

(d) Support the Secretary of Defense as chairperson of the Economic Adjustment Committee (EAC), Executive Order 12049, and serve as the permanent staff for the community assistance activities of the EAC. In this capacity, arrange meetings, conduct studies, develop recommendations, prepare reports, and initiate other appropriate staff actions.

§ 365.3 Organization and management.

(a) The OEA is established as a field activity of the Office of the Secretary of Defense, under the authority, direction and control of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (hereafter referred to as the "ASD(MRA&L)"). It shall consist of a Director and subordinate organizational elements established by the Director within resources authorized by the Secretary of Defense.

(b) The Director, OEA, is also designated as the Assistant to the ASD(MRA&L) for Economic Adjustment, and as Executive Director of the Economic Adjustment Committee.

§ 365.4 Responsibilities and functions.

(a) The Director, OEA, shall:

(1) Serve as the principal staff adviser to the ASD(MRA&L) on economic adjustment program matters.

(2) Organize, direct, and manage the OEA and all resources assigned to the OEA.

(3) Design, establish, and manage a Defense Economic Adjustment Program to achieve the objectives and implement the provisions of Executive Order 12049 and DoD Directive 5410.12,