

**§ 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