

(b) Recommend to the USD(A&T) revisions or exceptions to Military Department and/or Defense Agency regulations, directives, procedures, or instructions for, or related to, system acquisition for individual or a class of BMD requirements as determined necessary to accomplish the BMD objectives.

(c) Enter into and administer contracts, directly or through a Military Department, as appropriate, for supplies, equipment, and services required to accomplish the mission of the BMDO.

(d) Serve as the head of an Agency and Contracting Activity, and act as the Senior Procurement Executive, within the meaning of and subject to the limitations of 48 CFR 202.101 and 48 CFR 2.1, for the BMDO.

(e) Authorize the allocation and/or sub-allocation of funds made available to BMDO for assigned research, development, test, and acquisition projects.

(f) Acquire or construct, through a Military Department or other Government Agency, such research, development, and test facilities and equipment required to carry out assignments that may be approved by the Secretary of Defense or Deputy Secretary of Defense as recommended by the USD(A&T), in accordance with applicable statutes.

(g) Negotiate agreements, as necessary, with other U.S. Agencies and organizations to ensure proper coordination and execution of the BMDP.

(h) Negotiate agreements, as necessary, with foreign governments to execute allied participation in the BMDP. These agreements shall be subject to approval by duly appointed DoD authorities, in accordance with DoD Directive 5530.3.³

(i) Establish, in coordination with appropriate DoD Components, special security procedures for sensitive BMDPs.

(j) Exercise original classification authority over BMDO funded technology development and acquisition programs. In general, where another DoD Component has been designated for program execution, original classification authority will be delegated to that Component as part of a program management agreement with BMDO. All origi-

nal classification decisions must be made in coordination with the BMDO, Military Departments, and other appropriate DoD organizations.

(k) Exercise foreign disclosure authority over BMDO funded technology development and acquisition programs. In general, where another DoD Component has been designated for program execution, foreign disclosure authority will be delegated to that Component as part of a program management agreement with BMDO. All foreign disclosure decisions must be made in accordance with National Disclosure Policy and applicable DoD procedures, and be coordinated with the BMDO, Military Departments, and other appropriate DoD organizations.

(l) Carry out the functions and exercise the responsibilities of the Theater Missile Defense Initiative Office, as established by section 231 of the National Defense Authorization Act for Fiscal Year 1993.

(m) Exercise the administrative authorities contained in appendix A to this part.

§388.8 Administration.

(a) The Director, BMDO, shall be appointed by the Secretary of Defense, upon recommendation from the USD(A&T).

(b) The Military Departments shall assign personnel to BMDO, in accordance with approved authorizations and procedures for joint duty assignment and the Defense Acquisition Workforce Improvement Act.

(c) Administrative support required for BMDO shall be provided by the other DoD Components, as appropriate.

(d) The Director, BMDO, shall consult on all key military and civilian personnel assignments within the BMD management network.

APPENDIX A TO PART 388—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Director, BMDO, or, in the absence of the Director, the person acting for the Director, is hereby delegated authority, in the administration and operation of the BMDO, to:

1. Perform the following functions in accordance with the provisions of 5 U.S.C. 7532;

³See footnote 1 to §388.6(a)(4).

Executive Order 10450, 3 CFR, 1949-1953 Comp., p. 936 and 32 CFR part 154.

a. Designate and position in the BMDO as a "sensitive" position.

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the BMDO, for a limited period of time, for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

c. Authorize the suspension, but not the termination, of the services of a BMDO employee in the interest of national security.

2. Authorize and approve:

a. Travel for BMDO civilian employees, in accordance with Joint Travel Regulations,¹ Volume II.

b. Temporary duty travel only for military personnel assigned or detailed to BMDO, in accordance with Joint Travel Regulations, Volume I.

c. Invitational travel to persons serving without compensation whose consultative, advisory, or other specialized technical services are required in a capacity directly related to, or in connection with, BMDO activities.

3. Approve the expenditure of funds available for travel by military personnel assigned or detailed to BMDO for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense or designee is required by law (37 U.S.C. 412).

4. Develop, establish, and maintain an active and continuing Records Management Program under DoD Directive 5015.2;² DoD Directive 5400.7;³ and DoD Directive 5400.11.⁴

5. Establish and use imprest funds for making small purchases of material and services, other than personal, for the BMDO when it is determined more advantageous and consistent with the best interests of the Government, in accordance with DoD Directive 7360.10⁵ and Volume 5, DoD 7000.14-R,⁶ and the Joint Regulation of the General Services Administration-Treasury.⁷

¹Copies may be obtained, at cost, from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

²Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

³See footnote 2 to section 4. of this appendix.

⁴See footnote 2 to section 4. of this appendix.

⁵See footnote 2 to section 4. of this appendix.

⁶See footnote 2 to section 4. of this appendix.

⁷See footnote 1 to section 2.a. of this appendix.

6. Authorize and approve overtime work for civilian personnel in BMDO, in accordance with provisions of the Federal Personnel Manual Supplement⁸ 990-1, section 550.11.

7. Establish and maintain appropriate property accounts for BMDO and appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for BMDO property contained in the authorized property accounts that have been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

8. 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 5025.1-M.⁹

9. Issue the necessary security regulations for protection of property and places under the jurisdiction of the BMDO, under DoD Directive 5200.8.¹⁰

10. Exercise original TOP SECRET classification authority.

11. Establish security classification guidance and review policy.

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

13. Establish advisory committees pursuant to the provisions of the Federal Advisory Committee Act of 1972 (Pub. L. 92-463) and DoD Directive 5105.18.¹¹

14. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of BMDO (44 U.S.C. 3702).

15. Request specific Military Departments and Defense Agencies to serve as contracting activities for the BMDO, as necessary.

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Sec.

390.1 Purpose.

390.2 Applicability.

390.3 Policy.

390.4 Responsibilities.

⁸See footnote 1 to section 2.a. of this appendix.

⁹See footnote 2 to section 4. of this appendix.

¹⁰See footnote 2 to section 4. of this appendix.

¹¹See footnote 2 to section 4. of this appendix.