

Office of the Secretary of Defense

§ 392.6

(PPBS) and the Defense Acquisition System, and in development of the Federal Acquisition Regulation (FAR) and the Defense Federal Acquisition Regulation Supplement (DFARS).

(g) Keep appropriate organizations and officials informed of significant trends or initiatives.

(h) Promote coordination, cooperation, and mutual understanding within the Department of Defense and between the Department of Defense, congressional committees, other Government Agencies, and the public.

(i) Serve on boards, committees, and other groups and represent the Secretary of Defense and USD(A) outside the Department of Defense.

(j) Perform other duties as the Secretary of Defense and the USD(A) may prescribe.

§ 392.4 Functions.

The Director, SADB, shall carry out the responsibilities in § 392.3 for the following functional areas:

(a) Prime contracts, subcontracts, and research and development contracts for small, small disadvantaged, and women-owned small businesses.

(b) Labor Surplus Area Program.

(c) Historically Black Colleges and Universities and Minority Institutions.

(d) Small and Disadvantaged Business Subcontracting Program.

(e) Small Business Research and Development Program, to include the Small Business Innovation Research Program.

(f) Blind and Other Severely Handicapped Program.

(g) Procurement Technical Assistance Program.

(h) Small Business Set Aside Program.

(i) Small Disadvantaged Business Development Program.

(j) DoD procurement outreach publications.

(k) Programs in support of Area Small Business Councils; Federal procurement conferences sponsored by members of Congress in their constituencies; economic development entities of States, counties, and municipalities; and industry trade associations promoting the growth of small businesses, small disadvantaged businesses, and women-owned small businesses.

§ 392.5 Relationships.

(a) In the performance of the above functions, the Director, SADB, shall:

(1) Coordinate and exchange information with officials of other DoD Components having collateral or related functions.

(2) Use existing systems, facilities, and services of the Department of Defense and other Federal Agencies, whenever practicable, to achieve maximum efficiency and economy.

(3) Operate a Central Procurement Information Office for the Department of Defense.

(b) Other OSD officials and the Heads of DoD Components shall coordinate with the Director, SADB, on all matters related to the functions in § 392.4.

§ 392.6 Authorities.

The Director, SADB, is hereby delegated authority to:

(a) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M, that implement policies approved by the Secretary of Defense in the functions assigned to the Director, SADB. Instructions to the Military Departments shall be issued through the Secretaries of those Departments, or their designees. Instructions to Unified and Specified Commands shall be issued through the Chairman, JCS (CJCS).

(b) As authorized by Section 15 U.S.C. 644(k)(4), exercise supervisory authority over DoD personnel to the extent that their functions and duties relate to the functions and duties assigned to the Director, SADB, by 15 U.S.C. Sections 637 and 644.

(c) Assign small business technical advisers to the DoD Components in accordance with 15 U.S.C. Section 644(k)(6).

(d) Obtain reports, information, advice, and assistance, consistent with DoD Directive 7750.5, as necessary, in carrying out assigned functions.

(e) Communicate directly with the Heads of the DoD Components. Communication to Commanders of the Unified and Specified Commands shall be coordinated with the CJCS.

(f) Establish arrangements for DoD participation in non-Defense governmental programs for which the Director, SADBUI, is assigned primary staff cognizance.

(g) Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

PART 394—GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

Sec.

394.1 Purpose.

394.2 Definition.

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394.4 Relationships.

394.5 Authorities.

AUTHORITY: 10 U.S.C. 137.

SOURCE: 55 FR 2807, Jan. 29, 1990, unless otherwise noted.

§ 394.1 Purpose.

This part:

(a) Implements the provision of title 10, United States Code that establishes the position of General Counsel of the Department of Defense (GC, DoD).

(b) Assigns to the GC, DoD, the responsibilities, functions, relationships, and authorities prescribed herein, pursuant to the authority vested in the Secretary of Defense under title 10, United States Code.

§ 394.2 Definition.

DoD components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

§ 394.3 Responsibilities and functions.

The *General Counsel, Department of Defense* (GC, DoD), is the chief legal officer of the Department of Defense and, as such, shall:

(a) Provide advice to the Secretary and Deputy Secretary of Defense regarding all legal matters and services performed within, or involving, the Department of Defense.

(b) Provide legal advice to OSD organizations and, as appropriate, other DoD Components.

(c) Oversee, as appropriate, legal services performed within the Department of Defense, including determining the adherence by attorneys in the Department of Defense to appropriate professional standards.

(d) Coordinate on appeals from denials of requests under the Freedom of Information Act, as appropriate.

(e) Provide advice on standards of conduct involving personnel of OSD and, as appropriate, other DoD Components.

(f) Develop the DoD Legislative Programs and coordinate DoD positions on legislation and Executive orders.

(g) Provide for the coordination of significant legal issues, including litigation involving the Department of Defense and other matters before the Department of Justice in which the Department of Defense has an interest.

(h) Establish DoD policy on general legal issues, determine the DoD position on specific legal problems, and resolve disagreements within the Department of Defense on such matters.

(i) Perform such functions relating to the DoD security program (including surveillance over DoD personnel security programs in accordance with DoD Directive 5145.3¹ and DoD Directive 0–5205.7,² as the Secretary or Deputy Secretary of Defense may assign.

(j) Act as lead counsel for the Department in all international negotiations conducted by OSD components.

(k) Maintain the central repository for all international agreements coordinated, negotiated, or concluded by DoD personnel.

(l) Serve as the Director, Defense Legal Services Agency (DLSA).

(m) Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

§ 394.4 Relationships.

(a) In the performance of the above responsibilities and functions, the GC, DoD, shall:

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

²For official use only.