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Cancelled June 8, 94  
Department of Defense



# DIRECTIVE

September 30, 1992  
NUMBER 5134.1

DA&M

SUBJECT: Under Secretary of Defense for Acquisition (USD(A))

- References:
- (a)  DoD Directive 5134.1, subject as above, August 8, 1989  
(hereby canceled)
  - (b) Title 10, United States Code
  - (c) DoD Directive 5000.1, "Defense Acquisition," February 23, 1991
  - (d) Office of Management and Budget (OMB) Circular No. A-109, "Major System Acquisitions," April 5, 1976
  - (e) through (s), see enclosure 1

## A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) and, pursuant to reference (b), assigns responsibilities, functions, relationships, and authorities, as prescribed herein, to the USD(A).

## B. DEFINITIONS

1. Department of Defense Acquisition System. A single uniform system whereby all equipment, facilities, and services are planned, designed, developed, acquired, maintained, and disposed of within the Department of Defense. The system encompasses establishing and enforcing policies and practices that govern acquisitions, to include documenting mission needs and establishing performance goals and baselines; determining and prioritizing resource requirements for acquisition programs; planning and executing acquisition programs; directing and controlling the acquisition review process; developing and assessing logistics implications; contracting; monitoring the execution status of approved programs; and reporting to Congress.

2. DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff and 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.

## C. RESPONSIBILITIES

The Under Secretary of Defense for Acquisition, as the senior, full-time acquisition executive of the Department of Defense, reports directly to the Secretary and Deputy Secretary of Defense and is the principal staff assistant and advisor to them for all matters relating to the DoD Acquisition System; research and development; test and evaluation; production; logistics; military construction; and procurement. As such, the USD(A) establishes defense

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acquisition policies, procedures, methods, and systems and is responsible for directing and overseeing their implementation.

1. The Under Secretary of Defense for Acquisition shall:

a. Serve as the Defense Acquisition Executive with full responsibility for supervising the performance of the DoD Acquisition System and enforcing the policies and practices in DoD Directive 5000.1 (reference (c)) and OMB Circular No. A-109 (reference (d)).

b. Chair the Defense Acquisition Board (DAB) pursuant to DoD Directive 5000.49 (reference (e)).

c. Serve as the DoD Procurement Executive, with responsibilities as prescribed in E.O. 12352 (reference (f)) and 41 U.S.C. 401-424 (reference (g)).

d. Chair the DoD Ethics Council, with responsibilities as prescribed in DoD Directive 5120.47 (reference (h)).

e. Serve as the United States representative at the North Atlantic Treaty Organization (NATO) Conference of National Armaments Directors and other multi-national forums of armaments directors.

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

g. Prescribe the developmental testing and evaluation program (which excludes those statutory test and evaluation responsibilities assigned to the Director, Operational Test and Evaluation), including establishing and ensuring implementation of policies and program plans, including funding, for ranges and test facilities and also be responsible for the acquisition-related functions of weapons programs, including control of the elements of the OSD performing the acquisition-related functions of strategic and theater nuclear forces programs and tactical warfare programs.

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

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

j. Establish policies and programs that strengthen DoD Component technology development programs, encourage technical competition and technology-driven prototyping that promise increased military capabilities, and exploit the cost-reduction potential of innovative or commercially developed technologies.

k. Develop acquisition plans, strategies, guidance, and assessments, including affordability assessments and investment area analyses, in support of

the acquisition Milestone review and the Planning, Programming, and Budgeting Systems (PPBS) processes.

l. Designate major defense acquisition programs as either DAB or Component programs, sign congressional certifications and reports to include Milestone authorization breaches, administer the Selected Acquisition Report and Unit Cost Report systems, and exercise the other specific authorities provided for in the delegations of authority in enclosure 2.

m. Develop, in coordination with the Under Secretary of Defense for Policy (USD(P)), agreements with friendly and Allied Nations relating to acquisition matters consistent with DoD Directive 5530.3 (reference (j)).

n. Establish policies relating to the capability of U.S. defense industry to meet DoD needs.

o. Supervise the management and performance of the Strategic and Critical Materials Program pursuant to E.O. 12626 (reference (k)).

p. Establish policies and procedures, in coordination with the Assistant Secretary of Defense (Force Management and Personnel), for the effective management of the acquisition workforce within the Department of Defense, including accession, education, training, and career development.

q. Advise the Secretary and Deputy Secretary of Defense on technical and programmatic issues arising in Defense Planning and Resources Board matters.

2. For each assigned area identified in section D., below, the Under Secretary of Defense for Acquisition shall:

a. Direct planning and analyses activities to assess the technical, economic, and military worth of specific acquisition programs and investment areas.

b. Establish policies, systems, and standards that promote more effective and efficient administration and management of acquisition resources, and monitor the execution of approved programs to ensure available resources are being applied in accordance with established policies and standards.

c. Review and evaluate DoD Component plans, programs, and budget submissions to ensure adherence to established priorities, policies and procedures, standards, and resource guidance; and, as appropriate, develop recommended alternatives for Secretary and Deputy Secretary of Defense consideration during all phases of the PPBS process.

d. Promote coordination, cooperation, and mutual understanding of all matters related to assigned activities, both inside and outside the Department of Defense.

e. Serve as primary focal point for the Department of Defense on acquisition matters; serve on boards, committees, and other groups on assigned functional areas; and represent the Secretary and Deputy Secretary of Defense on USD(A) matters outside the Department of Defense.

f. Establish and maintain management information and reporting systems.

g. Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

D. FUNCTIONS

The USD(A) shall carry out the responsibilities described in section C., above, for the following functional areas:

1. Acquisition management, including acquisition special access programs.
2. Science and technology and the defense technology base.
3. Design and engineering, and the development of weapon systems.
4. Logistics acquisition and management, to include supply systems, weapons systems logistics elements, items standardization, transportation, energy, warehousing, distribution, and related activities.
5. Procurement.
6. Scientific and technical information.
7. Production and manufacturing.
8. Industrial base resources and productivity.
9. Force modernization and sustainability and the availability of fielded major weapons systems.
10. Developmental test and evaluation, as defined in DoD Directive 5000.1 (reference (c)) and, to the extent permitted by law, review and approval of the Test and Evaluation Master Plan.
11. Environmental policy, services, and related actions.
12. Assignment and reassignment of research and engineering and acquisition responsibility for programs, systems, and activities.
13. Codevelopment, coproduction, coprocurement, logistics support, wartime host-nation support, and research interchange with friendly and Allied Nations, in coordination with the USD(P).
14. Installation management and base closures.
15. Construction, including construction funded by host nations under the NATO Infrastructure Program and similar programs with other Allied countries.
16. Strategic and critical materials, to include the acquisition, retention, and disposal of stocks and the conservation and development of sources of materials.

17. Unique acquisition matters in support of special operations and low-intensity conflict programs, systems, and activities related to acquisition, in coordination with the USD(P).

18. Defense Acquisition program protection measures and related counterintelligence and system security activities, in coordination with the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)).

#### E. AUTHORITIES AND RELATIONSHIPS

1. The USD(A) shall take precedence in the Department of Defense on acquisition matters after the Secretary and Deputy Secretary of Defense. On all other matters, the USD(A) shall take precedence after the Secretary and Deputy Secretary of Defense and the Secretaries of the Military Departments.

2. The Deputy Under Secretary of Defense for Acquisition shall assist the USD(A) in the performance of duties. The Deputy Under Secretary shall act for, and exercise the powers of, the USD(A) when the USD(A) is absent or disabled.

3. The USD(A) is hereby granted the authority to direct the Secretaries of the Military Departments and heads of all other DoD Components on all matters of acquisition.

4. The USD(A) shall decide upon the appropriate implementing actions to be taken as a result of DAB reviews, to include the establishment of specific exit criteria that must be satisfactorily demonstrated before an effort or program can progress to the next Milestone decision point. The USD(A)'s decisions shall be reflected in an Acquisition Decision Memorandum issued by the USD(A) for implementation by the heads of the DoD Components.

5. The C, DoD shall coordinate with the USD(A) prior to approving the transfer or reprogramming of funds into or from a program within the purview of the USD(A).

6. The USD(A) may direct the C, DoD, to withhold the release of funds to an acquisition program when the USD(A) 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, the Deputy Secretary of Defense, or the USD(A). The USD(A) may not delegate the authority granted by this subsection to anyone other than the Deputy USD(A).

7. The Secretaries of the Military Departments and the heads of other DoD Components shall consult the USD(A) 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.

8. The Secretaries of the Military Departments and the heads of other DoD Components shall consult the USD(A) on program objectives memoranda and budget estimate submissions that reflect a significant change to any program subject to review by the DAB, before their submission to the OSD.

9. In the performance of assigned functions, the USD(A) shall:

a. Exercise direction, authority, and control, either directly or through subordinate officials, over the following activities and organizations:

(1) The Director of Defense Research and Engineering (DDR&E), including the following DoD elements, which shall be subject to the direction, authority, and control of the DDR&E:

- (a) The Assistant to the Secretary of Defense for Atomic Energy.
- (b) The Defense Advanced Research Projects Agency.
- (c) The Defense Nuclear Agency.

(2) The Assistant Secretary of Defense for Production and Logistics (ASD(P&L)), including the following DoD elements which shall be subject to the direction, authority, and control of the ASD(P&L):

- (a) The Defense Logistics Agency.
- (b) The Defense Commissary Agency.

(3) The On-Site Inspection Agency, to be exercised consistent with DoD Directive TS-5134.2 (reference (1)).

- (4) The Defense Acquisition University.
- (5) The Defense Systems Management College.
- (6) Director of Small and Disadvantaged Business Utilization.

(7) Such other organizations as may be established by the USD(A) within resources provided by the Secretary of Defense.

b. Provide policy guidance, goal setting, and management supervision for assigned DoD Support Activities.

c. Use existing facilities and services of the Department of Defense and other Federal Agencies, whenever practicable, to avoid duplication and to achieve an appropriate balance among modernization, readiness, sustainability, efficiency, and economy.

10. The USD(A) shall:

a. Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M (reference (m)), that implement acquisition policies and procedures for the functions assigned to the USD(A). Instructions to the Military Departments shall be issued through the Secretaries of the Military Departments. Instructions to Unified and Specified Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

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

c. Communicate directly with the heads of the DoD Components. Communications to Commanders of the Unified and Specified Commands shall be coordinated with the Chairman of the Joint Chiefs of Staff.

d. Establish arrangements for DoD participation in nondefense governmental programs for which the USD(A) is assigned primary DoD cognizance.

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

f. Coordinate with and exchange information with other DoD officials exercising collateral or related responsibilities.

g. Exercise the delegations of authority in enclosure 2.

h. Work directly with the Service Acquisition Executives.

11. Other OSD officials and heads of the DoD Components shall coordinate with the USD(A) on all matters related to authorities, responsibilities, and functions assigned in this Directive.

12. The USD(A) also is hereby delegated the authorities contained in enclosure 1 of DoD Directive 5128.1 (reference (o)), enclosure 1 of DoD Directive 5105.41 (reference (p)), enclosure 1 of DoD Directive 5105.31 (reference (q)), enclosure 2 of DoD Directive 5105.22 (reference (r)), and enclosure 1 of DoD Directive 5105.55 (reference (s)). The USD(A) may modify, terminate, or redelegate these authorities, in whole or in part, as appropriate, and in writing, except as otherwise provided by law or regulation.

13. Nothing in this Directive limits or otherwise affects delegations of authority by the Secretary of Defense to the Deputy Secretary of Defense.

F. EFFECTIVE DATE

This Directive is effective immediately.



Donald J. Atwood  
Deputy Secretary of Defense

Enclosures - 2

1. References
2. Delegations of Authority

REFERENCES, continued

- (e) DoD Directive 5000.49, "Defense Acquisition Board," September 11, 1989
- (f) Executive Order 12352, "Federal Procurement Reforms," March 17, 1982
- (g) Sections 401-424 of title 41, United States Code, "The Office of Federal Procurement Policy Act," as amended
- (h) DoD Directive 5120.47, "DoD Ethics Council," September 5, 1989
- (i) Public Law 95-452, "Inspector General Act of 1978," October 12, 1978, as amended
- (j) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (k) Executive Order 12626, "National Defense Stockpile Manager," February 25, 1988
- (l) DoD Directive TS-5134.2, "United States On-Site Inspection Agency (U)," January 26, 1988
- (m) DoD 5025.1-M, "DoD Directives System Procedures," December 1990, authorized by DoD Directive 5025.1, December 23, 1988
- (n) DoD Directive 7750.5, "Management and Control of Information Requirements," August 7, 1986
- (o) DoD Directive 5128.1, "Assistant Secretary of Defense (Production and Logistics)," February 9, 1989
- (p) DoD Directive 5105.41, "Defense Advanced Research Projects Agency," January 25, 1989
- (q) DoD Directive 5105.31, "Defense Nuclear Agency," January 24, 1991
- (r) DoD Directive 5105.22, "Defense Logistics Agency," December 6, 1988
- (s) DoD Directive 5105.55, "Defense Commissary Agency," November 9, 1990

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 USD(A) is hereby delegated authority to exercise, within his assigned responsibilities and functional areas, all authority of the Secretary of Defense derived from statute, Executive order, and interagency agreement, except where specifically limited by statute or Executive order to the Secretary of Defense, to include but not limited to:

1. Exercise all authorities delegated to the Secretary of Defense by the Department of Commerce DPAS Del. No. 1, as amended.
2. Act for the Secretary of Defense in the exercise of extraordinary contractual action authority under 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.
3. Make Secretarial determinations, justifications, and approvals on behalf of the Defense Advanced Research Projects Agency, Defense Contract Management Command, Defense Logistics Agency, the Defense Nuclear Agency, the Defense Commissary Agency, the On-Site Inspection Agency, the Defense Acquisition University, and the Defense Systems Management College under Title 10, United States Code, with the authority to redelegate to the Directors of those organizations, and other organizations as may be assigned to the USD(A), as appropriate.
4. Act for the Secretary of Defense in the establishment and granting of waivers under the Buy American Act (41 U.S.C. 10a-10b).
5. Act for the Secretary of Defense on delegations of authority to him by the U.S. Trade Representative to waive the prohibition against procurement from certain countries, pursuant to Title 3, Pub. L. No. 96-39, Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.), and E.O. 12260, December 31, 1980.
6. Act for the Secretary of Defense in the exercise of authority delegated by the Administrator of General Services to dispose of surplus personal property and to waive prescribed demilitarization requirements under DoD Directive 4160.21, December 5, 1980.
7. Make determinations on the donation of surplus personal property to educational activities of special interest to the Armed Forces of the United States as prescribed in DoD Directive 4160.25, April 30, 1984.
8. 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.

9. 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.

10. Act for the Secretary of Defense in the field of transportation and traffic management under Section 201(a), Title 11, of the Federal Property and Administrative Services Act of 1949, June 30, 1949, as amended (50 U.S.C. 481(a)) (DoD Directive 5126.9, June 18, 1979).

11. Act for the Secretary of Defense as the DoD claimant to other designated Executive Departments and Agencies for petroleum requirements and allocations in an emergency (DoD Directive 4140.25, May 15, 1980).

12. Exercise all responsibilities and authorities of the Secretary of Defense under Title 10, United States Code, Section 2404, on the acquisition of petroleum.

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

14. Make the determination required by Title 50, United States Code, Section 1512(1), on transportation or testing of any lethal chemical or any biological warfare agent.

15. Make written determinations for conduct of all closed meetings of Federal Advisory Committees under his cognizance as prescribed by Section 10(d) of the Act (5 U.S.C. Appendix, 10(d)).

16. Act for the Secretary of Defense in the implementation of OMB Circular A-76, "Performance of Commercial Activities," as revised, August 4, 1983.

17. 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 Title 10, United States Code, Section 2430.

18. Act for the Secretary of Defense in preparing and revising an acquisition strategy plan for a major program throughout the period from the beginning of Full-Scale Development through the end of production under Section 2438, subsection (a) of Title 10, United States Code, and in making the prescribed congressional submissions. This delegation of authority may not be redelegated.

19. Act for the Secretary of Defense in making determinations and waivers, and in submitting waivers of requirements for competitive alternative sources on Full-Scale Development and on production for major programs under Section 2438, subsection (c) of Title 10, United States Code. This delegation of authority may not be redelegated.

20. Act for the Secretary of Defense in providing to the Committees on Appropriations, before funds are expended for Full-Scale Development, a plan

for the development of two or more sources in production or a certification that the system or subsystem being developed will be procured in quantities insufficient to justify two or more sources under Section 8057 of Pub. L. No. 100-202, Section 8047 of Pub. L. No. 100-463, and identical provisions in subsequent statutes making appropriations to the Department of Defense. This delegation of authority may not be redelegated.

21. Act for the Secretary of Defense in making certifications, providing reports, and approving waivers for major defense acquisition programs required by Title 10, United States Code. This authority includes, but is not limited to, the following:

a. Submission of notification and report that a competitive prototype strategy is not practicable (Section 2365).

b. Make waivers and notify Congress of each waiver for the acquisition of defense equipment under cooperative projects and report on the award of cooperative contracts (Section 2407). This authority may not be redelegated.

c. Submit Selected Acquisition Reports (Section 2432).

d. Make and submit certifications required for Unit Cost Reports (Section 2433).

e. Submit Manpower Estimate Reports (Section 2434).

f. Provide the notifications for program deviations for milestone-authorized programs (Section 2437).

22. Exercise all authorities delegated to the Secretary of Defense by E.O. 12580, January 23, 1987, 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 by the Superfund Amendments and Reauthorization Act (Pub. L. No. 99-499, October 17, 1986).

23. Exercise all responsibilities and authority of the Secretary of Defense under 10 U.S.C. 2701-2707 and 10 U.S.C. 2810 on conduct of the Defense Environmental Restoration Program.

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

25. 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 Deputy USD(A) shall serve in the absence of the USD(A). This authority may be redelegated 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. 102-190 (1991).

26. Perform the functions and responsibilities set out at section 25(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 421). The authority to review and approve or disapprove regulations relating to procurement under

Subsection 25(d)(1) may not be delegated to any person outside the Office of the USD(A).

27. Exercise the authority of the Secretary of Defense under 10 U.S.C. 2350b with respect to NATO Cooperative Projects as defined in Section 27 of the Arms Export Control Act (AECA). The authority to grant waivers as authorized in Section 2407(c) may not be redelegated.

28. Exercise all responsibilities of the Secretary of Defense under Pub. L. No. 93-155, Defense Industrial Reserve Act of 1973 (50 U.S.C. 451-455) to provide a comprehensive and continuous program for the future safety and for the defense of the United States by providing adequate measures whereby an essential nucleus of Government-owned plants and industrial plant equipment is maintained to meet the needs of the Armed Forces in time of a national emergency or in anticipation thereof.

29. Act for the Secretary of Defense to establish and administer an Industrial Preparedness Program in furtherance of E.O. 12656, Section 501, paragraphs (2), (11), (13), and (14), November 18, 1988, and Directive Mobilization Order VII-7 (Revised), in accordance with DoD Directive 4005.1, November 26, 1985.

30. 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, November 18, 1988.

31. Act for the Secretary of Defense, under the authority of Federal Property Management Regulations, Temporary Regulation F-227, July 30, 1974, 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. This authority is hereby further delegated to the Secretaries of the Army, Navy, and Air Force, and the ASD(C3I), with authority to redelegate, as appropriate. Exercise of this authority is subject to the direction, supervision, and control of the USD(A).

32. Act for the Secretary of Defense in establishing and exercising policy direction and oversight over a defense technology office in Japan, in compliance with the National Defense Authorization Act for fiscal year 1991 (Pub. L. No. 101-510).

The USD(A) may redelegate these authorities, as appropriate, except as otherwise specifically indicated above or prohibited by law, Directive, or regulation.