

announcing Fiscal Year 1986 FMRs for the Section 8 Substantial Rehabilitation Program was published on August 7, 1986, at 51 FR 28486. The August 7, 1986 final notice was issued following publication of the Department's proposed FMRs on April 22, 1986, at 51 FR 15174.

As a follow-up to the consolidation of the Flint and Saginaw market areas, below is the schedule of FMRs for Fiscal Year 1986 for the newly designated "Flint" area. It reiterates the schedule as set forth in the August 7, 1986 final notice for the Flint area with only a

minor deviation for an "elevator 2-4 sty, O bedroom" unit which is being raised from \$321 to \$326. This five dollar raise for this category is being made to conform with the logical progression of FMRs from a "walkup" to an "elevator" type unit.

Other Information

HUD regulations in 24 CFR Part 50, implementing section 102(2)(C) of the National Environmental Policy Act 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since

the FMRs announced in this Notice are within the exclusion set forth in § 50.20(1), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Income Housing Assistance Program (Section 8).

Dated: September 28, 1987.

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

OFFICE: DETROIT; REGION V: CHICAGO COMBINED MARKET AREAS OF SAGINAW & FLINT

Market area and structure type	Number of bedrooms				
	0	1	2	3	4 or more
Flint:					
Detached.....			555	638	758
Semi-detached/row.....	344	374	467	597	634
Walkup.....	321	361	421	552	628
Elevator 2-4 STY.....	326	379	445		
Elevator 5+.....	333	440	523		

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 351 and 382

[DoD Directive 5134.1]

Under Secretary of Defense (Acquisition)

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This rule removes 32 CFR Part 351 (DoD Directive 5129.1) in its entirety. It assigns responsibilities, functions, relationships, and authorizes to the Under Secretary of Defense for Acquisition because of an agency reorganization.

EFFECTIVE DATE: February 10, 1987.

FOR FURTHER INFORMATION CONTACT:

Mr. Howard Becker, Office of the Assistant Secretary of Defense (Comptroller), Pentagon, Washington, DC 20301, telephone (202) 697-0709.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 382

Organization and functions (Government agencies).

PART 351—[REMOVED]

Accordingly, 32 CFR Part 351 is removed in its entirety.

Accordingly, Title 32 is amended to add Part 382 to Subchapter R as follows:

PART 382—UNDER SECRETARY OF DEFENSE (ACQUISITION)

- Sec. 382.1 Purpose.
- 382.2 Definitions.
- 382.3 Responsibilities.
- 382.4 Functions.
- 382.5 Authorities and relationships.

Appendix A—Delegations of Authorities

Authority: 10 U.S.C. 133.

§ 382.1 Purpose.

Pursuant to title 10, United States Code this part assigns responsibilities, functions, relationships, and authorities as prescribed herein, to the Under Secretary of Defense (Acquisition) (USD(A)).

§ 382.2 Definitions.

(a) *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 entails establishing policies and practices that govern acquisitions, determining and prioritizing resource requirements,

directing and controlling the process, contracting, and reporting to Congress.

(b) *DoD Components.* The Office of the Secretary of Defense (OSD); the Military Departments; the Organization of the Joint Chiefs of Staff (OJCS); the Unified and Specified Commands; the Office of the Inspector General, Department of Defense (OIG, DoD); Defense Agencies; and DoD Field Activities.

§ 382.3 Responsibilities.

The *Under Secretary of Defense for Acquisition* (USD(A)) is the principal staff assistant and advisor to the Secretary of Defense for all matters relating to the acquisition system; research and development; production; logistics; command, control, communications, and intelligence activities related to acquisition; military construction; and procurement.

(a) The *USD(A)* shall:

(1) Serve as the Defense Acquisition Executive with responsibility for supervising the performance of the entire DoD acquisitions system in accordance with the policies, provisions, and authorities contained in DoD Directive 5000.1¹ and Office of Management and Budget (OMB) Circular No. A-109.

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

(2) Develop policy for acquisition plans and strategies, validate program acquisition requirements, and develop acquisition program guidance;

(3) Set policy for acquisition matters, including contracting, research and development, production, construction, logistics, developmental testing, procurement, and training and career development of acquisition personnel;

(4) Set policy for administrative oversight of defense contractors;

(5) Serve as the DoD Procurement Executive, with responsibilities as prescribed in Executive Order (E.O.) 12352 and 41 U.S.C. 401-419;

(6) The IG, DoD shall coordinate audit and oversight of contractor activities with the USD(A) to prevent duplication of effort within the Department and unnecessary duplicative oversight of contractors.

(7) Serve as the National Armaments Director and Secretary of Defense representative to the Four Power Conference. Develop memoranda of agreements and memoranda of understandings with friendly and allied nations relating to acquisition matters; and

(8) Chair the Defense Acquisition Board (DAB) assisted by an integrated structure of councils and committees that relate to the acquisition process.

(b) For each assigned area, the USD(A) shall:

(1) Direct planning and special studies to analyze and evaluate the technical, economic, and military worth of programs in the acquisition system;

(2) Develop policies, conduct analyses, provide advice, make recommendations, and issue guidance on DoD plans and programs;

(3) Develop systems and standards for the administration and management of approved DoD acquisition plans and programs;

(4) Develop plans, programs, actions, and taskings to ensure adherence to DoD policies and national security objectives, and to ensure that programs and systems are designed to accommodate cross-Service operational requirements and promote modernization, consistent with the readiness, sustainability, and efficiency of the Armed Forces of the United States and its allies;

(5) Review and evaluate recommendations on requirements and priorities;

(6) Review and evaluate DoD Component plans and programs to ensure adherence to approved policies, standards, and resource planning guidance;

(7) In conjunction with the Assistant Secretary of Defense (Comptroller)

ASD(C)) and Director of Program Analysis and Evaluation, review proposed resource programs, formulate budget estimates, recommend resource allocations, and monitor the implementation of approved resource programs;

(8) Fulfill planning, programming, and budgeting activities relating to USD(A) responsibilities;

(9) Promote coordination, cooperation, and mutual understanding of all matters related to assigned activities, both inside and outside the Department of Defense;

(10) Serve as primary focal point and principal spokesman for the Department of Defense and serve on boards, committees, and other groups pertaining to assigned functional areas, and represent the Secretary of Defense on USD(A) matters outside the Department of Defense;

(11) Develop and maintain information management and reporting systems; and

(12) Perform such other duties as the Secretary of Defense may prescribe.

§ 382.4 Functions.

The USD(A) shall carry out the responsibilities described in § 382.3, for the following functional areas:

(a) Acquisition management.

(b) Basic and applied research, design and engineering, and the development of weapon systems.

(c) Command, control, communications, and intelligence programs, systems, and activities related to acquisition.

(d) Logistics management, to include supply systems, spares program management, items standardization, transportation, energy, warehousing, distribution, and related activities.

(e) Procurement activities.

(f) Scientific and technical information.

(g) Production and manufacturing.

(h) Industrial base resources and productivity.

(i) Force modernization.

(j) Developmental test and evaluation, as defined in DoD Directive 5000.2,² and review and approval of the Test and Evaluation Master Plan.

(k) Environmental services.

(l) Assignment and reassignment of research and engineering and acquisition responsibility for programs, systems, and activities.

(m) Codevelopment, coproduction, logistics support, and research interchange with friendly and allied nations, in coordination with the Under Secretary of Defense for Policy.

(n) Installation management.

(o) Construction, including construction funded by host nations under the North Atlantic Treaty Organization (NATO) Infrastructure program.

§ 382.5 Authorities and relationships.

(a) 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.

(b) The USD(A) shall direct the Secretaries of the Military Departments and Heads of other DoD Components on policy, procedure, and execution of the acquisition system. This includes responsibility for the development, management, supervision, and evaluation of acquisition systems and processes.

(c) The Secretary/Deputy Secretary of Defense shall make decisions on Acquisition milestones and resource matters, based on recommendations by the USD(A). The USD(A) shall prepare the documentation that reflects the Secretary/Deputy Secretary of Defense milestone decisions. These decisions shall be executed through the USD(A) for implementation by the Heads of DoD Components.

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

(1) Exercise direction, authority, and control over activities reporting directly to that official. These include:

(i) The Director of Defense Research and Engineering;

(ii) The Assistant Secretary of Defense (Research and Technology);

(iii) The Assistant Secretary of Defense (Production and Logistics);

(iv) Acquisition-related activities of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence);

(v) The Assistant to the Secretary of Defense (Atomic Energy);

(vi) The Director of Small and Disadvantaged Business Utilization; and

(vii) The Defense Advanced Research Projects Agency, the Defense Communications Agency, the Defense Logistics Agency, the Defense Mapping Agency, the Defense Nuclear Agency, and the Defense System Management College.

(2) Provide technical guidance for utilization of the Electromagnetic Compatibility Analysis Center.

(3) Provide policy guidance, goal setting, and management supervision for the Logistics Systems Analysis Office,

² See footnote 1 to § 382.3(a)(1).

Defense Logistics Studies Information Exchange, Defense Management Journal, Defense Materiel Specifications and Standards Office, Product Engineering Service Office, Weapon Support Improvement and Analysis Office, Defense Housing Management Systems Office, Defense Base Operations Analysis Office, and utilization of Federally Funded Research and Development Centers (FFRDCs).

(4) 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.

(e) The USD(A) shall also:

(1) Issue DOD Instruction DOD publications, and one-time directive-type memoranda, consistent with DOD 5025.1-M,³ that implement policies approved by the Secretary of Defense in the functions assigned to the USD(A). Instructions to Unified and Specified Commands shall be issued through the Chairman of the Joint Chiefs of Staff (CJCS).

(2) Obtain reports, information, advice, and assistance, consistent with DOD Directive 7750.5,⁴ as necessary in carrying out assigned functions.

(3) Communicate directly with the Heads of DOD Components. Communications to Commanders of the Unified and Specified Commands shall be coordinated through the CJCS.

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

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

(6) Coordinate and exchange information with other OSD and DOD officials exercising collateral or related responsibilities.

(7) Exercise the delegations of authority contained in the Appendix of this part.

(f) Other OSD officials and Heads of DOD Components shall coordinate with the USD(A) on all matters related to authorities, responsibilities, and functions assigned in this part.

Appendix A—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), or in the absence of the USD(A), the person acting for 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 International Trade Commission, Department of Commerce BDSA Del. No. 1, as amended (DOD Directive 4405.8,⁵ July 8, 1986).

2. Act for the Secretary of Defense in the exercise of extraordinary contractual action authority under Pub. L. 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 (DARPA), Defense Communications Agency (DCA), Defense Logistics Agency (DLA), Defense Mapping Agency (DMA), and the Defense Nuclear Agency (DNA) under Title 10, United States Code, with the authority to redelegate to the Directors of those Agencies 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. 96-39, Trade Agreements Act of 1979 (19 U.S.C. 2511 *et. seq.*), and E.O. 12260, July 26, 1979.

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 4160.21,⁶ December 5, 1980.

7. Make determinations with respect to 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 4160.25,⁷ April 30, 1984.

8. Act for, and exercise the powers of, the Secretary of Defense concerning requests for waiver of the navigation and vessel inspection laws of the United States under Pub. L. 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 (40 U.S.C. 481(a)) (DoD Directive 5128.9,⁸ 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 4140.25,⁹ May 15, 1980).

12. Exercise all responsibilities and authorities of the Secretary of Defense under Title 10, United States Code, section 2404 with respect to 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), concerning transportation or testing of any lethal chemical or any biological warfare agent.

15. Submit the annual report to Congress on funds obligated in the chemical warfare and biological defense research programs, required by Title 50, United States Code, section 1511.

16. Act for the Secretary of Defense for ensuring compliance with Pub. L. 92-463, the Federal Advisory Committee Act (5 U.S.C. Appendix), and 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)).

17. Act for the Secretary of Defense as the primary OSD interface with the Defense Policy Advisory Committee on Trade.

18. Act for the Secretary of Defense to make appropriate supporting determinations execute leases under title 10, United States Code, section 2667.

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

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

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 29, 1987.

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³ Copies may be obtained, if needed, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

⁴ See footnote 1 to § 382.3(a)(1).

⁵ See footnote 1 to § 382.3(a)(1).

⁶ See footnote 1 to § 382.3(a)(1).

⁷ See footnote 1 to § 382.3(a)(1).

⁸ See footnote 1 to § 382.3(a)(1).

⁹ See footnote 1 to § 382.3(a)(1).