

terials and guidance for such system, as directed by the Secretary of Defense, working in coordination with the Under Secretary of Defense (Comptroller).

(3) Analysis and advice for resource discussions relating to requirements under consideration in the Joint Requirements Oversight Council pursuant to section 181 of this title.

(4) Formulation of study guidance for analyses of alternatives for major defense acquisition programs and performance of such analyses, as directed by the Secretary of Defense.

(5) Review, analysis, and evaluation of programs for executing approved strategies and policies, ensuring that information on programs is presented accurately and completely, and assessing the effect of spending by the Department of Defense on the United States economy.

(6) Assessments of special access and compartmented intelligence programs, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Intelligence and in accordance with applicable policies.

(7) Assessments of alternative plans, programs, and policies with respect to the acquisition programs of the Department of Defense.

(8) Leading the development of improved analytical skills and competencies within the cost assessment and program evaluation workforce of the Department of Defense and improved tools, data, and methods to promote performance, economy, and efficiency in analyzing national security planning and the allocation of defense resources.

(Added Pub. L. 111–23, title I, §101(a)(1), May 22, 2009, 123 Stat. 1705, §139c; renumbered §139a and amended Pub. L. 111–383, div. A, title IX, §901(f), title X, §1075(b)(5), Jan. 7, 2011, 124 Stat. 4322, 4369.)

PRIOR PROVISIONS

A prior section 139a was renumbered section 138b of this title.

Another prior section 139a was renumbered section 2432 of this title.

AMENDMENTS

2011—Pub. L. 111–383, §901(f), renumbered section 139c of this title as this section.

Subsec. (d)(4). Pub. L. 111–383, §1075(b)(5), which directed amendment of section 139c of this title by inserting a period at the end of subsec. (d)(4), was executed to this section, to reflect the probable intent of Congress and the renumbering of section 139c of this title as this section by Pub. L. 111–383, §901(f). See above.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by section 901(f) of Pub. L. 111–383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111–383, set out as a note under section 131 of this title.

TRANSFER OF PERSONNEL AND FUNCTIONS

Pub. L. 111–23, title I, §101(c), May 22, 2009, 123 Stat. 1709, provided that:

“(1) TRANSFER OF FUNCTIONS.—The functions of the Office of Program Analysis and Evaluation of the Department of Defense, including the functions of the Cost Analysis Improvement Group, are hereby transferred to the Office of the Director of Cost Assessment and Program Evaluation.

“(2) TRANSFER OF PERSONNEL TO DEPUTY DIRECTOR FOR INDEPENDENT COST ASSESSMENT.—The personnel of the Cost Analysis Improvement Group are hereby transferred to the Deputy Director for Cost Assessment in the Office of the Director of Cost Assessment and Program Evaluation.

“(3) TRANSFER OF PERSONNEL TO DEPUTY DIRECTOR FOR PROGRAM ANALYSIS AND EVALUATION.—The personnel (other than the personnel transferred under paragraph (2)) of the Office of Program Analysis and Evaluation are hereby transferred to the Deputy Director for Program Evaluation in the Office of the Director of Cost Assessment and Program Evaluation.”

§ 139b. Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance

(a) DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.—

(1) APPOINTMENT.—There is a Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in test and evaluation.

(2) PRINCIPAL ADVISOR FOR DEVELOPMENTAL TEST AND EVALUATION.—The Deputy Assistant Secretary shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

(3) SUPERVISION.—The Deputy Assistant Secretary shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

(4) COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation shall closely coordinate with the Deputy Assistant Secretary of Defense for Systems Engineering to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development planning processes of the Department.

(5) DUTIES.—The Deputy Assistant Secretary shall—

(A) develop policies and guidance for—

(i) the conduct of developmental test and evaluation in the Department of Defense (including integration and developmental testing of software);

(ii) in coordination with the Director of Operational Test and Evaluation, the integration of developmental test and evaluation with operational test and evaluation;

(iii) the conduct of developmental test and evaluation conducted jointly by more than one military department or Defense Agency;

(B) review and approve the developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

(C) monitor and review the developmental test and evaluation activities of the major defense acquisition programs;

(D) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for developmental test and evaluation;

(E) periodically review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities, and provide input regarding needed changes or improvements for the test and evaluation strategic plan developed in accordance with section 196(d) of this title; and

(F) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

(6) ACCESS TO RECORDS.—The Secretary of Defense shall ensure that the Deputy Assistant Secretary has access to all records and data of the Department of Defense (including the records and data of each military department and including classified and proprietary information, as appropriate) that the Deputy Assistant Secretary considers necessary in order to carry out the Deputy Assistant Secretary's duties under this subsection.

(7) CONCURRENT SERVICE AS DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCES MANAGEMENT CENTER.—The individual serving as the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

(b) DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—

(1) APPOINTMENT.—There is a Deputy Assistant Secretary of Defense for Systems Engineering, who shall be appointed by the Secretary of Defense from among individuals with an expertise in systems engineering and development planning.

(2) PRINCIPAL ADVISOR FOR SYSTEMS ENGINEERING AND DEVELOPMENT PLANNING.—The Deputy Assistant Secretary shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on systems engineering and development planning in the Department of Defense.

(3) SUPERVISION.—The Deputy Assistant Secretary shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

(4) COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.—The Deputy Assistant Secretary of Defense for Systems Engineering shall closely coordinate with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development planning processes of the Department.

(5) DUTIES.—The Deputy Assistant Secretary shall—

(A) develop policies and guidance for—

(i) the use of systems engineering principles and best practices, generally;

(ii) the use of systems engineering approaches to enhance reliability, availability, and maintainability on major defense acquisition programs;

(iii) the development of systems engineering master plans for major defense acquisition programs including systems engineering considerations in support of lifecycle management and sustainability; and

(iv) the inclusion of provisions relating to systems engineering and reliability growth in requests for proposals;

(B) review and approve the systems engineering master plan for each major defense acquisition program;

(C) monitor and review the systems engineering and development planning activities of the major defense acquisition programs;

(D) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for systems engineering, development planning, and lifecycle management and sustainability functions;

(E) provide input on the inclusion of systems engineering requirements in the process for consideration of joint military requirements by the Joint Requirements Oversight Council pursuant to section 181 of this title, including specific input relating to each capabilities development document;

(F) periodically review the organizations and capabilities of the military departments with respect to systems engineering, development planning, and lifecycle management and sustainability, and identify needed changes or improvements to such organizations and capabilities; and

(G) perform such other activities relating to the systems engineering and development planning activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

(6) ACCESS TO RECORDS.—The Deputy Assistant Secretary shall have access to any records or data of the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the Deputy Assistant Secretary considers necessary to review in order to carry out the Deputy Assistant Secretary's duties under this subsection.

(c) SUPPORT OF MDAPS BY CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—

(1) SUPPORT.—The Secretary of Defense shall require that each major defense acquisition program be supported by—

(A) a chief developmental tester; and

(B) a governmental test agency, serving as lead developmental test and evaluation organization for the program.

(2) RESPONSIBILITIES OF CHIEF DEVELOPMENTAL TESTER.—The chief developmental

tester for a major defense acquisition program shall be responsible for—

(A) coordinating the planning, management, and oversight of all developmental test and evaluation activities for the program;

(B) maintaining insight into contractor activities under the program and overseeing the test and evaluation activities of other participating government activities under the program; and

(C) helping program managers make technically informed, objective judgments about contractor developmental test and evaluation results under the program.

(3) RESPONSIBILITIES OF LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—The lead developmental test and evaluation organization for a major defense acquisition program shall be responsible for—

(A) providing technical expertise on testing and evaluation issues to the chief developmental tester for the program;

(B) conducting developmental testing and evaluation activities for the program, as directed by the chief developmental tester; and

(C) assisting the chief developmental tester in providing oversight of contractors under the program and in reaching technically informed, objective judgments about contractor developmental test and evaluation results under the program.

(d) JOINT ANNUAL REPORT.—Not later than March 31 each year, beginning in 2010, the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering shall jointly submit to the congressional defense committees a report on the activities undertaken pursuant to subsections (a) and (b) during the preceding year. Each report shall include a section on activities relating to the major defense acquisition programs which shall set forth, at a minimum, the following:

(1) A discussion of the extent to which the major defense acquisition programs are fulfilling the objectives of their systems engineering master plans and developmental test and evaluation plans.

(2) A discussion of the waivers of and deviations from requirements in test and evaluation master plans, systems engineering master plans, and other testing requirements that occurred during the preceding year with respect to such programs, any concerns raised by such waivers or deviations, and the actions that have been taken or are planned to be taken to address such concerns.

(3) An assessment of the organization and capabilities of the Department of Defense for systems engineering, development planning, and developmental test and evaluation with respect to such programs.

(4) Any comments on such report that the Secretary of Defense considers appropriate.

(e) JOINT GUIDANCE.—The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering shall

jointly, in coordination with the official designated by the Secretary of Defense under section 103 of the Weapon Systems Acquisition Reform Act of 2009, issue guidance on the following:

(1) The development and tracking of detailed measurable performance criteria as part of the systems engineering master plans and the developmental test and evaluation plans within the test and evaluation master plans of major defense acquisition programs.

(2) The use of developmental test and evaluation to measure the achievement of specific performance objectives within a systems engineering master plan.

(3) A system for storing and tracking information relating to the achievement of the performance criteria and objectives specified pursuant to this subsection.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term “major defense acquisition program” has the meaning given that term in section 2430 of this title.

(Added Pub. L. 111–23, title I, §102(a)(1), May 22, 2009, 123 Stat. 1710, §139d; renumbered §139b and amended Pub. L. 111–383, div. A, title IX, §901(e), (f), (k)(1)(E), title X, §1075(b)(6), Jan. 7, 2011, 124 Stat. 4321, 4322, 4325, 4369; Pub. L. 112–81, div. A, title VIII, §835(b), Dec. 31, 2011, 125 Stat. 1507.)

REFERENCES IN TEXT

Section 103 of the Weapon Systems Acquisition Reform Act of 2009, referred to in subsec. (d), is section 103 of Pub. L. 111–23, which was redesignated as section 2438 of this title.

PRIOR PROVISIONS

A prior section 139b was renumbered section 138c of this title.

Another prior section 139b was renumbered section 2433 of this title.

AMENDMENTS

2011—Pub. L. 111–383, §901(k)(1)(E), substituted “Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance” for “Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance” in section catchline.

Pub. L. 111–383, §901(f), renumbered section 139d of this title as this section.

Pub. L. 111–383, §901(e)(1), (2), substituted “Deputy Assistant Secretary of Defense for Developmental Test and Evaluation” for “Director of Developmental Test and Evaluation” and “Deputy Assistant Secretary of Defense for Systems Engineering” for “Director of Systems Engineering” wherever appearing in text.

Subsec. (a). Pub. L. 111–383, §901(e)(3)(A), substituted “Deputy Assistant Secretary of Defense for Developmental Test and Evaluation” for “Director of Developmental Test and Evaluation” in heading.

Subsec. (a)(2), (3). Pub. L. 111–383, §901(e)(3)(B), substituted “Deputy Assistant Secretary” for “Director”.

Subsec. (a)(4). Pub. L. 111–383, §901(e)(3)(C), substituted “COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING” for “COORDINATION WITH DIRECTOR OF SYSTEMS ENGINEERING” in heading.

Subsec. (a)(5). Pub. L. 111–383, §901(e)(3)(D), substituted “Deputy Assistant Secretary” for “Director” in introductory provisions.

Subsec. (a)(6). Pub. L. 111–383, §1075(b)(6), which directed amendment of section 139d of this title by sub-

stituting “proprietary” for “propriety” in subsec. (a)(6), was executed to this section, to reflect the probable intent of Congress and the renumbering of section 139d of this title as this section by Pub. L. 111-383, §901(f). See above.

Pub. L. 111-383, §901(e)(3)(B), (E), substituted “Deputy Assistant Secretary” for “Director” in two places and substituted “Deputy Assistant Secretary’s” for “Director’s”.

Subsec. (b). Pub. L. 111-383, §901(e)(4)(A), substituted “Deputy Assistant Secretary of Defense for Systems Engineering” for “Director of Systems Engineering” in heading.

Subsec. (b)(2), (3). Pub. L. 111-383, §901(e)(4)(B), substituted “Deputy Assistant Secretary” for “Director”.

Subsec. (b)(4). Pub. L. 111-383, §901(e)(4)(C), substituted “COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION” for “COORDINATION WITH DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION” in heading.

Subsec. (b)(5). Pub. L. 111-383, §901(e)(4)(B), substituted “Deputy Assistant Secretary” for “Director” in introductory provisions.

Subsec. (b)(6). Pub. L. 111-383, §901(e)(4)(B), (D), substituted “Deputy Assistant Secretary” for “Director” in two places and substituted “Deputy Assistant Secretary’s” for “Director’s”.

Subsecs. (c) to (f). Pub. L. 112-81 added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

§ 139c. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy

(a) APPOINTMENT.—There is a Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be appointed by the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

(b) RESPONSIBILITIES.—The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy shall be the principal advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics in the performance of the Under Secretary’s duties relating to the following:

(1) Providing input on industrial base matters to strategy reviews, including quadrennial defense reviews conducted pursuant to section 118 of this title.

(2) Establishing policies of the Department of Defense for maintenance of the defense industrial base of the United States.

(3) Providing recommendations to the Under Secretary on budget matters pertaining to the industrial base.

(4) Providing recommendations to the Under Secretary on supply chain management and supply chain vulnerability.

(5) Providing input on industrial base matters to defense acquisition policy guidance.

(6) Establishing the national security objectives concerning the national technology and industrial base required under section 2501 of this title.

(7) Executing the national defense program for analysis of the national technology and industrial base required under section 2503 of this title.

(8) Performing the national technology and industrial base periodic defense capability assessments required under section 2505 of this title.

(9) Establishing the technology and industrial base policy guidance required under section 2506 of this title.

(10) Executing the authorities of the Manufacturing Technology Program under section 2521 of this title.

(11) Carrying out the activities of the Department of Defense relating to the Defense Production Act Committee established under section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171).

(12) Consistent with section 2(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2062(b)), executing other applicable authorities provided under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), including authorities under titles I and III of such Act.

(13) Establishing policies related to international technology security and export control issues.

(14) Establishing policies related to industrial independent research and development programs under section 2372 of this title.

(15) Such other duties as are assigned by the Under Secretary.

(c) RULE OF CONSTRUCTION.—Nothing in subsection (b)(9) may be construed to limit the authority or modify the policies of the Committee on Foreign Investment in the United States established under section 721(k) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(k)).

(Added §139e and renumbered §139c, Pub. L. 111-383, div. A, title VII, §896(a), title IX, §901(f), Jan. 7, 2011, 124 Stat. 4314, 4322; amended Pub. L. 112-81, div. A, title VIII, §855, Dec. 31, 2011, 125 Stat. 1521.)

REFERENCES IN TEXT

The Defense Production Act of 1950, referred to in subsec. (b)(12), is act Sept. 8, 1950, ch. 932, 64 Stat. 798, which is classified generally to section 2061 et seq. of Title 50, Appendix, War and National Defense. Title I of the Act is classified generally to section 2071 et seq. of Title 50, Appendix. Title III of the Act is classified generally to section 2091 et seq. of Title 50, Appendix. For complete classification of this Act to the Code, see section 2061 of Title 50, Appendix, and Tables.

PRIOR PROVISIONS

A prior section 139c was renumbered section 139a of this title.

Another prior section 139c was renumbered section 2434 of this title.

AMENDMENTS

2011—Pub. L. 111-383, §901(f), renumbered section 139e of this title as this section.

Subsec. (b)(12). Pub. L. 112-81, which directed amendment of section 139e of this title by substituting “titles I and III” for “titles I and II” in subsec. (b)(12), was executed to this section, to reflect the probable intent of Congress and the renumbering of section 139e of this title as this section by Pub. L. 111-383, §901(f). See above.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by section 901(f) of Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.