



THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

DEC 15 2009

MEMORANDUM FOR OUSD(AT&L) COMPONENT HEADS

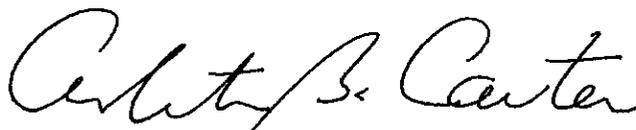
SUBJECT: Assistant Secretary of Defense for Acquisition (ASD(A))

Section 906 of the National Defense Authorization Act for FY 2010 amended title 10, United States Code, section 138, to provide for the position of ASD(A). The ASD(A) is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology and Logistics on matters relating to acquisition.

Effective immediately, Mr. Shay Assad shall perform the duties of the ASD(A) and may discharge all of the duties of the ASD(A) except those duties, if any that qualify as "statutory" for purposes of the Federal Vacancies Reform Act of 1998, as amended. Mr. Assad will continue to serve as the Director, Defense Procurement and Acquisition Policy.

A "statutory" duty is one that by law or regulation may only be performed by the ASD(A). Should there be any questions about whether a specific matter is a "statutory" duty, the Office of the DoD General Counsel should be consulted. In addition, when performing duties of the ASD(A), Mr. Assad shall not use the title or assume the role of "Acting" ASD(A). Instead he shall use his title of Director, Defense Procurement and Acquisition Policy, when signing documents but shall add the following phrase to his signature block: "Performing the Duties of the ASD(A)." He may use Office of the ASD(A) but not ASD(A) stationary.

Finally, to the extent that any duty is required by statute, regulation or other applicable guidance to be performed by an officer of the United States appointed by the President with the advice and consent of the Senate, Mr. Assad shall refer matters relating to such duty to the USD(AT&L) or the Principal Deputy USD(AT&L) with a recommended course of action.



Ashton B. Carter

cc:
GC, DoD
Dir., A&M