



OPERATIONAL TEST  
AND EVALUATION

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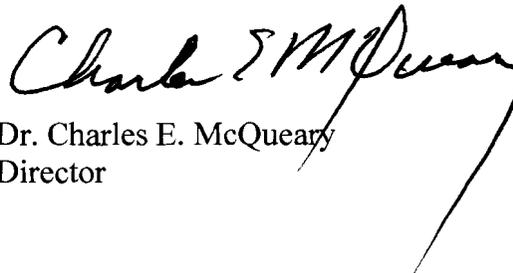
MAY 11 2009

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (ACQUISITION,  
LOGISTICS, AND TECHNOLOGY)  
ASSISTANT SECRETARY OF THE NAVY (RESEARCH,  
DEVELOPMENT, AND ACQUISITION)  
ASSISTANT SECRETARY OF THE AIR FORCE  
(ACQUISITION)  
UNITED STATES SPECIAL OPERATIONS COMMAND  
(ACQUISITION EXECUTIVE)

SUBJECT: Modification of Systems Subject to Survivability Testing Oversight

Department of Defense Directive 5141.02 designates responsibility for meeting the legislative requirements contained within section 2366 of U.S. Code Title 10 to the Director, Operational Test and Evaluation (DOT&E). Section 251 of the National Defense Authorization Act of Fiscal Year 2009, attached for reference, permits the Secretary of Defense to designate any system or program as a covered system for the purposes of meeting the survivability testing requirements of section 2366. Additionally, section 251 requires the Secretary to submit a report to Congress describing the status of survivability and live fire testing of programs for which the DoD has decided to proceed to operational use of the system or has decided to make procurement funds available for the system prior to Milestone C approval of the system.

I will comply with this expanded authority through a collaborative relationship with the Services and United States Special Operations Command. I intend to exercise this authority on only those programs that I deem are of the utmost importance to the survivability of the members of our armed forces, such as personal protective equipment. My office will coordinate with your program offices to identify those programs that may be subject to DOT&E oversight due to this new legislative authority. My objective is to help ensure that the equipment that most directly contributes to the survivability of our armed forces is the best equipment available, is adequately tested, and meets user requirements.

  
Dr. Charles E. McQueary  
Director

Attachment:  
As stated



**SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING OVERSIGHT BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.**

(a) **AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.**—Section 2366(e)(1) of title 10, United States Code, is amended to read as follows:

“(1) The term ‘covered system’ means—

“(A) a vehicle, weapon platform, or conventional weapon system that—

“(i) includes features designed to provide some degree of protection to users in combat; and

“(ii) is a major system as defined in section 2302(5) of this title; or

“(B) any other system or program designated by the Secretary of Defense for purposes of this section.”.

(b) **REVISION TO REPORT REQUIREMENT.**—Section 2366(d) of such title is amended—

(1) by inserting “(1)” before “At the conclusion”; and

(2) by adding at the end the following new paragraph:

“(2) If a decision is made within the Department of Defense to proceed to operational use of a system, or to make procurement funds available for a system, before Milestone C approval of that system, the Secretary of Defense shall submit to the congressional defense committees, as soon as practicable after such decision, the following:

“(A) A report describing the status of survivability and live fire testing of that system.

“(B) The report required under paragraph (1).”.