

MEMORANDUM OF AGREEMENT
between the
DIRECTOR OF NATIONAL INTELLIGENCE
and the
SECRETARY OF DEFENSE
concerning the
**MANAGEMENT OF ACQUISITION PROGRAMS EXECUTED AT THE
DEPARTMENT OF DEFENSE INTELLIGENCE COMMUNITY ELEMENTS**

A. PURPOSE

This agreement provides for joint management by the Department of Defense (DoD) and the Office of the Director of National Intelligence (DNI) (hereafter referred to as the “parties”) of National Intelligence Program (NIP) funded acquisition programs executed by DoD Intelligence Community (IC) elements. It is intended that a single acquisition process be employed for programs covered by this MOA.

B. SCOPE

The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 (see 50 U.S.C. 403-1(q)) provides that the DNI, or designee, and the Secretary of Defense (SecDef), or designee, shall serve jointly as the Milestone Decision Authority (MDA) for major system acquisitions (MSA) of DoD intelligence programs wholly funded by the NIP. This agreement covers MDA and associated oversight for DoD intelligence programs that are estimated to be majority and minority funded from the NIP.

C. DEFINITIONS

The “MDA” is the official or officials with overall responsibility for an acquisition program. The MDA possesses the authority to approve an acquisition program’s entry into, or movement into later phases of, the acquisition process and shall be responsible for monitoring acquisition program cost, schedule, and performance.

An “MSA” is an acquisition of a major system as defined at 41 U.S.C. 403(9).

“Wholly NIP-funded acquisition program” is an MSA of a DoD intelligence program wholly funded from the NIP. This includes those wholly NIP-funded acquisition programs that do not meet the dollar thresholds of 41 U.S.C. 403(9) but are designated an MSA by the DNI and the SecDef, or their designees, because the program is of special interest.

“Majority NIP-funded acquisition program” is an MSA for a DoD intelligence program estimated to be funded in the majority from the NIP.

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“DoD IC elements” are the DoD organizations that execute DoD intelligence program acquisitions. They include the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency.

D. AGREEMENTS

1. Dual MDA: For wholly NIP-funded acquisition programs, in accordance with IRTPA, the parties shall serve jointly as the MDA. Also, for majority NIP-funded acquisition programs the parties agree to serve jointly as the MDA.

2. General Acquisition Policy: National intelligence acquisitions will be agile, flexible, and responsive to the needs of the IC and its customers. This approach is intended to promote synergy among acquisitions, requirements, and cost disciplines, and shorten the time between when a need or requirement is identified and when a capability is fielded or placed into service.

Wholly and majority NIP-funded acquisition programs shall be executed according to IC acquisition policy. This will be implemented through direct reference of the DNI policy in DoD 5000.

3. Acquisition Oversight: The Deputy Director of National Intelligence for Acquisition (DDNI/AQ) and the Under Secretary of Defense of Acquisition, Technology and Logistics (USD(AT&L)) will conduct joint oversight of all wholly or majority NIP-funded acquisition programs. At least once a quarter, they will jointly review and assess program execution against MDA-approved baselines for cost, schedule, and performance. If an acquisition program is not executing to its established baseline, the SecDef or DNI, or their designees, may conduct a more detailed joint program review for that acquisition and take actions as necessary to improve program performance.

For majority MIP-funded acquisition programs executed at the DoD IC elements, the DNI or his/her representative shall have a seat on the Defense Acquisition Board.

4. MDA Delegation: The SecDef and DNI, or their designees, may jointly delegate MDA to a DoD IC element agency head for a wholly or majority NIP-funded acquisition program. MDA delegation will be captured in a formal memorandum and will only be done after a thorough review is conducted by the advisors of the DDNI/AQ and the USD(AT&L) to ensure that a mature, repeatable, and fundamentally sound acquisition program is in place prior to recommending the delegation of MDA. The DDNI/AQ and the USD(AT&L) will jointly review any program with delegated MDA at least annually (or more often as directed), and may jointly reassign or reclaim delegated MDA for any wholly or majority NIP-funded acquisition program.

5. Exceptions for Specific Projects or Programs: Exceptions to any or all provisions of this agreement for a specific project or program may be agreed to by both parties and documented in a written agreement signed jointly by the DNI and the SecDef, or their designees.

E. IMPLEMENTATION

This agreement is effective upon signature and will continue in effect until modified or terminated by mutual written agreement of the parties. In the event the parties cannot agree, they shall raise the issue to the President for the President's consideration.



J. M. McConnell
Director of National Intelligence



Robert Gates
Secretary of Defense

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Date

March 25, 2008
Date