



# Department of Defense

## DIRECTIVE

NUMBER 5134.09  
September 17, 2009

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DA&M

SUBJECT: Missile Defense Agency (MDA)

References: See Enclosure 1

1. **PURPOSE.** This Directive, in accordance with the authority vested in the Secretary of Defense by section 113 and chapter 8 of title 10, United States Code (U.S.C.), (Reference (a)) and consistent with Secretary of Defense Memorandum (Reference (b)) and Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) Memorandum (Reference (c)):

a. Reissues DoD Directive (DoDD) 5134.9 (Reference (d)) to reflect establishment of the Missile Defense Executive Board (MDEB) and the Ballistic Missile Defense System (BMDS) Life Cycle Management Process consistent with Deputy Secretary of Defense Memorandums (References (e) and (f)).

b. Supersedes and cancels USD(AT&L) Memorandum (Reference (g)). The MDEB structure replaces the previous OSD review, guidance, and approval processes including the Missile Defense Support Group.

2. **APPLICABILITY.** This Directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. **DEFINITION.** **BMDS.** An evolving, integrated, and interoperable system, comprising multiple elements and components, that provides a capability to intercept ballistic missiles in all phases of their flight (i.e., boost, midcourse, and terminal) against all ranges of threats.

4. MISSION. MDA shall manage, direct, and execute the development of the BMDS in accordance with National Security Presidential Directive 23 (Reference (h)) and to achieve DoD priorities to:

- a. Defend the United States, deployed forces, allies, and friends from ballistic missile attacks of all ranges in all phases of flight.
- b. Develop and deploy, as directed, a layered BMDS.
- c. Enable the fielding of elements of the BMDS as soon as practicable.
- d. Provide capability in blocks, improving the effectiveness of fielded capability by inserting new technologies as they become available.

5. ORGANIZATION AND MANAGEMENT. MDA is a Defense Agency, under the authority, direction, and control of the USD(AT&L), consistent with DoDD 5134.01 (Reference (i)). It shall consist of a Director and subordinate organizational elements established by the Director, within resources assigned by the Secretary of Defense.

#### 6. RESPONSIBILITIES AND FUNCTIONS

a. The MDEB, consistent with Reference (e), shall:

- (1) Recommend and oversee implementation of strategic policies and plans, program priorities, and investment options to protect our Nation and our allies from missile attack.
- (2) Promote the continued improvement of a ballistic missile defense capability by reviewing and making recommendations regarding the MDA comprehensive acquisition strategy to develop and field operational missile defense capability.
- (3) Using the BMDS Life Cycle Management Process, oversee the annual preparation of a BMDS portfolio including BMDS-required capabilities and a program plan to meet the requirements with research, development, test, and evaluation (RDT&E); procurement; operations and maintenance (O&M); and military construction (MILCON) resources, in Defense-wide accounts.

b. The USD(AT&L) shall:

- (1) Provide acquisition policy direction, program guidance, and overall management oversight of MDA.
- (2) Make production decisions, beginning with Initial Production, when MDA or a Military Department will carry out such production. Such production decisions shall be based on the initial BMDS performance as demonstrated through adequate testing, availability of system

alternatives, and consideration of threat evolution. The MDEB shall advise the USD(AT&L) on these decisions.

(3) Recommend to the Secretary of Defense when RDT&E assets are available for emergency or contingency use.

(4) Chair the MDEB, provide program guidance, and make recommendations to the Deputy Secretary of Defense on missile defense issues.

(5) Implement the BMDS Life Cycle Management Process, in accordance with Reference (f).

(6) In consultation with the Director, MDA, periodically determine the applicability of DoDD 5000.01 (Reference (j)) and DoD Instruction (DoDI) 5000.02 (Reference (k)) to the acquisition management of the BMDS by MDA.

c. The Director, MDA, under the authority, direction, and control of the USD(AT&L), is responsible for BMDS programmatic policy and for research and development of the BMDS. The Director, MDA, shall manage the BMDS portfolio, consistent with the principles of References (f), (j), and (k). In this capacity, the Director shall:

(1) Serve as the BMDS Acquisition Executive for BMDS and its elements funded by MDA and exercise all BMDS-related source-selection and milestone decision authorities up to, but not including, production decisions.

(2) Organize, direct, and manage MDA and all assigned resources.

(3) Maintain a single development program for all work needed to design, develop, and test an integrated BMDS.

(4) Develop for fielding a useful military capability to detect, track, intercept, and defeat ballistic missiles. Plan and execute an evolutionary, capability-based acquisition approach by applying incremental and spiral development, thereby improving the BMDS through block upgrades to elements and components. Ensure logistics supportability is built into the development.

(5) Execute and conduct the BMDS RDT&E program by adopting a flexible approach to both requirements generation and acquisition, consistent with the BMDS Life Cycle Management Process (Reference (f)).

(6) Expedite BMDS development and execute the program such that demonstrated capabilities can be fielded as soon as they are available.

(7) Adopt an approach to the BMDS that, to the extent practicable and consistent with applicable laws and international agreements, supports international participation.

(8) Plan all BMDS development and testing activities to consider all missile defense concepts and methods. Obtain Department guidance concerning any proposed action that reasonably raises an issue of treaty compliance, in accordance with DoDD 2060.1 (Reference (1)).

(9) Baseline the capability and configuration of capability blocks and elements and define the interoperability standards for each BMDS element.

(10) Assure the suitability and supportability of the developed system; produce BMDS elements and components in the development and transition phases; conduct developmental testing and evaluation; and conduct capability-based combined developmental/operational testing, in coordination with the Director of Operational Test and Evaluation (DOT&E) and United States Strategic Command (USSTRATCOM).

(11) Employ close working relationships with the Combatant Commanders, the Chairman of the Joint Chiefs of Staff, and the Secretaries of the Military Departments to improve development and promote early fielding of effective BMDS capabilities.

(12) Obtain warfighter community (including the Combatant Commanders and the Chairman of the Joint Chiefs of Staff) participation and advice on desired operational features and approaches to system fielding prior to and throughout development. Participate in the USSTRATCOM Missile Defense Warfighter Involvement Process to establish capability standards; evaluate technical, operational, and fielding features and approaches; and permit comparison and allocation of capabilities across all BMDS elements. Obtain the coordination and advice of the Assistant Secretary of Defense for Networks and Information Integration/DoD Chief Information Officer (ASD(NII)/DoD CIO) on integrating the BMDS into the Global Information Grid (GIG) End-to-End Communications Architecture.

(13) Support the warfighter community (including the Commander, USSTRATCOM (CDRUSSTRATCOM)) in the conduct of BMDS Military Utility Assessments (MUA). Establish a process that ensures access to developmental data and prime contractor support for MUA objectives and activities.

(14) Work closely with the warfighter community (including the Combatant Commanders and the Chairman of the Joint Chiefs of Staff) to develop the architecture for the BMDS and to integrate it into the architecture for integrated air and missile defense. Coordinate with the ASD(NII)/DoD CIO to ensure implementation of the joint command and control architecture for the BMDS is executed consistent with net-centricity requirements.

(15) Control BMDS development through a system-level management structure that integrates work, enables capability trades among BMDS elements, and enables decision-making in response to BMDS events. Retain management responsibility for defining the BMDS and the interoperability and data standards. MDA shall maintain configuration control of the BMDS. When required, MDA shall establish joint configuration management processes to ensure Military Department and MDA requirements are met.

(16) Manage BMDS execution. Formulate acquisition strategy; make program commitments and terminations; conduct source selections; award contracts; analyze performance; make affordability trade-offs; document the BMDS program of work; and report progress. Manage all BMDS development, developmental and combined developmental/operational testing, procurement, and selected O&M and installations and environmental planning for the elements. Element-specific memorandums of agreement (MOAs) shall further define where and when these responsibilities and functions transition to a lead Military Department.

(17) Use DoD, Federal, and other facilities and services, consistent with applicable laws, to demonstrate and achieve early BMDS capabilities and to demonstrate incremental improvements.

(18) Develop capability transition and transfer plans, in conjunction with the Secretaries of the Military Departments, as appropriate, that include resources, contracting, personnel, and facilities for BMDS element(s) transferring in or out of MDA responsibility.

(a) Coordinate program management structure and operation in an MOA between MDA and the lead Military Department for each program element to be transitioned or transferred. Obtain Under Secretary of Defense (Comptroller)/Chief Financial Officer, DoD (USD(C)/CFO) concurrence on Transition and Transfer MOAs.

(b) MDA shall work with USSTRATCOM, the Office of the DOT&E, and the Military Departments to ensure that adequate integrated developmental and operational testing, including modeling and simulation, are performed to verify operational performance prior to element transition or transfer. MDA shall baseline BMDS capabilities and configurations that transfer from MDA to Military Department procurement and operations early enough to support effective transition or transfer.

(19) Provide information to the Heads of the DoD Components, including the DoD Executive Agent for Space, that promotes successful BMDS transition. Data shall include information on all programs and activities related to BMDS research, technology, development, transition, and procurement and operations.

(20) In accordance with DoDD 5101.2 (Reference (m)), develop and maintain, in consultation with the designated DoD Executive Agent for Space, a seamless process to ensure close management, integration, and interoperability of space systems.

(21) Set up and execute special access program activities to protect sensitive information and information networks in compliance with DoDD 5205.07 (Reference (n)). Maintain program protection and security in compliance with DoDI 5200.39 (Reference (o)).

(22) Develop programmatic policies and, upon MDEB approval, issue related guidance to the DoD Components.

(23) Prepare the BMDS Program Objectives Memorandums and budget submissions in coordination with the appropriate DoD Components; determine priorities and resources; and implement Congressional reprogramming actions. (This can include activities for new missile defense capabilities and modifications to fielded systems, consistent with applicable transition and transfer MOAs.) Manage BMDS resources as a BMDS portfolio. Develop the annual BMDS program plan to execute the program for the Future Years Defense Program and beyond, using the MDEB-managed BMDS Life Cycle Management Process to ensure sufficient funding allocations in defense-wide RDT&E, procurement, O&M, and MILCON accounts. Administer all BMDS defense-wide funds, with the USD(C)/CFO, in accordance with the approved BMDS program and budget, and provide funds to the lead Military Departments, agencies, and activities for execution. Work with OSD, USSSTRATCOM, and the Military Departments to ensure that adequate resources are provided to the Military Departments as new BMDS elements are transferred.

(24) Establish a missile defense management network among the DoD Components, including the DoD Executive Agent for Space, to execute all program activities; expedite program information flow and decisions; and delegate authority to ensure successful ballistic missile defense program execution and integration. The respective MDA and Military Department Boards of Directors are the primary forums for resolving issues between MDA and the Military Departments. Elevate unresolved issues to the MDEB and its standing committees, the Joint Requirements Oversight Council (JROC), or the Deputy's Advisory Working Group, for resolution or recommendation.

(25) Serve as the principal public spokesperson for the developmental BMDS and MDA.

(26) Serve as the principal DoD official responsible for presenting the BMDS budget to the Congress.

(27) Promote coordination, cooperation, and understanding within the Department of Defense, other Federal agencies, and the civilian community with respect to BMDS matters.

(28) Make available to the DOT&E the results of all tests and evaluations conducted by MDA and all studies conducted by MDA in connection with tests and evaluations in MDA in compliance with section 139 of Reference (a).

(29) Serve on DoD boards, committees, and other groups concerning missile defense activities, functions, and responsibilities.

(30) Design and manage MDA activities and programs to improve standards of performance, economy, and efficiency, and demonstrate MDA's attention to the requirements of its organizational customers, both internal and external to the Department of Defense.

(31) Perform such other duties as may be assigned by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(AT&L).

d. The Under Secretary of Defense for Policy (USD(P)) shall:

(1) Develop and integrate U.S. missile defense policy within the broader framework of national security strategy and ensure consistency between missile defense policy and development and acquisition plans and approaches.

(2) Ensure international participation remains a key, long-term component of the missile defense program, consistent with DoDD 5111.1 (Reference (p)).

e. The ASD(NII)/DoD CIO shall, with MDA support, integrate the BMDS appropriately into the GIG End-to-End Communications Architecture.

f. The DOT&E shall conduct effective, independent oversight of operational testing and provide timely assessments to support programmatic decisions and Congressionally-mandated reporting requirements, consistent with DoDD 5141.02 (Reference (q)), sections 139 and 2431 note to Reference (a), Reference (f), and applicable National Defense Authorization Acts.

g. The USD(C)/CFO, in consultation with MDA, shall administer all BMDS Defense-wide funds, in accordance with the approved BMDS program and budget, and provide funds to the lead Military Departments, agencies, and activities for execution.

h. The Heads of the DoD Components shall:

(1) Provide support to the Director, MDA, as required, to carry out the responsibilities and functions assigned to MDA.

(2) Provide information to the Director, MDA, that promotes successful BMDS implementation. Data shall include information on all programs and activities related to BMDS research, technology, development, transition, transfer, and procurement and operations.

i. The Secretaries of the Military Departments, in addition to performing the functions in paragraph 6.h., shall:

(1) Participate in the BMDS Life Cycle Management Process in order to:

(a) Provide advice on required BMDS capabilities, operational approaches, suitability, and supportability features.

(b) Assist in the development and review of the BMDS program plan and budget.

(2) Provide forces and resources to support fielding of the BMDS.

(3) Lead, in collaboration with the Chairman of the Joint Chiefs of Staff and MDA, analyses of alternatives, wargames, exercises, and other activities to establish production quantities and operational force levels early enough in the development phase to ensure the effective transition or transfer of BMDS elements from MDA development to Military Department procurement and operation.

(4) Using the BMDS Life Cycle Management Process, advocate BMDS operation and force structure requirements. As input into the BMDS Defense-wide accounts, the Military Departments are responsible for collaborative planning for O&M and installations and environmental planning and, from the start of transition, are responsible for management of O&M and installations and environmental planning activities. Following transfer of a BMDS element, responsibilities may also include programming and budgeting for further procurement of systems or components.

(5) Develop and present a capability-based Capability Production Document (CPD), consistent with Joint Capabilities Integration and Development System procedures, to the JROC for BMDS elements that will transfer to the Military Departments. The CPD, to be developed during the transition phase, shall become effective upon transfer of BMDS elements to the Military Departments.

(6) Manage, direct, control, plan, program, and execute the BMDS elements transferred from MDA, in accordance with References (f), (j), (k), and other applicable policy and programmatic guidance.

(7) Ensure BMDS elements transitioned or transferred to a Military Department remain interoperable, as defined by the Director, MDA.

(8) Make available to the Director, MDA, technologies under development by the Military Departments that may support the BMDS.

(9) Submit program documentation, contractual reporting data, and such other reports as may be required by the Director, MDA, that provide timely programmatic insight into the planning and execution of the BMDS elements and components under the cognizance of their respective Military Departments. Documentation to be provided on programs that have transferred to the Military Departments shall be as specified in an MOA between MDA and the Military Department to implement the transfer.

j. The Chairman of the Joint Chiefs of Staff shall:

(1) Provide advice on desired BMDS capabilities and characteristics, operational approaches, suitability, and supportability features.

(2) Through the Joint Integrated Air and Missile Defense Organization, directly support the CDRUSSTRATCOM as the Air and Missile Defense Integrating Authority (AMD IA) and operational proponent for Global Ballistic Missile Defense.

k. The CDRUSSTRATCOM, through the Chairman of the Joint Chiefs of Staff, shall:

(1) Serve as the AMD IA.

(2) Synchronize planning for global missile defense.

(3) Coordinate global missile defense operations support.



- (4) Develop a global missile defense concept of operations.
- (5) Provide alternate global missile defense execution capability as directed, and as required to ensure continuity of operations.
- (6) Provide missile warning information to other Combatant Commanders and allies, and provide assessment of missile attack if the appropriate Combatant Command is unable.
- (7) Advocate for missile defense and warning capabilities.
- (8) Coordinate development of the BMDS operational architecture with the Director, MDA, and the Chairman of the Joint Chiefs of Staff.
- (9) Direct and report the MUA during BMDS development and transition in coordination with the Director, MDA, and the Chairman of the Joint Chiefs of Staff.
- (10) Advocate Combatant Commander-desired missile defense characteristics and capabilities, including the battle management command, control, and communications system; ensure such characteristics and capabilities are represented to the Director, MDA, and other appropriate acquisition authorities; and work with the Director, MDA, to plan and integrate such characteristics and capabilities into appropriate BMDS blocks.
- (11) Continuously monitor, collect, integrate, coordinate, assess, and prioritize Combatant Commander-desired missile defense and missile warning characteristics and capabilities.
- (12) Provide desired missile defense characteristics and capabilities for integration into the BMDS architectures and operational test and evaluations. Coordinate requirements with the Commander, United States Joint Forces Command, and the ASD(NII)/DoD CIO.
- (13) Support the Combatant Commands in the identification and resolution of shortfalls in desired missile defense characteristics and capabilities.
- (14) Assist in the planning, development, integration, and execution of global missile defenses, including missile warning system and BMDS architecture, experimentation, exercises, and analyses for addressing the missile defense needs of all Combatant Commanders.

## 7. RELATIONSHIPS

- a. In the performance of assigned responsibilities and functions, the Director, MDA, shall:
  - (1) Report directly to the USD(AT&L).
  - (2) Coordinate with the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the CDRUSSTRATCOM, the Commanders of the other Combatant

Commands, the USD(P), and the Under Secretary of Defense for Intelligence when addressing issues under their respective purview, to include the strategy, policy, operational architectures, and intelligence implications of defensive capabilities.

(3) Establish mechanisms for coordination of the BMDS development with other DoD technical efforts and coordinate and exchange information with the OSD Principal Staff Assistants (PSAs) and Heads of the other DoD Components having collateral or related responsibilities and functions.

(4) Maintain active liaison for the exchange of information and advice in the field of assigned responsibility with all the DoD Components, other U.S. Government activities, and non-DoD research institutions, including private business entities and educational institutions.

(5) Use existing systems, facilities, and services of the Department of Defense and other Federal agencies, when possible, to avoid duplication and achieve maximum efficiency and economy.

(6) Support the AMD IA through participation in the Warfighter Involvement Process and with disclosure of developmental and programmatic planning information.

b. The OSD PSAs and the Heads of the other DoD Components shall coordinate with the Director, MDA on all matters under their purview related to the authorities, responsibilities, and functions assigned to the Director, MDA.

8. AUTHORITIES. The Director, MDA, is hereby delegated authority to:

a. Request changes to tailor DoD 7000.14-R (Reference (r)), as appropriate, consistent with applicable statutes, to accomplish assigned objectives.

b. Communicate directly and enter into agreements with the Heads of the DoD Components to carry out assigned functions and responsibilities.

c. Communicate with other Government officials, representatives of the Legislative Branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned responsibilities and functions. Communications with representatives of foreign governments shall be coordinated with the Department of State and the Commander of the affected Combatant Command. Communications with representatives of the Legislative Branch shall be coordinated with the Assistant Secretary of Defense for Legislative Affairs and the USD(C)/CFO (Investment and Budget and Appropriation Affairs), as appropriate, and be consistent with the DoD Legislative Program.

d. Obtain reports and information, consistent with DoDI 8910.01 (Reference (s)), as necessary, to carry out assigned responsibilities and functions.

e. Make recommendations to the USD(AT&L) concerning revisions or exceptions to Military Department and Defense Agency regulations, directives, procedures, or instructions to meet BMDS objectives.

f. Serve as the head of an agency and contracting activity, and as such act as the MDA senior procurement executive within the meaning and limitations of subpart 2.1. of the Federal Acquisition Regulation (FAR) (Reference (t)) and subpart 202.101 of the Defense FAR Supplement (Reference (u)).

g. Negotiate and conclude international agreements, as necessary, with foreign governments and international organizations to execute allied and other participation in the BMDS, in accordance with the policies and procedures in paragraphs 8.g.(1) and 8.g.(2) of this Directive and in coordination with the Commander of the affected Combatant Command.

(1) Pursuant to DoDD 5530.3 (Reference (v)), authority to negotiate and conclude an international agreement may be obtained by using the procedures described in chapter 11.2.2.3. of the "Defense Acquisition Guidebook" (Reference (w)).

(2) Determinations on requests for authority to negotiate and conclude international agreements shall be made within 15 workdays of the request. Any conditions of approval shall be resolved within an additional 5 workdays. Within 3 workdays thereafter, any unresolved issues shall be submitted to the official designated in Reference (v) as the approval authority for the subject matter of the proposed international agreement for consideration and appropriate action.

h. Execute foreign military sales (FMS) subject to the direction of the designated Implementing Agent for FMS of BMDS materiel and the supervision of the Defense Security Cooperation Agency.

i. Exercise original classification authority over information and activities of the developmental BMDS, including all elements and components, and all other MDA-funded activities. The DoD Components shall coordinate all original classification decisions potentially affecting the developmental BMDS and all other MDA-funded activities with MDA and other appropriate DoD Components. Authority for BMDS elements and components beyond the developmental stage shall be as specified in applicable MOAs.

j. Exercise foreign disclosure authority over information comprising all programs and activities of the developmental BMDS, including all programs and activities transferred to MDA pursuant to Reference (b), and all other MDA-funded activities. The DoD Components shall coordinate all foreign disclosure decisions potentially affecting the developmental BMDS and all other MDA-funded activities with MDA, and with other appropriate DoD Components. Authority for BMDS elements and components beyond the developmental stage shall be as specified in applicable MOAs.

k. Exercise clearance authority for public release of official developmental BMDS information. Undertake appropriate security and policy review of such information, consistent

with DoDD 5230.9 (Reference (x)). Authority for BMDS elements and components beyond the developmental stage shall be as specified in applicable MOAs.

l. Allocate funds made available to MDA to carry out the BMDS.

m. Establish, in coordination with the appropriate DoD Components, special security procedures for sensitive BMDS work.

n. Acquire or construct facilities and equipment required to perform USD(AT&L)-approved assignments, pursuant to applicable law and DoD policy.

o. Exercise final approval authority over assignment of military personnel selected as program managers or deputy program managers for BMDS elements. Rate such personnel and approve their rating chains.

p. Exercise the administrative authorities contained in Enclosure 2.

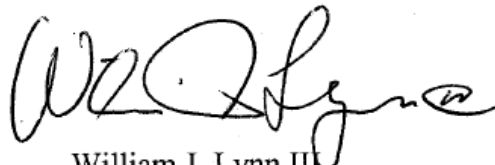
9. ADMINISTRATION

a. The Secretary of Defense shall appoint the Director, MDA.

b. The Secretaries of the Military Departments shall assign military personnel to MDA to maintain 100 percent fill according to established procedures for joint duty assignments, sections 661-668 of Reference (a), and approved joint manpower authorizations.

10. RELEASABILITY. UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

11. EFFECTIVE DATE. This Directive is effective immediately.



William J. Lynn III  
Deputy Secretary of Defense

Enclosures

1. References
2. Delegations of Authority

ENCLOSURE 1

REFERENCES

- (a) Chapter 8 and sections 113, 139, 661-668, and 2431 note of Title 10, United States Code
- (b) Secretary of Defense Memorandum, "Missile Defense Program Direction," January 2, 2002<sup>1</sup>
- (c) Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, "Ballistic Missile Defense Program Implementation Guidance," February 13, 2002<sup>1</sup>
- (d) DoD Directive 5134.9, "Missile Defense Agency (MDA)," October 9, 2004 (hereby canceled)
- (e) Deputy Secretary of Defense Memorandum, "Missile Defense Executive Board (MDEB)," March 15, 2007<sup>1</sup>
- (f) Deputy Secretary of Defense Memorandum, "Ballistic Missile Defense System (BMDS) Life Cycle Management Process," September 25, 2008<sup>1</sup>
- (g) Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, "Missile Defense Support Group," February 13, 2002 (hereby canceled)
- (h) National Security Presidential Directive 23, "National Policy on Ballistic Missile Defense," December 16, 2002<sup>1</sup>
- (i) DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005
- (j) DoD Directive 5000.01, "The Defense Acquisition System," May 12, 2003
- (k) DoD Instruction 5000.02, "Operation of the Defense Acquisition System," December 2, 2008
- (l) DoD Directive 2060.1, "Implementation of, and Compliance with, Arms Control Agreements," January 9, 2001
- (m) DoD Directive 5101.2, "DoD Executive Agent for Space," June 3, 2003
- (n) DoD Directive 5205.07, "Special Access Program (SAP) Policy," January 5, 2006
- (o) DoD Instruction 5200.39, "Critical Program Information (CPI) Protection Within the Department of Defense," July 16, 2008
- (p) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P))," December 8, 1999
- (q) DoD Directive 5141.02, "Director of Operational Test and Evaluation (DOT&E)," February 2, 2009
- (r) DoD 7000.14-R, "Department of Defense Financial Management Regulation," current edition
- (s) DoD Instruction 8910.01, "Information Collection and Reporting," March 6, 2007
- (t) Subpart 2.1. of the Federal Acquisition Regulation, current edition
- (u) Subpart 202.101 of the Defense Federal Acquisition Regulation Supplement, current edition
- (v) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (w) "Defense Acquisition Guidebook," current edition<sup>2</sup>
- (x) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," August 22, 2008

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<sup>1</sup> Available, on a need-to-know basis, from the OUSD(AT&L) Portfolio Systems Acquisition Office.

<sup>2</sup> Available on the Internet at <http://akss.dau.mil/dag/>.

ENCLOSURE 2

DELEGATIONS OF AUTHORITY

Under the authority vested in the Secretary of Defense, subject to the authority, direction, and control of the USD(AT&L) and in accordance with DoD policies and issuances, the Director, MDA, or in the absence of the Director, the person acting for the Director, is hereby delegated authority, as required in the administration and operation of MDA, to:

a. Exercise the powers vested in the Secretary of Defense by sections 301, 302(b), 3101, and 5107 of title 5, U.S.C., on the employment, direction, and general administration of MDA civilian personnel.

b. Administer oaths of office to those entering the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with section 2903 of title 5, U.S.C., and designate in writing, as may be necessary, MDA officers and employees to perform this function.

c. Establish an MDA Incentive Awards Board, pay cash awards to, and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect MDA, in accordance with section 4503 of title 5, U.S.C.; Office of Personnel Management (OPM) regulations; and DoDI 1400.25.

d. Use advisory committees and employ temporary or intermittent experts or consultants, as approved by the Secretary of Defense or the Director of Administration and Management, for the performance of MDA functions consistent with sections 173 and 174 of title 10, U.S.C.; section 3109(b) of title 5, U.S.C.; the Federal Advisory Committee Act (Appendix 2 of title 5, U.S.C.); and DoDI 5105.04.

e. In accordance with Executive Order (E.O.) 10450, "Security Requirements for Government Employment," April 27, 1953; E.O. 12968, "Access to Classified Information," August 2, 1995; and DoDD 5200.2, as appropriate:

(1) Designate any position in MDA as a "sensitive" position.

(2) Authorize, in case of emergency, the appointment of a person to a sensitive position in MDA for a limited time even though a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

(3) Initiate personnel security investigations and, if necessary, in the interest of national security, suspend security access to classified information for personnel assigned, detailed to, or employed by MDA. Any action pursuant to this paragraph shall be taken in accordance with procedures prescribed in DoD 5200.2-R.

(4) Grant interim clearances for Top Secret and Secret access to classified information when the requirements of DoD 5200.2-R have been met.

f. Authorize and approve:

(1) Temporary duty travel for assigned or detailed MDA military personnel in accordance with the Joint Federal Travel Regulations, Volume 1, "Uniformed Service Members," current edition.

(2) Travel for MDA civilian personnel in accordance with the Joint Travel Regulations (JTR), Volume 2, "DoD Civilian Personnel," current edition.

(3) Invitational travel to non-DoD personnel whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, MDA activities, in accordance with the JTR, Volume 2.

(4) Overtime work for MDA civilian personnel in accordance with subchapter V of chapter 55 of title 5, U.S.C., and applicable OPM regulations.

g. Approve the expenditure of funds available for travel by assigned or detailed MDA military personnel for expenses incident to attending meetings of technical, scientific, professional, or other similar organizations when the approval of the Secretary of Defense or a designee is required by section 412 of title 37, U.S.C., and sections 4110 and 4111 of title 5, U.S.C.

h. Develop, establish, and maintain an active and continuing Records Management Program pursuant to section 3102 of title 44, U.S.C., and DoDD 5015.2.

i. Use the Government purchase card for making appropriate purchases of material and services, other than personal services, for MDA when it is determined more advantageous and consistent with the best interests of the Government.

j. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals, as required for effective MDA administration and operation, consistent with section 3702 of title 44, U.S.C.

k. Establish and maintain, for the functions assigned, an appropriate internal publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to policies and procedures prescribed in DoD issuances published under DoDI 5025.01.

l. Enter into interdepartmental and intra-Governmental support agreements, as the receiver or supplier, with the other DoD Components, non-DoD Federal Government departments and agencies, and State and local governments, as required for the effective performance of MDA responsibilities and functions, consistent with section 1535 of title 31, U.S.C., and DoDI 4000.19.

m. Enter into and administer contracts, directly or through a Military Department, DoD contract administration services component, or other Federal agency, as appropriate, for supplies, equipment, and services required to accomplish the MDA mission. To the extent that any law or E.O. specifically limits the exercise of such authority to persons at the Military Department Secretariat level, the appropriate Under Secretary or Assistant Secretary of Defense shall exercise this authority.

n. Enter into and administer grants, cooperative agreements, and other authorized transactions with any agency, university, nonprofit corporation, or other organization to perform or support mission-related work and establish MDA procedures to administer all authorities and responsibilities specified in sections 2358 and 2371 of title 10, U.S.C.

o. Use transactions other than contracts, grants, and cooperative agreements to perform basic, applied, and advanced research, consistent with section 2371 of title 10, U.S.C.

p. Establish and maintain appropriate property accounts for MDA and appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for MDA property contained in the authorized property accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

q. Issue the necessary security regulations for the protection of property and places under the jurisdiction of the Director, MDA, consistent with DoDI 5200.08.

r. Lease or out-lease MDA-controlled property under terms that promote the national defense or that are in the public interest, pursuant to section 2667 of title 10, U.S.C., and applicable DoD policy.

s. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration under Federal Management Regulation 102-75.1055 for the disposal of surplus personal property.

t. Redelegate these authorities as appropriate, and in writing, except as otherwise indicated in this Directive or prohibited by law, E.O., or regulation.