



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

## THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3010

MAY 02 2006

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Implementation of Section 2366a of Title 10, United States Code

Section 2366a of title 10, United States Code, as enacted by section 801 of the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. No. 109-163), requires the Milestone Decision Authority (MDA) for a Major Defense Acquisition Program (MDAP) to make certain certifications prior to Milestone B or Key Decision Point B approval.

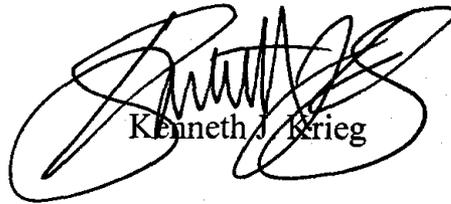
To fulfill this requirement, the MDA, without the authority to delegate, shall sign a memorandum, subject "Program Certification," prior to signing the Acquisition Decision Memorandum (ADM). This certification memorandum shall be prepared "for the record," and shall include the statements in the attachment, without modification. If the program is initiated at a later decision point, e.g., Milestone C, a similar memorandum shall be prepared, as a matter of policy, consistent with the intent of the statute. The certification memorandum shall be submitted to the congressional defense committees, as defined at 10 U.S.C. 101(16), with the first Selected Acquisition Report for the program after completion of the certification.

The MDA may waive one or more of components (1) through (6) of the required certification (specifically, one or more of paragraphs (1) through (6) in the attachment) for an MDAP if the MDA determines that, but for such a waiver, the Department would be unable to meet critical national security objectives. The MDA shall submit the waiver, the determination, and reasons for the determination, in writing, to the congressional defense committees within 30 days of authorizing the waiver. The MDA may not delegate this waiver authority.

In addition to the certification memorandum, the MDA will include the following statement in the ADM: "I have reviewed the program and have made the certifications required, or executed a waiver as authorized, by section 2366a of title 10, United States Code."



This policy shall apply to MDAPs approved by me and to MDAPs managed by Department of Defense Component Acquisition Executives or the Assistant Secretary of Defense for Networks and Information Integration. This requirement went into effect January 6, 2006, and shall be reflected in the next revision to Department of Defense Instruction 5000.2.



Kenneth J. Krieg

Attachment:  
As stated

**DISTRIBUTION:**

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**Required Statement for Milestone Decision Authority Certification Memorandum  
Prior to Milestone B or Key Decision Point B Approval**

‘MEMORANDUM FOR THE RECORD

‘SUBJECT: Program Certification

‘As required by section 2366a of title 10, United States Code, I certify for the  
(*name of program*) that:

‘(1) the technology in the program has been demonstrated in a relevant  
environment;

‘(2) the program demonstrates a high likelihood of accomplishing its intended  
mission;

‘(3) the program is affordable when considering the per unit cost and the total  
acquisition cost in the context of the total resources available during the period covered  
by the future-years defense program submitted during the fiscal year in which the  
certification is made;

‘(4) the Department of Defense has completed an analysis of alternatives with  
respect to the program;

‘(5) the program is affordable when considering the ability of the Department of  
Defense to accomplish the program's mission using alternative systems;

‘(6) the Joint Requirements Oversight Council has accomplished its duties with  
respect to the program pursuant to section 181(b) of title 10, United States Code,  
including an analysis of the operational requirements for the program; and

‘(7) the program complies with all relevant policies, regulations, and directives of  
the Department of Defense.

Attachment