OFFICE OF THE SECRETARY OF DEFENSE

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Clinger-Cohen Act Compliance Policy for Major Automated Information Systems

This memorandum provides guidance for demonstrating compliance with the Clinger-Cohen Act (CCA) for major automated information systems (MAIS). The DoD Appropriations Act for Fiscal Year 2002 (Pub. L. 107-107) did not re-enact a provision that appeared in the FY 2001 and 2000 acts that required the Department of Defense (DoD) Chief Information Officer (CIO) to certify CCA compliance to the congressional defense committees at acquisition milestones.

Although the DoD CIO is not required to notify congressional defense committees of CCA certifications for MAIS this fiscal year, all of the Department's information technology (IT) investments are still required to comply with the CCA. In addition, under section 811(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Pub. L. 106-398), the DoD CIO may not grant milestone approval until he determines that a MAIS is being developed in accordance with the CCA. Similarly, section 811(b) prohibits the award of a contract for the acquisition of a mission critical or mission essential IT system until the DoD CIO has received all information on the system that is required to be provided under the DoD 5000 series and has determined that there is in place for the system an appropriate information assurance strategy. In order to satisfy these requirements, DoD Instruction 5000.2 continues to require, as a condition of Milestone approval, that the Component CIO confirm to the DoD CIO that the MAIS is being developed in accordance with the CCA.

Effective immediately, the requirement in Section 4.7.3.2.3.2.3 of DoDI 5000.2 for a CCA Compliance Report for a MAIS, and related certification to the congressional defense committees is rescinded. However, as stated above, Component CIOs must still

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confirm CCA compliance to the DoD CIO before a MAIS milestone decision. Our March 8, 2002, memorandum entitled, "Clinger-Cohen Act Compliance Policy" states that Component CIOs may confirm CCA compliance by concurring with the Program Manager's CCA compliance table (A slightly revised table is attached). CCA compliance issues should be raised as early as possible during the review process for requirements and acquisition documents. To facilitate this, DoD and Component CIO staff should participate in integrated product teams regarding MAIS programs to help ensure that the tenets of the CCA are considered at appropriate points in the requirements generation and acquisition processes. The PM is still ultimately responsible for compiling all required data prior to each milestone.

The Office of the Deputy DoD CIO will continue to work with Component CIO and Acquisition Executive staffs and the Office of the USD(AT&L) to develop improved guidance and policy regarding the implementation of the CCA for acquisition programs. Our goal will be to avoid imposing duplicative CCA documentation requirements that do not add value and to ensure that the requirements of the law are met by use of the existing requirements generation and acquisition processes.

My action officer for this memorandum is Edward Wingfield at (703) 602-0980 x126 or ed.wingfield@osd.mil.

E.C. Aldridge, Jr.
Under Secretary of Defense
(Acquisition, Technology and Logistics)

John P. Stenbit
Assistant Secretary of Defense
(Command, Control, Communications and Intelligence)

Attachment
As stated

CLINGER-COHEN ACT (CCA) COMPLIANCE TABLE

Requirements Related to the Clinger-Cohen Act (CCA) of 1996 (paragraph 4.7.3.2.3.2 DoDI 5000.2)	Applicable Program Documentation **
*** Make a determination that the acquisition supports core, priority functions of the Department	MNS Approval
*** Establish outcome-based performance measures linked to strategic goals	MNS, ORD and APB approval
*** Redesign the processes that the system supports to reduce costs, improve effectiveness and maximize the use of COTS technology	Approval of the MNS, Concept of Operations, AoA and ORD
* No Private Sector or government source can better support the function	Acquisition Strategy page XX, para XX AOA page XX
* An analysis of alternatives has been conducted	AOA
* An economic analysis has been conducted that includes a calculation of the return on investment; or for non-AIS programs, an LCCE has been conducted	Program LCCE for MDAP *******Program Economic Analysis for MAIS***
There are clearly established measures and accountability for program progress	Acquisition Strategy page XX APB
The acquisition is consistent with the Global Information Grid policies and architecture, to include relevant standards	APB (Interoperability KPP) C4ISP (IERS)
The program has an information assurance strategy that is consistent with DoD policies, standards and architectures, to include relevant standards	Information Assurance Strategy
To the maximum extent practicable, (1) modular contracting has been used, and (2) the program is being implemented in phased, successive blocks, each of which meets part of the mission need and delivers measurable benefit, independent of future blocks	Acquisition Strategy page XX
The system being acquired is registered	Registration Data Base

*** For weapons systems and command and control systems, these requirements apply to the extent practicable (40 U.S.C. §1451)**

**** The system documents/information cited are examples of the most likely but not the only references for the required information. If other references are more appropriate, they may be used in addition to or instead of those cited.**

*****These requirements are presumed to be satisfied for Weapons Systems with embedded IT and for Command and Control Systems that are not themselves IT systems**

*******This table is identical to the table that was attached to the March 8, 2002 memorandum, " Clinger-Cohen Act Compliance Policy," except that this minor clarification regarding Economic Analysis for MAIS has been added.***