



## DoD INSTRUCTION 1100.21

### VOLUNTARY SERVICES IN THE DEPARTMENT OF DEFENSE

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<b>Originating Component:</b>	Office of the Under Secretary of Defense for Personnel and Readiness
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<b>Reissues and Cancels:</b>	DoD Instruction 1100.21, "Voluntary Services in the Department of Defense," March 11, 2002, as amended
<b>Approved by:</b>	James N. Stewart, Assistant Secretary of Defense for Manpower and Reserve Affairs, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness

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**Purpose:** This issuance:

- In accordance with the authority in DoD Directive (DoDD) 5124.02, establishes policy, assigns responsibilities, and prescribes procedures for the acceptance and use of voluntary services in DoD programs, as authorized by Section 1588 of Title 10, United States Code (U.S.C.).
- Contains provisions applicable to students who provide voluntary services to a DoD Component as part of an educational program, in accordance with Section 3111 of Title 5, U.S.C., and Part 308 of Title 5, Code of Federal Regulations.

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## SECTION 1: GENERAL ISSUANCE INFORMATION

### 1.1. APPLICABILITY.

a. This issuance applies to:

(1) 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 within the DoD (referred to collectively in this issuance as the “DoD Components”).

(2) Statutory volunteers who donate their services in accordance with Section 1588 of Title 10, U.S.C., to DoD Components, including nonappropriated fund instrumentalities (NAFIs) operated pursuant to DoD Instruction (DoDI) 1015.10.

(3) Eligible students providing voluntary service to DoD Components as part of an educational program, as authorized by Section 3111 of Title 5, U.S.C.

b. This issuance does **not** apply to:

(1) Gratuitous services offered outside the scope of Section 1588 of Title 10, U.S.C., Section 3111 of Title 5, U.S.C., and this issuance, or accepted by a DoD Component under applicable legal authority independent of Section 1588 of Title 10, U.S.C., except in cases of emergencies involving the safety of human life or the protection of property, pursuant to Section 1342 of Title 31, U.S.C. Examples of such gratuitous services might include limited intermittent, short-term or group support for events sponsored or coordinated by a DoD Component.

(2) Voluntary services to entities that are not DoD Components (including non-federal entities (NFEs) or government contractors) on military installations or with military units, in accordance with DoDI 1000.15. This applies even when voluntary services to non-DoD Components directly support a program providing services to Service members and their families and such voluntary services are otherwise permissible.

### 1.2. POLICY. It is DoD policy to:

a. Facilitate and support the recruitment, training, acceptance, and use of voluntary services covered by this issuance to augment the military mission, provide support for Service members and military families, and enhance the quality of life in military communities.

b. Support statutory volunteers covered by this issuance who donate their services to the DoD Components, including NAFIs operated in accordance with DoDI 1015.10.

c. Ensure information about volunteers covered by this issuance, including records retrieved pursuant to the personal identifiable information of a volunteer, are:

(1) Collected in accordance with Chapter 35 of Title 44, U.S.C., and DoD Component requirements, as applicable.

(2) Maintained in accordance with Section 552a of Title 5, U.S.C.

## SECTION 2: RESPONSIBILITIES

**2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)).** Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the ASD(M&RA) monitors compliance with this issuance.

**2.2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MILITARY COMMUNITY AND FAMILY POLICY (DASD(MC&FP)).** Under the authority, direction, and control of the ASD(M&RA), the DASD(MC&FP):

- a. Oversees implementation of, and coordinates with DoD Components on, matters pertaining to this issuance.
- b. Monitors, in conjunction with the ASD(M&RA), volunteer programs within the Reserve Components, including the National Guard.
- c. Ensures information on volunteer issues, research, and programs is exchanged among relevant offices within the DoD Components.
- d. Promotes general awareness of volunteer programs and responsibilities among the DoD Components.
- e. Promotes joint-Services training programs for volunteers.

**2.3. DOD COMPONENT HEADS.** The DoD Component heads:

- a. Establish implementing policies and procedures in accordance with this issuance.
- b. Identify in implementing regulations or procedures reimbursable incidental expense categories and the method for payment of claims by volunteers for reimbursement.
- c. Establish a non-monetary-based system to recognize and award volunteer contributions that may include hosting volunteer recognition events and provision of a letter or certificate of appreciation for voluntary service.
- d. Ensure standard procedures used to investigate or adjudicate incidents involving Service members are used, when appropriate, to investigate or adjudicate similar incidents arising from voluntary services provided in accordance with this issuance. This includes:
  - (1) Property damage, destruction, or loss;
  - (2) Injury or death of any person, including the volunteer;
  - (3) Any claim against the Federal Government; or

- (4) Any request by a component authority for an investigation.

## SECTION 3: PROCEDURES

**3.1. GENERAL.** Effective management of volunteers is an essential component of a successful volunteer program. Volunteer programs covered by this issuance and operated by the DoD Components must meet the standards of operation outlined in Section 4 and the following minimum requirements:

- a. Position descriptions outlining the duties and scope of responsibility of each volunteer position are clearly written and available to prospective and active volunteers.
- b. Prohibit duties that make volunteers unusually susceptible to injury or to causing injury to others. This prohibition is not designed or intended to prevent properly-trained, licensed, and certified volunteers from participating in natural resources programs or assisting qualified employees in providing athletic or adventure-type outdoor recreation activities.
- c. Applicable screening and background checks for volunteers are conducted and documented in accordance with applicable law and regulations, including DoDI 1402.05, DoDI 5525.20, or other instructions aimed at protecting children, vulnerable adults, and the community at large.
- d. Procedures for background checks, screening, training, and supervision of specified and non-specified volunteers working with children and youth, and supervisors of specified volunteers who coordinate or supervise youth volunteers in DoD child development and youth services programs, are completed in accordance with DoDIs 1402.05, 6060.02, and 6060.4.
- e. Orientation and initial training are provided to familiarize volunteers with the organization, their assigned duties, standards of conduct, and organizational procedures (e.g., documenting voluntary service hours, obtaining reimbursement of incidental expenses).
- f. A management system or process is available to document service hours, training, and awards for volunteers.
- g. Volunteers are respected and provided meaningful work, ongoing training, supervision, and performance feedback.
- h. Recognize and reward volunteers through a non-monetary based recognition system, which may consist of volunteer recognition events and letters or certificates of appreciation for voluntary service.

**3.2. GOVERNMENT SUPPORT.** Government support authorized for volunteers covered by this issuance includes, but is not limited to:

- a. Use of government facilities, systems, or capabilities, including access to the installation, office space, supplies, computer and network access as authorized, and other equipment needed to accomplish assigned duties.

b. Operation of a government-owned or -leased administrative vehicle, when assigned duties involving vehicle operation, if the volunteer possesses a current valid driver's license from a State, U.S. territory, U.S. possession, or appropriate host-nation or foreign authority. Volunteers who drive a government vehicle must complete the same training and screening and maintain the same qualifications as government employees who drive comparable vehicles. The DoD Component concerned should obtain driving records through the Department of Transportation's National Driver Register before assigning driving duties to volunteers.

### **3.3. VOLUNTEER ACCESS TO RECORDS MAINTAINED IN A PRIVACY ACT SYSTEM OF RECORDS.**

a. A volunteer providing services to a DoD Component other than a NAFI is authorized access to records contained in a Privacy Act system of records, as needed for performance of their assigned duties, pursuant to Section 1588 of Title 10, U.S.C. Any volunteer with such access must comply with the protection, disclosure, disclosure accounting, and other requirements of Section 552a of Title 5, U.S.C., DoD Directive 5400.11, DoD5400.11-R, and DoD Component requirements.

b. Individuals who volunteer pursuant to Section 1588 of Title 10, U.S.C., including student volunteers, may access privacy protected records in the performance of their assigned duties. Individuals who volunteer as students pursuant to Section 3111 of Title 5, U.S.C., may not access privacy protected records in the performance of their assigned duties, unless there is another basis for disclosure pursuant to Section 552a(b) of Title 5, U.S.C. (e.g., written consent or published routine use).

c. A volunteer providing services to a NAFI is not authorized access to records contained in a Privacy Act system of records pursuant to Section 1588 of Title 10, U.S.C., NAFI volunteers may not access Privacy Act protected records and related information in the same way the information is provided to NAFI employees. Disclosure of privacy protected records to NAFI volunteers requires consent of the individual about whom the records pertain or another authorized exception pursuant to Section 552a(b) of Title 5, U.S.C. (not including Section 552a(b)(1) of Title 5, U.S.C.).

**3.4. DOCUMENTATION.** The Office of Personnel Management waived the requirement to process a Standard Form 50, "Notification of Personnel Action," and approved the use of a DD Form 2793, "Volunteer Agreement for Appropriated Fund Activities or Non Appropriated Fund Instrumentalities," as the designated volunteer agreement to document voluntary services at appropriated fund activities. A DD Form 2793 must be completed for each volunteer before providing voluntary service at either an appropriated fund activity or a NAFI. The form is available online at <http://www.dtic.mil/whs/directives/forms/eforms/dd2793.pdf>.

**a. Volunteer Agreement.** An individual, or the parent or legal guardian of an unmarried volunteer under the age of 18, will complete and sign DD Form 2793 as appropriate before beginning voluntary service. The accepting official will also sign the DD Form 2793 to acknowledge acceptance of voluntary services. The accepting official will furnish the individual



with a copy of the DD Form 2793 before he or she begins voluntary service and will retain the signed volunteer agreement as part of the individual's voluntary service record.

**b. Completion of Service.** An individual, or the parent or legal guardian of an unmarried volunteer under the age of 18, will complete DD Form 2793, Part IV, at the end of voluntary service to document the dates and voluntary service hours provided. The accepting official will give a copy of the completed volunteer agreement to the volunteer upon termination of service.

**c. Retention of Records.** The DoD Component volunteer program or activity will maintain individual voluntary service records for all statutory volunteers in compliance with DoDD 5400.11 and DoD 5400.11-R, as applicable. Consistent with Administrative Instruction 15, DoD Component procedures, and the governing records disposition schedule, the accepting official will dispose of individual voluntary service records following termination of voluntary service.

## SECTION 4: GENERAL STANDARDS

### 4.1. RECRUITMENT AND ACCEPTANCE OF VOLUNTEERS.

a. The DoD Components may utilize volunteers and accept services donated by volunteers in accordance with Section 1588 of Title 10, U.S.C. Such voluntary services will be accepted through the Military Department with primary operational responsibility for the installation on which the DoD Component organizational unit is located, or through any Military Department when such arrangements are made. The DoD Component must follow the rules and procedures of the Military Department through which the voluntary services are accepted.

b. The DoD Components may recruit and accept services from student volunteers for educational purposes in accordance with Section 3111 of Title 5, U.S.C.

c. A volunteer is considered a volunteer of the DoD Component or organization that assumes responsibility for primary supervision of the volunteer.

**4.2. AUTHORITY TO ACCEPT VOLUNTARY SERVICES.** Unless otherwise indicated, the DoD Components may recruit volunteers and accept voluntary services to support programs operated by the DoD Components pursuant to Section 1588 of Title 10, U.S.C., including:

a. Medical, dental, nursing, or other healthcare-related services.

b. Museums or natural resources programs.

c. Programs providing services to support Service members and their families, including:

(1) Family support programs, including spouse employment assistance and other Military Family Readiness programs, in accordance with DoDI 1342.22.

(2) Child development and youth programs.

(3) Library and education programs.

(4) Religious programs.

(5) Housing referral programs.

(6) Morale, welfare, and recreation programs other than those listed in this issuance, in accordance with DoDIs 1015.10 and 1015.15.

d. Funeral honor details, in accordance with Section 1491 of Title 10, U.S.C.

e. Legal assistance, in accordance with Section 1044 of Title 10, U.S.C.

f. Test administration services to proctor the Armed Services Vocational Aptitude Battery.

- g. Translation or interpretation services for a foreign language by a person who is appropriately registered or otherwise approved.
- h. Support programs of a committee of the Employer Support of the Guard and Reserve, in accordance with DoDI 1205.22.
- i. Services to facilitate accounting for missing persons.
- j. Voluntary legal support services provided through law students through internship and externship programs approved by the Secretary concerned.
- k. DoD Component programs or activities to support military retirees, their families, or survivors, or to provide retiree volunteer assistance to enhance mission effectiveness or quality of life in the military community in accordance with Section 1588 (a)(3) of Title 10, U.S.C.
- l. DoD Component activities that enhance mission effectiveness or contribute to the quality of life in the military community in accordance with Section 1588 (a)(3) of Title 10, U.S.C.
- m. DoD Components may accept voluntary services for programs listed in Paragraph 4.2., provided by student volunteers as part of an agency program providing educational experiences for students in accordance with Section 3111 of Title 5, U.S.C.

#### **4.3. EXCLUSIONS FROM AUTHORITY TO ACCEPT VOLUNTARY SERVICES.**

- a. Volunteers may not hold policymaking positions, participate in the selection, hiring, or supervision of paid employees or Service members, or perform inherently governmental functions, such as determining entitlements to benefits, authorizing expenditures of government funds, or deciding rights and responsibilities of any party under government requirements, or represent the DoD.
- b. Volunteers may assist the regularly funded workforce, but may not be used to displace paid employees or in lieu of filling authorized paid personnel positions.
- c. Volunteers may not offset any personnel action (e.g., reduction in force, furlough) affecting any paid employee or Service member. Managers or employees should refer to Office of Personnel Management guidance or contact their personnel office for more specific information.

#### **4.4. SPECIAL CIRCUMSTANCES TO ACCEPT VOLUNTARY SERVICES.**

- a. When a DoD Component conducts or co-sponsors programs or services with a non-DoD entity, the DoD Component may accept voluntary services for the programs listed in Paragraph 4.2. of this issuance only if the primary beneficiaries of the voluntary services are persons eligible for the services listed in Paragraph 4.2.

b. DoD Components may accept voluntary services from host-nation or third country citizens at overseas installations for activities listed in Paragraph 4.2. if the DoD Component head responsible for the installation or program determines that acceptance of such services will not subject the United States to potential liability for unacceptable expenses, e.g., payment of employment benefits to a volunteer due to host-nation labor and voluntary service laws, and will not contravene other host-nation law or any applicable international agreements, such as the relevant status of forces agreement. Legal counsel must review all offers of voluntary service from host-nation and third country citizens before acceptance.

**4.5. STATUS OF VOLUNTEERS.** While providing services pursuant to this issuance, a volunteer is considered a federal employee only when acting within the scope of the services accepted by the DoD Component, and only for the purposes of certain provisions of law.

a. A volunteer pursuant to Section 1588 of Title 10, U.S.C., is considered a federal employee when providing services to a DoD Component other than a NAFI or receiving training to provide such services:

(1) Sections 8101-8152 of Title 5, U.S.C., concerning compensation for the disability or death of an employee resulting from personal injury sustained while in the performance of his or her duty. Applicable volunteer compensation computation is described in Section 1588 of Title 10, U.S.C.

(2) Section 2733 of Title 10, U.S.C., and Sections 2671-2680 of Title 28, U.S.C., relating to claims for damages or losses to property, personal injury, or death.

(3) Section 552a of Title 5, U.S.C., and DoD 5400.11-R, regarding the maintenance of records on individuals that are contained in a Privacy Act system of records.

(4) Section 202 of Title 18, U.S.C., defines volunteers who qualify as special government employees (SGEs). Qualified volunteers must track days worked for purposes of applying conflict of interest laws pursuant to Chapter 11 of Title 18, U.S.C. Volunteers qualifying as SGEs should consult their agency ethics counselors to learn more about the conflicts of interest statutes and the limited exceptions applicable to SGEs.

(5) Section 1054 of Title 10, U.S.C., regarding the defense of certain suits arising out of alleged legal malpractice.

b. When providing services to a NAFI or receiving training to provide such services, a volunteer is considered a NAFI employee only for the purposes of the following provisions in law and DoD guidance:

(1) Sections 8171-8173 of Title 5, U.S.C., concerning compensation for the disability or death of an employee resulting from personal injury sustained while in the performance of his or her duty. Applicable volunteer compensation computations are described in Section 2733 of Title 10, U.S.C.

(2) Section 2733 of Title 10, U.S.C., and Sections 2671-2680 of Title 28, U.S.C., relating to claims for damages or losses to property, personal injury, or death.

(3) DoDI 1015.15 and as determined by the type of NAFI activity or function being supported, relating to funding of claims against the NAFI arising out of the actions of volunteers.

c. Student volunteers, pursuant to Section 3111 of Title 5, U.S.C., are considered federal employees only for the purposes of the following provisions of law:

(1) Section 7905 of Title 5, U.S.C., relating to commuting by means other than single-occupancy motor vehicles.

(2) Chapter 81 of Title 5, U.S.C., relating to compensation for injury.

(3) Sections 2671-2680 of Title 28, U.S.C., relating to claims for damages or losses to property, personal injury, or death.

#### **4.6. RESPONSIBILITIES OF THE SPONSORING DOD COMPONENT.**

a. The DoD Component manager concerned will supervise volunteers to the same extent as paid employees providing similar services. Personnel management rules and procedures applicable to exercising authority, direction, and control over paid employees and Service members do not apply to volunteers. Supervisory authority with respect to volunteers is through designation of authorized duties, training, counseling, and determinations regarding continuation of voluntary services. The supervisor may be a paid employee, a Service member, or another volunteer who is so supervised.

b. The DoD Component concerned will ensure volunteers offering professional services are appropriately licensed, privileged, credentialed, or otherwise qualified to provide such voluntary services, and will provide appropriate supervision in accordance with applicable law, regulations, or policy.

**4.7. AUTHORITY TO INSTALL EQUIPMENT.** The DoD Component heads may authorize installation of equipment in accordance with Section 1588 of Title 10, U.S.C.

a. The DoD Component head concerned may pay the charges incurred for the use of the equipment for authorized purposes installed in accordance with Title 10, U.S.C.

b. The DoD Component head concerned may use appropriated or nonappropriated funds of their respective department to install equipment in accordance with law and policies governing such funds.

**4.8. REIMBURSEMENT FOR EXPENSES.** A DoD Component may not compensate a volunteer for voluntary services provided, except for the reimbursement of incidental expenses incurred by the person in providing such services. Section 1588 of Title 10, U.S.C., authorizes

reimbursement of such expenses from either appropriated or nonappropriated funds in accordance with law and policies governing such funds.

a. Eligibility of volunteers for reimbursement of incidental expenses will generally be similar to that of paid employees performing similar duties. The accepting official should consider the rules, procedures, and accountability for reimbursement of government employees as a guide for determining appropriate expenditures and reimbursement for volunteers.

b. The accepting official may, in accordance with applicable DoD Component regulations, provide reimbursement for incidental expenses not normally provided to employees. Reimbursements may include, but are not limited to, expenses for commuting, parking, and childcare, when such reimbursements are determined necessary to obtain the voluntary services and are reasonable in amount and in relation to the value of the voluntary services involved.

## GLOSSARY

### G.1. ACRONYMS.

ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
DASD(MC&FP)	Deputy Assistant Secretary of Defense for Military Community and Family Policy
DoDD	DoD directive
DoDI	DoD instruction
NAFI	nonappropriated fund instrumentality
NFE	non-federal entity
SGE	special government employee
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

**G.2. DEFINITIONS.** Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

**appropriated fund activity.** A DoD program or activity funded with monies provided by the Congress under statutory authority from the U.S. Treasury for specified purposes.

**government employee.** Any employee of the Federal Government or an instrumentality thereof, including both appropriated fund activities and NAFls.

**gratuitous service.** Service provided by an individual or group of individuals without any expectation of compensation, including salary, tips, benefits, and reimbursements for incidental expenses, or legal protections pursuant to this issuance.

**Military and Family Support Center.** Defined in DoDI 1342.22.

**military installation.** Defined in Section 2801 of Title 10, U.S.C.

**NAFI.** Defined in Section 010213 of Volume 13 in Chapter 1 of DoD 7000.14-R.

**NFE.** A self-sustaining organization, incorporated or unincorporated, that is not an agency or instrumentality of the Federal Government. This issuance addresses only those entities that operate on DoD installations with the express consent of the installation commander or higher authority. Membership of these organizations consists of individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Federal Government. NFEs include a State, Indian tribal, or local government, and private organizations.

**nonappropriated fund employee.** A person employed by a NAFI.

**SGE.** Defined in Section 202 of Title 18, U.S.C. Limited exceptions apply to SGEs under certain criminal conflict of interest statutes in Chapter 11 of Title 18, U.S.C. Volunteers qualifying as SGE may contact their ethics counselor for details.

**specified volunteer and non-specified volunteer.** Volunteers working with children, as defined in the Glossary of DoDI 1402.05.

**statutory volunteer.** Pursuant to this issuance, an individual who offers personal services to the government, generally without an expectation of compensation, in exchange for specified legal protections.

**student.** Defined in Section 3111 of Title 5, U.S.C.

**vulnerable adults.** Individuals aged 18 or older who have a physical, mental, or emotional disorder that makes it difficult to care for themselves without help and to protect themselves from maltreatment.



## REFERENCES

- Administrative Instruction 15, “OSD Records and Information Management Program,” May 3, 2013, as amended
- Code of Federal Regulations, Title 5, Part 308
- DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- DoD 7000.14-R, “Department of Defense Financial Management Regulation,” date varies by volume
- DoD Breach Response Plan, September 28, 2017
- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- DoD Directive 5400.11, “DoD Privacy Program,” October 29, 2014
- DoD Instruction 1000.15, “Procedures and Support for Non-Federal Entities Authorized to Operate on DoD Installations,” October 24, 2008
- DoD Instruction 1015.10, “Military Morale, Welfare, and Recreation (MWR) Programs,” July 6, 2009, as amended
- DoD Instruction 1015.15, “Establishment, Management, and Control of Nonappropriated Fund Instrumentalities and Financial Management of Supporting Resources,” October 31, 2007, as amended
- DoD Instruction 1205.22, “Employer Support of the Guard and Reserve (ESGR),” February 6, 2017
- DoD Instruction 1342.22, “Military Family Readiness,” July 3, 2012, as amended
- DoD Instruction 1402.05, “Background Checks on Individuals in DoD Child Care Services Programs,” September 11, 2015, as amended
- DoD Instruction 5015.02, “DoD Records Management Program,” February 24, 2015, as amended
- DoD Instruction 5525.20, “Registered Sex Offender (RSO) Management in DoD,” November 14, 2016, as amended
- DoD Instruction 6060.02, “Child Development Programs (CDPS),” August 5, 2014
- DoD Instruction 6060.4, “Department of Defense (DoD) Youth Programs (YPs),” August 23, 2004
- Office of Management and Budget Memorandum M-17-12, “Preparing and Responding to a Breach of Personally Identifiable Information,” January 3, 2017
- United States Code, Title 5
- United States Code, Title 10
- United States Code, Title 18
- United States Code, Title 28
- United States Code, Title 31, Section 1342
- United States Code, Title 44, Chapter 35