



## DoD MANUAL 5000.78

### RAPID ACQUISITION AUTHORITY (RAA)

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**Originating Component:** Office of the Under Secretary of Defense for Acquisition and Sustainment

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**Releasability:** Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

**Incorporates and Cancels:** Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, "Use of the Secretary of Defense's and Deputy Secretary of Defense's Rapid Acquisition Authority," June 30, 2017

**Approved by:** Ellen M. Lord, Under Secretary of Defense for Acquisition and Sustainment

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**Purpose:** In accordance with the authority in the July 13, 2018 Deputy Secretary of Defense (DepSecDef) Memorandum; DoD Directive (DoDD) 5134.01; DoDD 5000.71; and Section 806 of Public Law 107-314, also known and referred to in this issuance as the "Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended," this manual implements policy and assigns responsibilities for the use of RAA and provides procedures for the submission of RAA requests.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

**1.1. APPLICABILITY.** This issuance 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 within the DoD (referred to collectively in this issuance as the “DoD Components”).

**1.2. POLICY.** In accordance with DoDD 5000.71, the DoD will provide a process for rapidly fulfilling urgent operational needs using RAA.

## SECTION 2: RESPONSIBILITIES

**2.1. EXECUTIVE DIRECTOR, JOINT RAPID ACQUISITION CELL (JRAC).** Under the authority, direction, and control of the DepSecDef, the Executive Director, JRAC:

a. In accordance DoDD 5000.71, serves as the senior official within OSD with primary responsibility for making RAA action recommendations, through the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), as acting Chair of the Warfighter Senior Integration Group (SIG), to the Secretary of Defense (SecDef) or DepSecDef.

b. Notifies the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense ((USD(C)/CFO)) of RAA requirements, assigned solution sponsors, and resources needed to facilitate the timely resolution of urgent warfighter needs. Assists in the resolution of funding issues, as required.

c. In coordination with the USD(C)/CFO, consults with the Director of the Office of Management and Budget on any proposed RAA action.

d. In coordination with the USD(C)/CFO, provides the SecDef's or DepSecDef's RAA determinations and supporting documentation to the congressional defense committees, House Appropriations Committee (HAC) and Senate Appropriations Committee (SAC) defense subcommittees, in accordance with Paragraph 3.4.b.

e. Maintains visibility of DoD Component efforts to satisfy RAA actions and informs the Warfighter SIG of the status of RAA funding, contracting, delivery, performance, training, fielding, sustainment, or other issues affecting timely fulfilment.

**2.2. USD(A&S).** The USD(A&S):

a. Develops processes and procedures to enable rapid acquisition and communicates to the acquisition workforce updates to procedures, as appropriate.

b. As acting Chair of the Warfighter SIG, in accordance with the April 4, 2018 DepSecDef Memorandum, reviews and, as necessary, endorses the Executive Director, JRAC, RAA recommendations to the SecDef or DepSecDef.

**2.3. USD(C)/CFO.** The USD(C)/CFO:

a. Assesses DoD Component funding strategies to support RAA actions and identifies and recommends current execution year offsets, when required.

b. Provides guidance to the DoD Components for:

(1) Identifying current and previously received RAA funds and items funded in budget exhibits and briefings provided to the congressional defense committees in support of DoD budget requests.

(2) Updating the DoD 7000.14-R with the requirement for providing the information in Paragraph 2.3.b. (1).

c. Assists the Executive Director, JRAC, in providing RAA documentation to the congressional defense committees and subcommittees.

d. In coordination with the Executive Director, JRAC, provides the congressional defense committees a complete accounting of the use of the RAA, by FY, not later than 30 days after the end of each FY.

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

a. In accordance with this issuance, request RAA and funding, if necessary, and identify waivers of law, regulation, or policy required to enable a quick response to urgent needs.

b. Identify and recommend current execution year offsets to fund RAA actions and participate in funding discussions between the Executive Director, JRAC, and the USD(C)/CFO.

c. Establish policies and procedures in accordance with this issuance for expedited identification, submission, and resolution of RAA actions.

d. Identify previously received RAA funds and items funded in budget exhibits and briefings provided to the congressional defense committees in support of DoD budget requests, in accordance with USD(C)/CFO guidance.

e. In coordination with the Executive Director, JRAC, provide the USD(C)/CFO a complete accounting of the use of the RAA, by FY, not later than 25 days after the end of each FY for reporting to the congressional defense committees.

f. Serve, when so designated, as the Designated Senior Official in accordance with Paragraph 2.6.

**2.5. DIRECTOR OF OPERATIONAL TEST AND EVALUATION (DOT&E).** The DOT&E provides assessments of the operational testing of RAA actions when necessary, in accordance with Paragraph 3.6.

**2.6. DESIGNATED SENIOR OFFICIALS.** Under the authority, direction, and control of the SecDef or DepSecDef, the Designated Senior Officials:

a. Are authorized by the SecDef or DepSecDef to waive, as it relates to combat emergencies, any provision of law, policy, directive, or regulation as discussed in Paragraph 3.3.d.

b. May further delegate their authority as a designated senior official. A copy of this delegation documentation will be provided to the Executive Director, JRAC.

c. Ensure that financial, contracting, and other support organizations (e.g., Defense Contract Audit Agency, Defense Contract Management Agency, agency counsel) and prime and subcontractors involved with aspects of the RAA solution are fully aware of the urgency of the need.

d. Inform the Executive Director, JRAC, of all strategies developed, actions taken, and waivers granted in response to a SecDef or DepSecDef RAA senior official designation.

e. Ensure that the organizations executing actions in response to a SecDef or DepSecDef determination comply with Enclosure 13 of DoD Instruction 5000.02, including the expedited designation of a milestone decision authority and a program manager. Actions under the middle-tier pathways in accordance with Section 804 of Public Law 114-92, as amended, shall comply with applicable DoD implementing guidance.

f. Ensure an operational assessment is accomplished in accordance with the procedures prescribed by the Director, Operational Test and Evaluation and that operational assessment information is available to the authority making deployment decisions and the DOT&E, as required.

g. Provide to the Executive Director, JRAC, if the requirement document for the supplies and associated support services is waived, an alternative written statement of the capabilities to be acquired.

## SECTION 3: PROCEDURES

### 3.1. RAA REQUESTS.

a. The DoD Components will use all available authorities to expeditiously fund, develop, test, procure, field, and sustain urgent need solutions. In cases where sufficient authority or resources do not exist to enable timely response to a need, the DoD Components may request the RAA as outlined in this section. The RAA should be considered for the rapid acquisition and deployment of supplies and associated support services that:

- (1) Are currently under development by DoD or available from the commercial sector;
- (2) Require only minor modifications to supplies described in Paragraph 3.1.a.(1), or;
- (3) Are developed or procured under the rapid fielding or rapid prototyping acquisition pathways under Section 804 of Public Law 114-92, as amended, and
- (4) Are urgently needed to react to an enemy threat or respond to significant and urgent safety situations.

b. Requests submitted to the Executive Director, JRAC, for a SecDef or DepSecDef determination to use RAA may be initiated by any DoD Component down to combined joint task force commanders, or the first general officer/flag officer or Senior Executive Service official in the requestor's chain of command, and forwarded directly to the Executive Director, JRAC. The requesting organization is subsequently responsible for coordinating its request with the appropriate elements within its component.

c. There are four categories of RAA. Each category has \$200 million in authority at the beginning of each FY. This \$200M cap relates to authority, not resources. No financial resources are specifically reserved or made available uniquely for execution of RAA. The Executive Director, JRAC, will determine which category of RAA will be used for an RAA action. This is authority and not funding. The requesting component will identify funds in the execution year budget or request the assistance of the USD(C)/CFO for a funding source in support of the RAA requirement. The categories for the RAA are:

(1) Urgent needs to eliminate a documented deficiency that has resulted in combat casualties or is likely to result in combat casualties. The SecDef or DepSecDef notifies the defense committees and HAC and SAC defense subcommittees, by letter, 15 calendar days after the SecDef or DepSecDef sign the determination (see Paragraph 3.4.).

(2) Urgent needs to eliminate a documented deficiency that impacts an ongoing or anticipated contingency operation and that, if left unfulfilled, could potentially result in loss of life or critical mission failure. The SecDef or DepSecDef notifies the defense committees and HAC and SAC defense subcommittees, by letter, 10 calendar days before the date on which the SecDef or DepSecDef signed determination is effective (see Paragraph 3.4.).

(3) Urgent needs necessary to eliminate a deficiency caused by a cyber attack resulting in critical mission failure, the loss of life, property destruction, or economic effects, or if left unfilled is likely to result in critical mission failure, the loss of life, property destruction, or economic effects. The SecDef or DepSecDef notifies the defense committees and HAC and SAC defense subcommittees, by letter, 15 calendar days after SecDef or DepSecDef signs the determination (see Paragraph 3.4.).

(4) Compelling national security needs requiring the immediate initiation of a project under the rapid fielding or rapid prototyping acquisition pathways in accordance with Section 804 of Public Law 114-92, as amended. The SecDef or DepSecDef notifies the defense committees and HAC and SAC defense subcommittees, by letter, 15 calendar days after the SecDef or DepSecDef signs the determination (see Paragraph 3.4.).

d. RAA requests will provide, to the extent that the information is readily available:

(1) An information paper including:

(a) The urgency of the requirement.

(b) Whether there is an imminent threat of casualties or critical mission failure. If the RAA request is for the purpose of rapid prototyping and rapid fielding, then state why the requirement is a compelling national security need.

(c) The name of the contingency operation, or if it is in response to an emerging contingency operation.

(d) A description of the required capability and how it will help resolve the urgent requirement.

(e) A description of how the use of the RAA will accelerate the delivery of effective capability.

(f) The expected delivery date of the solution to the requiring activity.

(g) The dollar amount of the RAA authority necessary to rapidly field adequate capability.

(2) Supporting documentation that includes:

(a) The documented requirement addressed by use of the RAA.

(b) A titled picture or diagram of the capability to resolve the urgent need.

(c) Cost and schedule information including:

1. Charts showing funding requirements for the current 2 budget years by FY quarter and for each FY for the Future Years Defense Program;



2. Identification of funds affected by the requested use of the RAA by: organization (component's name); amount of funding affected; whether overseas contingency operations or base funding; budget activity; program element – research, development test and evaluation; budget line item number (procurement accounts) or line item number (operation and maintenance accounts); appropriations; and program element or budget line item number/line item title.

(d) An explanation as to why source funds are available to fund this higher priority item and details of, and justification for, the contract type or other transaction authority being utilized, including:

(e) Any testing or performance data.

(f) Any issues impeding rapid delivery.

(g) Any anticipated requests for waiver of existing law, policy, regulation, etc., necessary to acquire the supplies and associated services rapidly.

e. The Executive Director, JRAC, will coordinate the RAA requests with the USD(A&S); the General Counsel of the Department of Defense; the USD(C)/CFO; the Deputy Comptroller, Budget and Appropriations Affairs; Deputy Assistant Secretary of Defense for Legislative Affairs; and Legislative and Congressional Oversight, OUSD(A&S). The Executive Director, JRAC, will also coordinate the RAA request with the appropriate general officer/flag officer, or Senior Executive Service-level representatives of the Warfighter SIG.

f. The Executive Director, JRAC, will include a paragraph in the final RAA request that informs the SecDef or DepSecDef that approval of the request will also serve to authorize the DOT&E to have access to operational records and data relevant to the supplies and associated support services. This provision is in accordance with Section 139(e)(3) of Title 10, United States Code (U.S.C.), and is intended to assist the DOT&E in completing operational test and evaluation of the supplies and associated support services, if necessary. Once the RAA is approved, the Executive Director, JRAC, will notify the designated senior official (see Paragraph 3.3.) of this provision and provide a copy of the notification to the DOT&E.

### **3.2. RAA FUNDING.**

a. In any FY in which the SecDef or DepSecDef makes an RAA determination, the SecDef or DepSecDef may use any funds available to the DoD for acquisition of supplies and associated support services if the determination includes a written finding that the use of such funds is necessary to address the deficiency in a timely manner.

b. In coordination with the appropriate DoD Components, the USD(C)/CFO will, upon receipt of an approved RAA request from the Executive Director, JRAC, promptly initiate assistance to facilitate identification of funding sources by:

(1) Requesting that the DoD Component identified by the Executive Director, JRAC, as the RAA solution sponsor fund the requirement or justify why it is unable to fund the requirement;

(2) If necessary, identifying and using any known excess funds; or

(3) Identifying potential excess funds through review of current funding execution.

c. The USD(C)/CFO will exhaust all options to identify resources in support of an approved RAA requirement.

d. The RAA may be exercised during a continuing resolution (CR), provided that the DoD could have executed the requirement using RAA in the immediately preceding FY in which a regular (non-CR) appropriations act was passed into law to fund the activities of the DoD. If CR funds are used, their use must be consistent with the general obligation under a CR to take only the most conservative actions necessary to conserve congressional prerogatives.

e. Statutory determinations can be made for the rapid acquisition and deployment of needs or to fund and immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways. Section 806 of Public Law 107-314 allows the DoD to use all categories of DoD appropriations available for acquisitions of supplies and associated support services. However, such determinations must include a written finding that the use of such funds is necessary to address the deficiency in a timely manner. Additional fiscal characteristics of the authority are:

(1) The RAA conditionally expands the purposes for which such appropriations may be used.

(2) The RAA authorizes DoD to use funds for certain higher priority requirements without undertaking a reprogramming action or with use of a transfer authority. For example, in the case of operation and maintenance (O&M) funds, RAA allows the DoD to use O&M funds for investment items having a unit cost in excess of the investment or expense threshold, notwithstanding the statutory nature of the cap, or for items such as missiles or tracked combat vehicles for which a specific appropriation exists.

(3) All other characteristics of the source appropriation used for the RAA requirement, including its period of availability and the amount available in such appropriation, remain unchanged.

(4) An RAA expands the permissible purposes for which an appropriation may be used, but does not transform the type of the appropriation charged.

f. Funding identified as a source for an RAA action must have been originally appropriated for the acquisition of supplies and associated support services. DoD's O&M, procurement, or research, development, testing, and evaluation appropriations satisfy this criterion. In general, DoD coalition support and foreign assistance appropriations and program elements are not legally available as a funding source for RAA actions, as the funds are available for partnership support and not for the acquisition of supplies and associated support services for Military

Services. The USD(C)/CFO will assist in identifying the proper source and use of funds, as necessary.

g. The SecDef must inform the congressional defense committees of the source of funds for the acquisition. The following conditions apply:

(1) The RAA fund source should not be a congressional special interest item or project that a congressional defense committee previously denied as a source for a reprogramming action.

(2) If a congressional defense committee objects to a funding source, this will cause a significant delay in funding an urgent requirement. The RAA action will proceed only after the identification of a new funding source to replace the rejected funding source and the new source is disclosed to the defense committees.

h. Provided that the appropriation charged remains available for obligation, the SecDef or DepSecDef may use any funds appropriated for different FYs for an RAA requirement.

i. The RAA notification to congress is sufficient to fulfill any requirement to provide notification to congress of a new start program (see Paragraph (c)(4)(E) of Section 806 of Public Law 107-314, as amended)).

j. Military Services and Defense Agencies must appropriately identify previously received RAA funds and items funded in budget exhibits and briefings provided to the congressional defense committees in support of DoD's budget request.

### **3.3. DESIGNATION OF SENIOR OFFICIAL.**

a. The SecDef or DepSecDef will designate a senior official responsible to ensure that the needed supplies and associated support services are acquired and deployed as quickly as possible. A Service acquisition executive does not need to be designated by the SecDef or DepSecDef as a senior official to initiate a project under the rapid fielding or rapid prototyping acquisition pathways, in accordance with Section 804 of Public Law 114-92. A SecDef or DepSecDef determination is still necessary to approve the RAA action under these circumstances.

b. The goal is to award a contract for the acquisition of supplies and associated support services within 15 calendar days of the SecDef or DepSecDef determination.

c. The SecDef or DepSecDef will direct the designated senior official, when needed supplies and associated support services cannot be acquired without an extensive delay, to require that an interim solution be implemented and deployed using the RAA procedures to minimize adverse consequences resulting from the urgent need.

d. The SecDef or DepSecDef will authorize the designated senior official to waive any provision of law, policy, directive, or regulation that such official determines in writing would unnecessarily impede the rapid acquisition and deployment of the needed supplies and associated

support services. The waiver authority applies to any provision of law, policy, directive, or regulation with regard to:

- (1) The establishment of the requirement for the supplies and associated support services;
- (2) The research, development, test, and evaluation of the supplies and associated support services; or
- (3) The solicitation and selection of sources, and the award of the contract, for procurement of the supplies and associated support services.

e. Senior officials are not authorized by the SecDef or DepSecDef to waive:

- (1) The requirements of Section 806 of Public Law 107-314 or the regulations in DoDD 5000.71 and Enclosure 13 of DoD Instruction 5000.02.
- (2) Any provision of law imposing civil or criminal penalties.

### **3.4. CONGRESSIONAL NOTIFICATION.**

a. In accordance with Public Law 107-314, the SecDef or DepSecDef will notify the defense committees and HAC and SAC defense subcommittees of the RAA determinations and include information regarding:

- (1) The supplies and associated support services to be acquired.
- (2) The amount anticipated to be expended for the acquisition.
- (3) The source of funds for the acquisition.

b. In coordination with the USD(C)/CFO, the Executive Director, JRAC, will provide the congressional defense committees and HAC and SAC defense subcommittees the following RAA supporting documentation, no later than 5 days from the SecDef or DepSecDef determination:

- (1) The documented requirement intended to be addressed by use of the RAA.
- (2) The name of the DoD Component responsible for implementing the material solution identified.
- (3) The identification of funds affected by use of the RAA by appropriations account and line or program element, to include RAA funding requirements for the current FY and for the Future Years Defense Program.
- (4) An explanation as to why source funds are available to fund this higher priority item.
- (5) Justification for the contract type or other transaction authority being used.

c. In coordination with the USD(C)/CFO, DoD Components will identify previously received RAA funds and items funded in budget exhibits and briefings provided to the congressional defense committees in support of DoD budget requests, in accordance with USD(C)/CFO guidance.

d. In coordination with the Executive Director, JRAC, the USD(C)/CFO will provide the congressional defense committees a complete accounting of the use of the RAA, by FY, not later than 30 days after the end of each FY.

### **3.5. DISPOSITION OF RAA SOLUTIONS.**

a. The RAA capability acquisition will transition to the normal acquisition system not later than 2 years following the date on which the SecDef or DepSecDef makes the written RAA determination.

b. This requirement does not apply to the RAA actions for a project initiated under the rapid fielding or rapid prototyping acquisition pathways.

### **3.6. ASSESSMENTS OF RAA SOLUTIONS.**

a. The process for demonstrating performance and evaluating the current operational purposes of the supplies and associated support services must include:

(1) Assessments for programs:

(a) Under DOT&E oversight, combined operational and live fire test plans will be submitted to DOT&E for approval at the development milestone. Post-deployment assessment plans will be submitted to DOT&E for approval at the production and deployment milestone. DOT&E will ensure that testing is adequate to evaluate critical operational issues rapidly.

(b) Not under DOT&E oversight are approved at the Service level. The program may require a rapid and focused operational assessment and live fire testing (if applicable) prior to deploying an urgent need solution. The acquisition approach will identify any requirements to evaluate health, safety, or operational effectiveness, suitability and survivability.

(2) A requirement to provide information about any deficiency of the supplies and associated support services in meeting the original requirements (as stated in a statement of the urgent operational need or similar document) to the deployment decision-making authority.

b. The process may not include a requirement that any deficiency be a determining factor in deciding whether to deploy the supplies and associated support services.

c. If supplies and associated support services are deployed before the completion of operational test and evaluation of the supplies and associated support services, the DOT&E will have access to operational records and data relevant to such supplies and associated support

services in accordance with Section 139(e)(3) of Title 10, U.S.C., for the purpose of completing operational test and evaluation of the supplies and associated support services.

**3.7. LIMITATION.** In the case of supplies that are part of a major system for which a low-rate initial production quantity determination has been made pursuant to Section 2400 of Title 10, U.S.C., the quantity of such supplies acquired using RAA procedures may not exceed an amount consistent with limitations set forth in law. Further, any such supplies acquired under RAA must be included in any calculation of quantities for low-rate initial production.

## GLOSSARY

### G.1. ACRONYMS.

CR	continuing resolution
DepSecDef	Deputy Secretary of Defense
DoDD	DoD directive
DOT&E	Director of Operational Test and Evaluation
FY	Fiscal Year
HAC	House Appropriations Committee
JRAC	Joint Rapid Acquisition Cell
O&M	operation and maintenance
U.S.C.	United States Code
USD(A&S)	Under Secretary of Defense for Acquisition and Sustainment
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense
RAA	rapid acquisition authority
SAC	Senate Appropriations Committee
SecDef	Secretary of Defense
SIG	Senior Integration Group

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

**associated support services.** Defined in the “Bob Stump National Defense Authorization Act for Fiscal Year 2003,” as amended.

**cyber attack.** Defined in the “Bob Stump National Defense Authorization Act for Fiscal Year 2003,” as amended.

**designated senior official.** The SecDef or DepSecDef designate a senior official of the DoD to ensure that needed supplies and associated support services are acquired and deployed as quickly as possible, with a goal of awarding a contract for the acquisition of the supplies and associated support services within 15 days.

**RAA.** RAA is one of several processes that can expedite DoD rapid acquisitions. Others are Section 804 of Public Law 114-92, “Middle tier of acquisition for rapid prototyping and rapid fielding,” and Section 806 of Public Law 114-92, “Secretary of Defense waiver of acquisition laws to acquire vital national security capabilities.” This manual specifically focuses on the RAA process.

**supplies.** Defined in Paragraph 2.101, Subpart 2, Part 2 of the Federal Acquisition Regulation.



## **REFERENCES**

- Defense Federal Acquisition Regulation Supplement, current edition
- Deputy Secretary of Defense Memorandum, “Warfighter Senior Integration Group Delegation of Authority,” April 4, 2018
- Deputy Secretary of Defense Memorandum, “Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment,” July 13, 2018
- DoD 7000.14-R, “Department of Defense Financial Management Regulations (FMRs),” current edition
- DoD Directive 5000.71, “Rapid Fulfillment of Combatant Commander Urgent Operational Needs,” August 24, 2012
- DoD Directive 5134.01, “Under Secretary of Defense for Acquisition, Technology, and Logistics,” December 9, 2005, as amended
- DoD Instruction 5000.02, “Operation of the Defense Acquisition System,” January 7, 2015
- Federal Acquisition Regulation, current edition
- Public Law 107-314, Section 806, “The Bob Stump National Defense Authorization Act for Fiscal Year 2003,” December 2, 2002, as amended
- Public Law 114-92, Section 804, “The National Defense Authorization Act of Fiscal Year 2016,” November 25, 2015, as amended
- United States Code, Title 10