

sibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign donation would have a result described in paragraph (2).

(4) Funds accepted by the Secretary under paragraph (1) as a donation on behalf of the Center shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.

(Added Pub. L. 105-85, div. A, title III, §382(a)(1), Nov. 18, 1997, 111 Stat. 1709.)

PAYMENTS FOR EDUCATION AND TRAINING OF
PERSONNEL OF FOREIGN COUNTRIES

Pub. L. 107-248, title VIII, §8093, Oct. 23, 2002, 116 Stat. 1558, provided that: "During the current fiscal year and hereafter, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance [probably should be Center for Excellence in Disaster Management and Humanitarian Assistance] may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 107-117, div. A, title VIII, §8109, Jan. 10, 2002, 115 Stat. 2272.

Pub. L. 106-259, title VIII, §8109, Aug. 9, 2000, 114 Stat. 698.

Pub. L. 106-79, title VIII, §8139, Oct. 25, 1999, 113 Stat. 1269.

§ 183. Department of Defense Board of Actuaries

(a) IN GENERAL.—There shall be in the Department of Defense a Department of Defense Board of Actuaries (hereinafter in this section referred to as the "Board").

(b) MEMBERS.—(1) The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

(2) The members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term. A member may serve after the end of the member's term until the member's successor takes office.

(3) A member of the Board may be removed by the Secretary of Defense only for misconduct or failure to perform functions vested in the Board.

(4) A member of the Board who is not an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5 for each

day the member is engaged in the performance of the duties of the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of that title in connection with such duties.

(c) DUTIES.—The Board shall have the following duties:

(1) To review valuations of the Department of Defense Military Retirement Fund in accordance with section 1465(c) of this title and submit to the President and Congress, not less often than once every four years, a report on the status of that Fund, including such recommendations for modifications to the funding or amortization of that Fund as the Board considers appropriate and necessary to maintain that Fund on a sound actuarial basis.

(2) To review valuations of the Department of Defense Education Benefits Fund in accordance with section 2006(e) of this title and make recommendations to the President and Congress on such modifications to the funding or amortization of that Fund as the Board considers appropriate to maintain that Fund on a sound actuarial basis.

(3) To review valuations of such other funds as the Secretary of Defense shall specify for purposes of this section and make recommendations to the President and Congress on such modifications to the funding or amortization of such funds as the Board considers appropriate to maintain such funds on a sound actuarial basis.

(d) RECORDS.—The Secretary of Defense shall ensure that the Board has access to such records regarding the funds referred to in subsection (c) as the Board shall require to determine the actuarial status of such funds.

(e) REPORTS.—(1) The Board shall submit to the Secretary of Defense on an annual basis a report on the actuarial status of each of the following:

(A) The Department of Defense Military Retirement Fund.

(B) The Department of Defense Education Benefits Fund.

(C) Each other fund specified by Secretary under subsection (c)(3).

(2) The Board shall also furnish its advice and opinion on matters referred to it by the Secretary.

(Added Pub. L. 110-181, div. A, title IX, §906(a)(1), Jan. 28, 2008, 122 Stat. 275.)

PRIOR PROVISIONS

A prior section 183, added Pub. L. 105-85, div. A, title IX, §904(a), Nov. 18, 1997, 111 Stat. 1854, required the Secretary of Defense to report annually on the justification or requirement and projected costs of Department of Defense advisory committees, prior to repeal by Pub. L. 107-314, div. A, title X, §1041(a)(1)(A), Dec. 2, 2002, 116 Stat. 2645.

INITIAL SERVICE AS BOARD MEMBERS

Pub. L. 110-181, div. A, title IX, §906(a)(3), Jan. 28, 2008, 122 Stat. 277, provided that: "Each member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries as of the date of the enactment of this Act [Jan. 28, 2008] shall serve as an initial member of the Department of Defense Board of Actuaries under sec-

tion 183 of title 10, United States Code (as added by paragraph (1)), from that date until the date otherwise provided for the completion of such individual's term as a member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries, as the case may be, unless earlier removed by the Secretary of Defense."

[§ 184. Renumbered § 342]

[§ 185. Repealed. Pub. L. 114-328, div. A, title IX, § 904(a), Dec. 23, 2016, 130 Stat. 2345]

Section, added Pub. L. 107-107, div. A, title X, § 1009(a)(1), Dec. 28, 2001, 115 Stat. 1206; amended Pub. L. 107-314, div. A, title X, § 1004(h)(2), Dec. 2, 2002, 116 Stat. 2631, related to Financial Management Modernization Executive Committee.

[§ 186. Repealed. Pub. L. 113-291, div. A, title IX, § 901(c), Dec. 19, 2014, 128 Stat. 3463]

Section, added Pub. L. 108-375, div. A, title III, § 332(b)(1), Oct. 28, 2004, 118 Stat. 1854; amended Pub. L. 110-417, [div. A], title IX, § 904, Oct. 14, 2008, 122 Stat. 4567; Pub. L. 111-383, div. A, title X, § 1075(b)(9), Jan. 7, 2011, 124 Stat. 4369, related to Defense Business System Management Committee.

§ 187. Strategic Materials Protection Board

(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish a Strategic Materials Protection Board.

(2) The Board shall be composed of the following:

(A) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be the chairman of the Board.

(B) The Administrator of the Defense Logistics Agency Strategic Materials, or any successor organization, who shall be the vice chairman of the Board.

(C) A designee of the Assistant Secretary of the Army for Acquisition, Technology, and Logistics.

(D) A designee of the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(E) A designee of the Assistant Secretary of the Air Force for Acquisition.¹

(b) DUTIES.—In addition to other matters assigned to it by the Secretary of Defense, the Board shall—

(1) determine the need to provide a long term secure supply of materials designated as critical to national security to ensure that national defense needs are met;

(2) analyze the risk associated with each material designated as critical to national security and the effect on national defense that the nonavailability of such material would have;

(3) recommend a strategy to the Secretary to ensure a secure supply of materials designated as critical to national security;

(4) recommend such other strategies to the Secretary as the Board considers appropriate to strengthen the industrial base with respect to materials critical to national security; and

(5) publish not less frequently than once every two years in the Federal Register rec-

ommendations regarding materials critical to national security, including a list of specialty metals, if any, recommended for addition to, or removal from, the definition of "specialty metal" for purposes of section 2533b of this title.

(c) MEETINGS.—The Board shall meet as determined necessary by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy but not less frequently than once every two years to make recommendations regarding materials critical to national security as described in subsection (b)(5).

(d) REPORTS.—(1) Subject to paragraph (2), after each meeting of the Board, the Board shall prepare a report containing the results of the meeting and such recommendations as the Board determines appropriate. Each such report shall be submitted to the congressional defense committees, together with comments and recommendations from the Secretary of Defense, not later than 90 days after the meeting covered by the report.

(2) In any year in which the Board meets more than once, each report prepared by the Board as required by paragraph (1) may be combined into one annual report and submitted as provided by paragraph (1) not later than 90 days after the last meeting of the year.

(e) DEFINITIONS.—In this section:

(1) The term "materials critical to national security" means materials—

(A) upon which the production or sustainment of military equipment is dependent; and

(B) the supply of which could be restricted by actions or events outside the control of the Government of the United States.

(2) The term "military equipment" means equipment used directly by the armed forces to carry out military operations.

(3) The term "secure supply", with respect to a material, means the availability of a source or sources for the material, including the full supply chain for the material and components containing the material.

(Added Pub. L. 109-364, div. A, title VIII, § 843(a), Oct. 17, 2006, 120 Stat. 2338; amended Pub. L. 111-383, div. A, title VIII, § 829, Jan. 7, 2011, 124 Stat. 4272; Pub. L. 112-239, div. A, title IX, § 901(c), Jan. 2, 2013, 126 Stat. 1864; Pub. L. 114-328, div. A, title X, § 1081(a)(2), Dec. 23, 2016, 130 Stat. 2417.)

AMENDMENTS

2016—Subsec. (a)(2)(C). Pub. L. 114-328 substituted "Acquisition, Technology, and Logistics" for "Acquisition, Logistics, and Technology".

2013—Subsec. (a)(2). Pub. L. 112-239, § 901(c)(1), amended par. (2) generally. Prior to amendment, par. (2) related to composition of the Strategic Materials Protection Board.

Subsec. (b)(3), (4). Pub. L. 112-239, § 901(c)(2), substituted "Secretary" for "President".

Subsec. (c). Pub. L. 112-239, § 901(c)(3), substituted "Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy" for "Secretary of Defense".

Subsec. (d). Pub. L. 112-239, § 901(c)(4), amended subsec. (d) generally. Prior to amendment, text read as follows: "After each meeting of the Board, the Board shall

¹ See Change of Name note below.