

Subsec. (c)(4) to (6). Pub. L. 116-283, §311(2), (3), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively. Former par. (6) redesignated (7).

Subsec. (c)(7). Pub. L. 116-283, §311(2), (4), redesignated par. (6) as (7) and struck out “Any setback for a project pursuant to the previous sentence shall not be more than what is determined to be necessary by a technical analysis conducted by the Lincoln Laboratory at the Massachusetts Institute of Technology or any successor entity.” before “Material marked”.

2019—Subsec. (c)(1). Pub. L. 116-92, §311, substituted “75 days” for “60 days” in introductory provisions.

Subsec. (c)(6). Pub. L. 116-92, §371(1), in second sentence, substituted “air route surveillance radar, airport surveillance radar, or wide area surveillance over-the-horizon radar” for “air route surveillance radar or airport surveillance radar” and inserted after second sentence “Any setback for a project pursuant to the previous sentence shall not be more than what is determined to be necessary by a technical analysis conducted by the Lincoln Laboratory at the Massachusetts Institute of Technology or any successor entity.”

Subsec. (d)(2)(E). Pub. L. 116-92, §371(2)(A), substituted “the Deputy Secretary of Defense, an Under Secretary of Defense, or a Deputy Under Secretary of Defense” for “a Deputy Secretary of Defense, an Under Secretary of Defense, or a Principal Deputy Under Secretary of Defense”.

Subsec. (d)(3), (4). Pub. L. 116-92, §371(2)(B), (C), added par. (3) and redesignated former par. (3) as (4).

Subsec. (e)(3). Pub. L. 116-92, §371(3), substituted “an Under Secretary of Defense, or a Deputy Under Secretary of Defense” for “an under secretary of defense, or a deputy under secretary of defense”.

Subsec. (f). Pub. L. 116-92, §371(4), which directed the substitution of “from an entity requesting a review by the Clearinghouse under this section” for “from an applicant for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49”, could not be executed because of the intervening amendment by Pub. L. 116-92, §312. See note below.

Pub. L. 116-92, §312, substituted “for an energy project” for “for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49”.

Subsec. (h)(3) to (9). Pub. L. 116-92, §371(5), added par. (3), redesignated former pars. (3) to (6) as (4) to (7), respectively, in par. (7) substituted “the Administrator of the Federal Aviation Administration” for “the Federal Aviation Administration”, added par. (8), and redesignated former par. (7) as (9).

APPLICABILITY OF EXISTING RULES AND REGULATIONS

Pub. L. 115-91, div. A, title III, §311(c), Dec. 12, 2017, 131 Stat. 1348, provided that: “Notwithstanding the amendments made by subsection (a) [enacting this section], any rule or regulation promulgated to carry out section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 [Pub. L. 111-383] (49 U.S.C. 44718 note), that is in effect on the day before the date of the enactment of this Act [Dec. 12, 2017] shall continue in effect and apply to the extent such rule or regulation is consistent with the authority under section 183a of title 10, United States Code, as added by subsection (a), until such rule or regulation is otherwise amended or repealed.”

DEADLINE FOR INITIAL IDENTIFICATION OF GEOGRAPHIC AREAS

Pub. L. 115-91, div. A, title III, §311(d), Dec. 12, 2017, 131 Stat. 1348, provided that: “The initial identification of geographic areas under section 183a(d)(2)(B) of title 10, United States Code, as added by subsection (a), shall be completed not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017].”

§ 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, Logistics, and Technology.

(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 recommendations 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).

¹ See Change of Name note below.