

Subsec. (c)(2)(C). Pub. L. 117–81, §371(b)(1), added subpar. (C).

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”.

Subsec. (c)(8). Pub. L. 117–81, §371(b)(2), added par. (8). 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).

Statutory Notes and Related Subsidiaries

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. Joint Safety Council

(a) IN GENERAL.—There is established, within the Office of the Deputy Secretary of Defense, a Joint Safety Council (in this section referred to as the “Council”).

(b) MEMBERSHIP; APPOINTMENT; COMPENSATION.—(1) The Council shall be composed of voting members as follows:

(A) The Director of Safety for each military department.

(B) An employee of the Department of Defense who is a career member of the Senior Executive Service and has a demonstrated record of success in the implementation of programs within the Department of Defense (as determined by the Deputy Secretary of Defense), appointed by the Deputy Secretary of Defense.

(C) One member of the armed forces or civilian employee from each military department, appointed by the Secretary concerned.

(D) Such additional members as may be determined by the Deputy Secretary of Defense.

(2)(A) Each member of the Council shall serve at the will of the official who appointed that member.

(B) Any vacancy on the Council shall be filled in the same manner as the original appointment.

(3) Members of the Council may not receive additional pay, allowances, or benefits by reason of their service on the Council.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—

(1)(A) The Secretary of Defense, or the designee of the Secretary, shall select one of the members of the Council who is a member of the armed forces to serve as the Chairperson of the Council.

(B) The Chairperson shall serve for a term of two years and shall be responsible for—

(i) serving as the Director of Safety for the Department of Defense;

(ii) serving as principal advisor to the Secretary of Defense regarding military safety and related regulations and policy reforms, including issues regarding maintenance, supply chains, personnel management, and training;

(iii) overseeing all duties and activities of the Council, including the conduct of military safety studies and the issuance of safety guidance to the military departments;

(iv) working with, and advising, the Secretaries of the military departments through appointed safety chiefs to implement standardized safety guidance across the military departments;

(v) submitting to the Secretary of Defense and Congress an annual report reviewing the compliance of each military department with the guidance described in clause (iv);

(vi) advising Congress on issues relating to military safety and reforms; and

(vii) overseeing coordination with other Federal agencies, including the Federal Aviation Administration, to inform military aviation safety guidance and reforms.

(2) The individual appointed under subsection (b)(1)(B) shall serve as the Vice Chairperson. The Vice Chairperson shall report to the Chairperson and shall serve as Chairperson in the absence of the Chairperson.

(d) **RESPONSIBILITIES.**—The Council shall carry out the following responsibilities:

(1) Subject to subsection (e), issuing, publishing, and updating regulations related to joint safety, including regulations on the reporting and investigation of mishaps.

(2) With respect to mishap data—

(A) establishing uniform data collection standards and a repository, that is accessible Department-wide, of data for mishaps in the Department of Defense;

(B) reviewing the compliance of each military department in adopting and using the uniform data collection standards established under subparagraph (A); and

(C) reviewing mishap data to assess, identify, and prioritize risk mitigation efforts and safety improvement efforts across the Department.

(3) With respect to non-mishap data—

(A) establishing standards and requirements for the collection of aircraft, equipment, simulator, airfield, range, pilot, and operator data;

(B) establishing standards and requirements for the collection of ground vehicle equipment and crew data; and

(C) establishing requirements for each military department to collect and analyze any waivers issued relating to pilot or operator qualifications or standards.

(4) Reviewing and assessing civil and commercial aviation safety programs and practices to determine the suitability of such programs and practices for implementation in the military departments.

(5) Establishing, in consultation with the Administrator of the Federal Aviation Administration, a requirement for each military department to implement an aviation safety management system.

(6) Establishing, in consultation with the heads of appropriate Federal departments and agencies, a requirement for each military department to implement a separate safety management program for ground vehicles and ships.

(7) Reviewing the proposal of each military department for the safety management systems described in paragraphs (9) and (10).¹

(8) Reviewing the implementation of such systems by each military department.

(9) Ensuring each military department has in place a system to monitor the implementation of recommendations made in safety and legal investigation reports of mishap incidents.

(e) **OVERSIGHT.**—The decisions and recommendations of the Council are subject to review and approval by the Deputy Secretary of Defense.

(f) **STAFF.**—(1) The Council may appoint staff in accordance with section 3101 of title 5.

(2) The Council may accept persons on detail from within the Department of Defense and from other Federal departments or agencies on a reimbursable or non-reimbursable basis.

(g) **CONTRACT AUTHORITY.**—The Council may enter into contracts for the acquisition of ad-

ministrative supplies, equipment, and personnel services for use by the Council, to the extent that funds are available for such purposes.

(h) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson may procure temporary and intermittent services under section 3109(b) of title 5 at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(i) **DATA COLLECTION.**—(1) Under regulations issued by the Secretary of Defense, the Council shall have access to Department of Defense databases necessary to carry out its responsibilities, including causal factors to be used for mishap reduction purposes.

(2) Under regulations issued by the Secretary of Defense, the Council may enter into agreements with the Federal Aviation Administration, the National Transportation Safety Board, and any other Federal agency regarding the sharing of safety data.

(3) Data collected by the Council pursuant to this subsection may include privileged safety information that is protected from disclosure or discovery to any person.

(j) **MEETINGS.**—The Council shall meet quarterly and at the call of the Chairperson.

(k) **REPORT.**—The Chair of the Council shall submit to the congressional defense committees semi-annual reports on the activities of the Council.

(Added Pub. L. 117–81, div. A, title III, §372(a), Dec. 27, 2021, 135 Stat. 1664.)

Editorial Notes

PRIOR PROVISIONS

A prior section 184 was renumbered section 342 of this title.

Statutory Notes and Related Subsidiaries

DEADLINES

Pub. L. 117–81, div. A, title III, §372(c), Dec. 27, 2021, 135 Stat. 1666, provided that:

“(1) **ESTABLISHMENT.**—The Secretary of Defense shall ensure the establishment of the Joint Safety Council under section 184 of title 10, United States Code (as added by subsection (a)), by not later than the date that is 120 days after the date of the enactment of this Act [Dec. 27, 2021].

“(2) **APPOINTMENT OF FIRST MEMBERS.**—The initial members of the Joint Safety Council established under such section 184 shall be appointed by not later than the date that is 120 days after the date of the enactment of this Act.

“(3) **DIRECTORS OF SAFETY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of each military department shall ensure there is appointed as the Director of Safety for the military department concerned an officer of that military department in pay grade O–8 or above.”

[§ 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.

¹ So in original.