

(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.

[§ 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 4863 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; Pub. L. 116–92, div. A, title XVII, § 1731(a)(11), Dec. 20, 2019, 133 Stat. 1813; Pub. L. 116–283, div. A, title XVIII, § 1870(c)(6)(C), Jan. 1, 2021, 134 Stat. 4285.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b)(5). Pub. L. 116–283 substituted “section 4863” for “section 2533b”.

2019—Subsec. (a)(2)(C). Pub. L. 116–92 substituted “Assistant Secretary of the Army for Acquisition, Logistics, and Technology” for “Assistant Secretary of the Army for Acquisition, Technology, and Logistics”.

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 prepare and submit to Congress a report containing the results of the meeting and such recommendations as the Board determines appropriate.”

2011—Subsec. (b). Pub. L. 111–383, § 829(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to duties of the Strategic Materials Protection Board.

¹ See Change of Name note below.