

2017—Subsec. (f). Pub. L. 115–91, §1081(a)(13)(A), substituted “(50 U.S.C. 3003(4))” for “(50 U.S.C. 3003(4))”.

Subsec. (i)(3). Pub. L. 115–91, §1081(a)(13)(B), substituted “sections 2366(e) and 2366a(d)” for “section 2366(e)”.

Subsecs. (k), (l). Pub. L. 115–91, §1654(a)(1), added subsec. (k) and redesignated former subsec. (k) as (l).

2016—Subsec. (d)(1). Pub. L. 114–328, §1661(a)(1), inserted “, and including with respect to the integrated tactical warning and attack assessment systems, processes, and enablers, and continuity of the governmental functions of the Department of Defense” before period at end.

Subsec. (d)(2)(C). Pub. L. 114–328, §1661(a)(2), inserted “(including space system architectures and associated user terminals and ground segments)” before period at end.

Subsec. (e). Pub. L. 114–328, §1661(c)(1), substituted “During the period preceding January 31, 2021, at the same time each year that the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31, and from time to time after such period at the discretion of the Council,” for “At the same time each year that the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31,” in introductory provisions.

Subsec. (e)(6). Pub. L. 114–328, §1661(c)(2), added par. (6).

Subsecs. (i) to (k). Pub. L. 114–328, §1661(b), added subsecs. (i) and (j) and redesignated former subsec. (i) as (k).

2015—Subsec. (e)(5). Pub. L. 114–92, §1651(3), added par. (5).

Subsecs. (f) to (i). Pub. L. 114–92, §1651(1), (2), added subsec. (f) and redesignated former subsecs. (f) to (h) as (g) to (i), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1701(b)(14) of Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

Amendment by section 1845(c)(2) of Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

DEPARTMENT OF DEFENSE INSTRUCTION

Pub. L. 115–91, div. A, title XVI, §1654(a)(2), Dec. 12, 2017, 131 Stat. 1759, provided that: “The Secretary of Defense shall issue a Department of Defense Instruction, or revise such an Instruction, to ensure that program managers carry out subsection (k)(1) of section 171a of title 10, United States Code, as added by paragraph (1).”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsecs. (e) and (g)(2) of this section requiring submission of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.

EXECUTION AND PROGRAMMATIC OVERSIGHT

Pub. L. 115–91, div. A, title XVI, §1654(b), Dec. 12, 2017, 131 Stat. 1759, provided that:

“(1) DATABASE.—Not later than one year after the date of the enactment of this Act [Dec. 12, 2017], the Chief Information Officer of the Department of Defense, as Executive Secretary of the Council on Oversight of the National Leadership Command, Control, and Communications System established under section 171a of title 10, United States Code (or a successor to the Chief Information Officer assigned responsibility for policy, oversight, guidance, and coordination for

nuclear command and control systems), shall, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, develop a database relating to the execution of all nuclear command, control, and communications acquisition programs of the Department of Defense with an approved Materiel Development Decision. The database shall be updated not less frequently than annually and upon completion of a major program element of such a program.

“(2) DATABASE ELEMENTS.—The database required by paragraph (1) shall include, at a minimum, the following elements for each program described in that paragraph, consistent with Department of Defense Instruction 5000.02:

“(A) Projected dates for Milestones A, B, and C, including cost thresholds and objectives for major elements of life cycle cost.

“(B) Projected dates for program design reviews and critical design reviews.

“(C) Projected dates for developmental and operation tests.

“(D) Projected dates for initial operational capability and final operational capability.

“(E) An acquisition program baseline.

“(F) Program acquisition unit cost and average procurement unit cost.

“(G) Contract type.

“(H) Key performance parameters.

“(I) Key system attributes.

“(J) A risk register.

“(K) Technology readiness levels.

“(L) Manufacturing readiness levels.

“(M) Integration readiness levels.

“(N) Any other critical elements that affect the stability of the program.

“(3) BRIEFINGS.—The co-chairs of the Council on Oversight of the National Leadership Command, Control, and Communications System shall brief the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] on the status of the database required by paragraph (1)—

“(A) not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017]; and

“(B) upon completion of the database.”

§ 172. Explosive safety board

(a) IN GENERAL.—The Secretary of Defense, acting through a joint board that includes members selected by the Secretaries of the military departments, composed of military officers designated as the chair and voting members of the board for each military department, and other civilian officers and employees of the Department of Defense, as necessary, shall provide oversight on storage and transportation of supplies of ammunition and components thereof for use of the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, with particular regard to keeping those supplies properly dispersed and stored and to preventing hazardous conditions from arising to endanger life and property inside or outside of storage reservations. When the Coast Guard is not operating as a service in the Department of the Navy, the Secretary of Homeland Security shall appoint an officer of the Coast Guard to serve as a voting member of the board.

(b) OVERSIGHT BY SECRETARIES OF THE MILITARY DEPARTMENTS.—The Secretaries of the military departments shall provide research, development, test, evaluation, and manufacturing oversight for energetic materials supporting military requirements.

(c) RESPONSIBILITIES OF CHAIR.—Except as provided in subsection (h), the chair of the explo-

sive safety board shall carry out the following responsibilities:

(1) To act as the principal executive representative and advisor of the Secretary on explosive and chemical agent safety matters related to Department of Defense military munitions.

(2) To perform the hazard classification approval duties assigned to the chair.

(3) To preside over meetings of the explosive safety board.

(4) To direct the staff of the explosive safety board.

(5) To perform other functions relating to explosives safety management, as directed by the Assistant Secretary of Defense for Sustainment.

(6) To provide impartial and objective advice related to explosives safety management to the Secretary of Defense and the heads of the military departments.

(7) To serve as the principal representative and advisor of the Department of Defense on matters relating to explosives safety management.

(8) To provide assistance and advice to the Under Secretary of Defense for Acquisition and Sustainment and the Deputy Director of Land Warfare and Munitions in munitions acquisition oversight and technology advancement for Department of Defense military munitions, especially in the areas of explosives and chemical agent safety and demilitarization.

(9) To provide assistance and advice to the Assistant Secretary of Defense for Logistics and Material Readiness in sustainment oversight of Department of Defense military munitions, especially in the areas of explosives and chemical agent safety, storage, transportation, and demilitarization.

(10) To develop and recommend issuances to define the functions of the explosive safety board.

(11) To establish joint hazard classification procedures with covered components of the Department.

(12) To make recommendations to the Under Secretary of Defense for Acquisition and Sustainment with respect to explosives and chemical agent safety tenets and requirements.

(13) To conduct oversight of Department of Defense explosive safety management programs.

(14) To carry out such other responsibilities as the Secretary of Defense determines appropriate.

(d) RESPONSIBILITIES OF EXECUTIVE DIRECTOR AND CIVILIAN MEMBERS.—The executive director and civilian members of the explosive safety board shall—

(1) provide assistance to the chair in carrying out the responsibilities specified in subsection (c); and

(2) carry out such other responsibilities as the chair determines appropriate.

(e) MEETINGS.—(1) The explosive safety board shall meet not less frequently than quarterly.

(2) The chair shall submit to the congressional defense committees an annual report describing

the activities conducted at the meetings of the board.

(f) EXCLUSIVE RESPONSIBILITIES.—The explosive safety board shall have exclusive responsibility within the Department of Defense for—

(1) recommending new and updated explosive and chemical agent safety regulations and standards to the Assistant Secretary of Defense for Energy Installations and Environment for submittal to the Under Secretary of Defense for Acquisition and Sustainment; and

(2) acting as the primary forum for coordination among covered components of the Department on all matters related to explosive safety management.

(g) COVERED COMPONENTS.—In this section, the covered components of the Department are each of the following:

(1) The Office of the Secretary of Defense.

(2) The military departments.

(3) The Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands.

(4) The Office of the Inspector General of the Department.

(5) The Defense Agencies.

(6) The Department of Defense field activities.

(7) All other organizational entities within the Department.

(h) EXPLOSIVES USED BY SPACE LAUNCH VEHICLES.—(1) The Secretary of Defense shall delegate to the Secretary of the Air Force, who may further delegate to the Commanders of the Space Launch Deltas, the responsibilities under subsection (c) with respect to explosives used by space launch vehicles.

(2) In this subsection, the term “launch vehicle” has the meaning given such term in section 50902(11) of title 51.

(Aug. 10, 1956, ch. 1041, 70A Stat. 8; Pub. L. 104–201, div. A, title IX, §909, Sept. 23, 1996, 110 Stat. 2621; Pub. L. 111–383, div. A, title X, §1075(b)(7), Jan. 7, 2011, 124 Stat. 4369; Pub. L. 115–91, div. A, title III, §341(a), (b)(1), Dec. 12, 2017, 131 Stat. 1361; Pub. L. 115–232, div. A, title III, §351, Aug. 13, 2018, 132 Stat. 1730; Pub. L. 116–283, div. A, title III, §351(a), title IX, §924(b)(2)(A)(ii), Jan. 1, 2021, 134 Stat. 3542, 3821; Pub. L. 118–31, div. A, title XVI, §1601(a), title XVIII, §1801(a)(2), Dec. 22, 2023, 137 Stat. 583, 683.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
172(a)	50:83 (less last sentence).	May 29, 1928, ch. 853 (last par. under “Ordnance Establishment”), 45 Stat. 928.
172(b)	50:83 (last sentence).	

In subsection (a), the words “informed on stored” are substituted for the words “advised of storage”. The words “particular regard” are substituted for the words “special reference”. The words “inside or outside of” are substituted for the words “within or without”. The word “selected” is substituted for the word “appointed”, since the filling of the position involved is not appointment to an office in the constitutional sense.

In subsection (b), the words “in carrying out” are substituted for the words “in the execution of”.

Editorial Notes

AMENDMENTS

2023—Subsec. (c). Pub. L. 118–31, §1601(a)(1), substituted “Except as provided in subsection (h), the chair” for “The chair” in introductory provisions.

Subsec. (c)(5). Pub. L. 118–31, §1801(a)(2)(A), substituted “perform” for “performs”.

Subsec. (c)(11). Pub. L. 118–31, §1801(a)(2)(B), substituted “establish” for “establishes”.

Subsec. (c)(13). Pub. L. 118–31, §1801(a)(2)(C), substituted “conduct” for “conducts”.

Subsec. (h). Pub. L. 118–31, §1601(a)(2), added subsec. (h).

2021—Subsec. (a). Pub. L. 116–283, §924(b)(2)(A)(ii), substituted “Marine Corps, Space Force,” for “Marine Corps.”

Subsecs. (c) to (g). Pub. L. 116–283, §351(a), added subsecs. (c) to (g).

2018—Subsec. (a). Pub. L. 115–23 substituted “Marine Corps, and Coast Guard” for “and Marine Corps” and inserted at end “When the Coast Guard is not operating as a service in the Department of the Navy, the Secretary of Homeland Security shall appoint an officer of the Coast Guard to serve as a voting member of the board.”

2017—Pub. L. 115–91, §341(b)(1), substituted “Explosive safety” for “Ammunition storage” in section catchline.

Pub. L. 115–91, §341(a)(1)–(8), designated existing provisions as subsec. (a) and inserted heading, inserted “that includes members” after “joint board”, substituted “selected by the Secretaries of the military departments” for “selected by them”, inserted “military” before “officers”, “designated as the chair and voting members of the board for each military department” after “officers”, and “and other” before “civilian officers”, and substituted “as necessary” for “or both” and “provide oversight on storage and transportation of” for “keep informed on stored”.

Subsec. (b). Pub. L. 115–91, §341(a)(9), added subsec. (b).

2011—Pub. L. 111–383 struck out subsec. (a) designation before “The Secretaries” and struck out subsec. (b) which read as follows: “The board shall confer with and advise the Secretaries of the military departments in carrying out the recommendations in House Document No. 199 of the Seventieth Congress.”

1996—Subsec. (a). Pub. L. 104–201 substituted “a joint board selected by them composed of officers, civilian officers and employees of the Department of Defense, or both” for “a joint board of officers selected by them”.

Statutory Notes and Related Subsidiaries

DEADLINE FOR APPOINTMENT

Pub. L. 116–283, div. A, title III, §351(b), Jan. 1, 2021, 134 Stat. 3543, provided that: “By not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall take such steps as may be necessary to ensure that the explosive safety board of the Department of Defense, as authorized under section 172 of title 10, United States Code, has a chair who is a military officer and whose responsibilities include the day-to-day management of the explosive safety board and the responsibilities provided in subsection (c) of such section.”

§ 173. Advisory personnel

(a) The Secretary of Defense may establish such advisory committees and employ such part-time advisers as he considers necessary for the performance of his functions and those of the agencies under his control.

(b) A person who serves as a member of a committee may not be paid for that service while holding another position or office under the

United States for which he receives compensation. Other members and part-time advisers shall (except as otherwise specifically authorized by law) serve without compensation for such service.

(Aug. 10, 1956, ch. 1041, 70A Stat. 8; Pub. L. 89–718, §2, Nov. 2, 1966, 80 Stat. 1115; Pub. L. 104–106, div. A, title X, §1061(e)(1), Feb. 10, 1996, 110 Stat. 443.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
173(a)	5:171j(a) (1st sentence, as applicable to Secretary of Defense).	July 26, 1947, ch. 343, §303 (as applicable to Secretary of Defense); Aug. 10, 1949, ch. 412, §10(c) (as applicable to Secretary of Defense); Sept. 3, 1954, ch. 1263, §8 (as applicable to Secretary of Defense), 68 Stat. 1228.
173(b)	5:171j(a) (less 1st sentence, as applicable to Secretary of Defense).	
173(c)	5:171j(b) (as applicable to Secretary of Defense).	

In subsection (a), the words “consistent with other provisions of sections 171–171n, 172–172j, 181–1, 181–2, 411a, 411b, and 626–626d of this title and sections 401–405 of Title 50” are omitted as surplusage. The word “establish” is substituted for the word “appoint”, since the filling of the position involved is not appointment to an office in the constitutional sense.

In subsection (b), the word “Secretary” is substituted for the words “appointing authority”.

In subsection (c), the words “as a part-time adviser” are substituted for the words “in any other part-time capacity for a department or agency” to conform to subsections (a) and (b).

Editorial Notes

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–106 substituted “Other members and part-time advisers shall (except as otherwise specifically authorized by law) serve without compensation for such service.” for “Other members and part-time advisers may serve without compensation or may be paid not more than \$50 for each day of service, as the Secretary determines.”

1966—Subsec. (c). Pub. L. 89–718 repealed subsec. (c) which provided that sections 281, 283, and 284 of title 18 did not apply to a person because of his service on a committee or as a part-time advisor under subsec. (a) of this section unless the unlawful act related to a matter directly involving a department or agency which he was advising or to a matter in which that department or agency was directly interested.

Statutory Notes and Related Subsidiaries

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 1013 of Title 5, Government Organization and Employees.

§ 174. Advisory personnel: research and development

(a) The Secretary of each military department may establish such advisory committees and panels as are necessary for the research and development activities of his department and may