

**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

employ such part-time advisers as he considers necessary to carry out those activities.

(b) A person who serves as a member of such a committee or panel 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.

(c) The Secretary concerned may delegate any authority under this section to—

- (1) the Under Secretary of his department;
- (2) an Assistant Secretary of his department;

OR

- (3) the chief, and one assistant to the chief, of any technical service, bureau, or office.

(Aug. 10, 1956, ch. 1041, 70A Stat. 9; 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>
174(a) .....	5:235b (1st sentence). 5:475g (1st sentence). 5:628b (1st sentence).	July 16, 1952, ch. 882, §§ 1, 7 (as applicable to §1), 66 Stat. 725, 726.
174(b) .....	5:235b (less 1st sentence). 5:475g (less 1st sentence). 5:628b (less 1st sentence).	
174(c) .....	5:235h (as applicable to 5:235b). 5:475m (as applicable to 5:475g). 5:628h (as applicable to 5:628b).	

In subsection (a), the words “the conduct of” are omitted as surplusage.

In subsection (b), the words “or panel” are inserted for clarity. The words “Secretary concerned” are substituted for the words “appointing authority”.

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AMENDMENTS

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**§ 175. Reserve Forces Policy Board**

There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 9; Pub. L. 90-168, §2(3), (4), Dec. 1, 1967, 81 Stat. 521; Pub. L. 98-94, title XII, §1212(b), Sept. 24, 1983, 97 Stat.

687; Pub. L. 98-525, title XIII, §1306, title XIV, §1405(4), Oct. 19, 1984, 98 Stat. 2613, 2622; Pub. L. 98-557, §21, Oct. 30, 1984, 98 Stat. 2870; Pub. L. 99-433, title V, §531(a)(1), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 103-337, div. A, title IX, §921, title XVI, §1661(b)(3), Oct. 5, 1994, 108 Stat. 2829, 2981.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
175(a) .....	50:1008(a).	July 9, 1952, ch. 608, §257 (less (e)), 66 Stat. 497.
175(b) .....	50:1008(b).	
175(c) .....	50:1008(c).	
175(d) .....	50:1008(d) (less proviso).	
175(e) .....	50:1008(d) (proviso).	

In subsection (a), the word “are” is substituted for the words “is established”, to make clear the continuing authority of the organization established by the source statute. Clauses (3), (4), and (5) are substituted for 50:1008(a)(iii) for clarity. In clauses (6), (7), (8), and (9), the word “designated” is substituted for the word “appointed”, in 50:1008(iv), (v), (vi), and (vii), to make it clear that the positions described are not constitutional offices.

In subsection (b), the words “Regular Coast Guard or Coast Guard Reserve” are substituted for the words “Regular or Reserve \* \* \* Coast Guard”.

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AMENDMENTS

1994—Pub. L. 103-337, §1661(b)(3), amended section generally, substituting single undesignated par. for former subsecs. (a) to (f) relating to establishment, composition, functions, and powers of Reserve Forces Policy Board.

Subsec. (a)(4). Pub. L. 103-337, §921(1), substituted “and an officer of the Regular Marine Corps each” for “or Regular Marine Corps”.

Subsec. (a)(10). Pub. L. 103-337, §921(2)–(4), added par. (10).

1986—Subsec. (d). Pub. L. 99-433 substituted “3021” and “8021” for “3033” and “8033”, respectively.

1984—Subsec. (b). Pub. L. 98-557 substituted “Regular or Reserve, to serve as voting members” for “regular or reserve, to serve as a voting member”.

Pub. L. 98-525, §1306, substituted “two officers of the Coast Guard, regular or reserve” for “an officer of the Regular Coast Guard or the Coast Guard Reserve”.

Subsec. (c). Pub. L. 98-525, §1405(4), inserted a comma following “Reserve Affairs”.

1983—Subsec. (c). Pub. L. 98-94 substituted “Assistant Secretary of Defense for Reserve Affairs” for “Assistant Secretary of Defense for Manpower and Reserve Affairs”.

1967—Subsec. (a)(2). Pub. L. 90-168, §2(3), substituted “the Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs” for “the Secretary, the Under Secretary, or an Assistant Secretary designated under section 264(b) of this title, of each of the military departments”.

Subsec. (b). Pub. L. 90-168, §2(4), substituted “Secretary of Transportation” for “Secretary of the Treasury” as the Secretary empowered to designate officers to serve on the Board and substituted “serve as a voting member” for “serve without vote as a member” in the description of the officer’s service on the Board.

Subsec. (c). Pub. L. 90-168, §2(4), substituted “Assistant Secretary of Defense for Manpower and Reserve Affairs” for “Assistant Secretary of Defense designated under section 264(a) of this title”.

Subsec. (d). Pub. L. 90-168, §2(4), inserted references to sections 5251 and 5252 of this title.

Subsec. (e). Pub. L. 90-168, §2(4), substituted “member of a committee or board prescribed under a section list-