

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, referred to in subsecs. (e)(1)(B)(ii) and (h)(2)(B)(i), is the date of enactment of Pub. L. 118–31, which was approved Dec. 22, 2023.

AMENDMENTS

2024—Subsec. (h)(2)(A)(ii). Pub. L. 118–159 substituted “by law” for “under this title”.

2023—Pub. L. 118–31, § 362(b)(1), inserted “or antenna structure projects” after “energy projects” wherever appearing and inserted “or antenna structure project” after “energy project” wherever appearing except in subsecs. (e)(1) and (h)(2).

Subsec. (c)(3). Pub. L. 118–31, § 361, inserted “The Clearinghouse shall ensure that a governor has at least 30 days after the date on which the governor receives the notice of presumed risk to provide any such comments and shall provide detailed information and other information necessary to ensure that the governor can fully understand the nature of the presumed risk.” after “to the application.”

Subsec. (d)(2)(B). Pub. L. 118–31, § 362(a)(1)(A), inserted “or any active intercontinental ballistic missile launch facility or control center” after “military training routes”.

Subsec. (d)(2)(E). Pub. L. 118–31, § 362(a)(1)(B), substituted “a Deputy Under Secretary of Defense, or, in the case of a geographic area of concern related to an active intercontinental ballistic missile launch facility or control center, the Assistant Secretary of Defense for Energy, Installations, and Environment” for “or a Deputy Under Secretary of Defense”.

Subsec. (e)(1). Pub. L. 118–31, § 362(a)(2), designated first sentence as subpar. (A) and inserted “or antenna structure project” after “energy project”, designated second sentence as subpar. (C) and substituted “Any finding of unacceptable risk to national security by the Secretary of Defense under this paragraph” for “The Secretary of Defense’s finding of unacceptable risk to national security”, and added subpar. (B) after subpar. (A) as so designated.

Subsec. (h)(2) to (11). Pub. L. 118–31, § 362(b)(2), added pars. (2) and (3) and redesignated former pars. (2) to (9) as (4) to (11), respectively.

2021—Subsec. (c)(2). Pub. L. 116–283, § 311(1), designated existing provisions as subpar. (A) and added subpar. (B).

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. Civilian Protection Center of Excellence

(a) ESTABLISHMENT.—The Secretary of Defense shall operate the Civilian Protection Center of Excellence. The purpose of the Center shall be to—

(1) serve as the focal point for matters related to civilian casualties and other forms of civilian harm resulting from military operations involving the United States Armed Forces; and

(2) institutionalize and advance knowledge, practices, and tools for preventing, mitigating, and responding to civilian harm.

(b) PURPOSE.—The Center shall be used to—

(1) develop standardized civilian-harm operational reporting and data management processes to improve data collection, sharing, and learning across the Department of Defense;

(2) develop, recommend, and review guidance, and the implementation of guidance, on how the Department responds to civilian harm;

(3) develop recommended guidance for addressing civilian harm across the full spec-

trum of armed conflict and for use in doctrine and operational plans;

(4) recommend training and exercises for the prevention and investigation of civilian harm;

(5) develop a repository of civilian casualty and civilian harm information;

(6) capture lessons learned from assessments and investigations of civilian casualty incidents and supporting institutionalization of such lessons learned within policy, doctrine, training, exercises, and tactics, techniques, and procedures of the Department of Defense;

(7) support the coordination and synchronization of efforts across combatant commands, the Department of State, and other relevant United States Government departments and agencies to prevent, mitigate, and respond to incidents of civilian harm;

(8) engage with nongovernmental organizations and civilian casualty experts; and

(9) perform such other functions as the Secretary of Defense may specify.

(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees, and make publicly available on an appropriate website of the Department, an annual report on the activities of the Center.

(Added Pub. L. 117–263, div. A, title X, § 1082(a)(1), Dec. 23, 2022, 136 Stat. 2799.)

Editorial Notes

CODIFICATION

Another section 184 was renumbered section 185 of this title.

PRIOR PROVISIONS

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

Statutory Notes and Related Subsidiaries

DEADLINE FOR ESTABLISHMENT

Pub. L. 117–263, div. A, title X, § 1082(b), Dec. 23, 2022, 136 Stat. 2799, provided that: “The Civilian Protection Center of Excellence, as required under section 184 of title 10, United States Code, as added by subsection (a), shall be established by not later than 90 days after the date of the enactment of this Act [Dec. 23, 2022].”

§ 185. 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) During periods in which the Coast Guard is not operating as a service in the Depart-

ment of the Navy, an officer of the Coast Guard, appointed by the Secretary of Homeland Security.

(E) 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