

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

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) Ensuring each military department has in place, for the safety management system and program described in paragraphs (5) and (6), respectively, of that military department—

(A) a resolution plan that identifies specific corrective and preventative actions to address the causes of mishaps; and

(B) an implementation plan for such system and program.

(8) Reviewing the proposal of each military department for the safety management system and program described in paragraphs (5) and (6), respectively.

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

(10) 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.

(11) Not later than one year after the initial identification of corrective and preventative actions by a military department pursuant to a resolution plan under paragraph (7)(A), and periodically thereafter, reviewing and validating each such identified corrective and preventative action to ensure the action is effective.

(12) Ensuring any related change in methods, tactics, or procedures necessary for the conduct of such identified corrective and preventative actions have been implemented.

(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 administrative 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) REPORTS.—(1) The Chairperson of the Council shall submit to the congressional defense committees biannual reports on the activities of the Council.

(2) Not later than December 31 of each year, the Deputy Secretary of Defense shall submit to the congressional defense committees an annual report containing—

(A) a summary of the goals and priorities of the Deputy Secretary for the year following the date of the submission of the report with respect to the activities of the Council;

(B) an assessment by the Deputy Secretary of the activities of the Council carried out during the year preceding the date of such submission; and

(C) for the year covered by the report—

(i) releasable information regarding any mishap that occurred during such year; and

(ii) an identification of any corrective or preventative action implemented pursuant to a recommendation made in a safety or legal investigation report of such a mishap.

(l) BIENNIAL BRIEFINGS.—Not later than March 31 and December 31 of each year, the Chairperson of the Council shall provide to the congressional defense committees a briefing on the contents of the report required to be submitted under subsection (k)(1) that covers the six-month period preceding the date of the briefing.

(Added Pub. L. 117-81, div. A, title III, §372(a), Dec. 27, 2021, 135 Stat. 1664, §184; amended Pub. L. 117-263, div. A, title III, §§381, 383, Dec. 23, 2022, 136 Stat. 2542, 2544; renumbered §185 and amended Pub. L. 118-31, div. A, title III, §363,

Dec. 22, 2023, 137 Stat. 233; Pub. L. 118–159, div. A, title III, § 331, Dec. 23, 2024, 138 Stat. 1854.)

Editorial Notes

AMENDMENTS

2024—Subsec. (k)(1). Pub. L. 118–159, § 331(1)(A), substituted “Chairperson” for “Chair” and “biannual” for “semi-annual”.

Subsec. (k)(2). Pub. L. 118–159, § 331(1)(B)(i), in introductory provisions, struck out “March 31, 2023, and not later than” before “December 31” and “thereafter” after “each year” and substituted “an annual report” for “a report”.

Subsec. (k)(2)(C). Pub. L. 118–159, § 331(1)(B)(ii)–(iv), added subpar. (C).

Subsec. (l). Pub. L. 118–159, § 331(2), added subsec. (l). 2023—Pub. L. 118–31, § 363(1), renumbered section 184 of this title relating to Joint Safety Council as this section.

Subsec. (d)(7) to (12). Pub. L. 118–31, § 363(2), added pars. (7), (11), and (12), redesignated former pars. (7) to (9) as (8) to (10), respectively, and substituted “the safety management system and program described in paragraphs (5) and (6), respectively” for “the safety management systems described in paragraphs (9) and (10)” in par. (8) as so redesignated.

2022—Subsec. (b)(1)(D), (E). Pub. L. 117–263, § 383, added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (k). Pub. L. 117–263, § 381, substituted “Reports” for “Report” in heading, designated existing provisions as par. (1), and added par. (2).

Statutory Notes and Related Subsidiaries

ESTABLISHMENT OF MAJOR MISHAP INCIDENT DESIGNATION CLASSIFICATION FOR DEPARTMENT OF DEFENSE INCIDENTS

Pub. L. 118–159, div. A, title X, § 1054, Dec. 23, 2024, 138 Stat. 2061, provided that:

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish a new mishap designation classification for the most serious incidents, to be known as ‘major mishap incidents’, to describe any incident that—

“(1) results in not less than \$500,000,000 in damage or loss; and

“(2) is of such complexity or sensitivity, or would have such an effect on the national security of the United States, as to warrant designation by the Secretary of Defense as a major mishap incident pursuant to regulations prescribed by the Secretary and that include the consideration of—

“(A) the number of members of the Armed Forces who were killed due to the incident;

“(B) the geographic dispersion of the incident;

“(C) the grade of individuals involved;

“(D) the number of Armed Forces and Government entities involved;

“(E) the effect of the incident on the local civilian population;

“(F) the effect of the incident on any foreign government or foreign personnel;

“(G) the anticipated complexity or difficulty of the investigation of the incident;

“(H) the effect of the incident on the capability of any major operational command or component to continue to function effectively; and

“(I) such other matters as the Secretary determines appropriate.

“(b) INVESTIGATIONS.—

“(1) GRADE OF INVESTIGATING OFFICER.—The convening authority for any investigation of a major mishap incident shall appoint an investigating officer from among officers who hold a rank not lower than Major General in the Army, Air Force, or Marine Corps or Rear Admiral in the Navy to investigate all major mishap incidents—

“(A) including any related administrative, disciplinary, or legal investigations; and

“(B) excluding any criminal investigations conducted by a military criminal investigative organization.

“(2) TIMELINE FOR INVESTIGATIONS.—The Secretary of Defense shall amend Department of Defense Instruction 6055.07 to set the goal that a full investigation of each major mishap incident be completed, to the extent practicable, not later than one year after the date on which the investigation is initiated.

“(3) BRIEFING REQUIREMENT.—In the case of any investigation of a major mishap incident that is not completed within the timeline provided under paragraph (2), the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing every 90 days until the date of the completion of the investigation. Each such briefing shall include—

“(A) an explanation for why the investigation has not been completed; and

“(B) the projected date of the completion of the investigation.

“(c) ACCOUNTABILITY ACTIONS.—If an investigation into a major mishap incident includes a recommendation to hold an individual accountable, the separation authority or convening authority, as appropriate, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the proceeding for the accountability action every 120 days beginning on the date of the completion of the investigation of the incident and ending on the date on which the proceeding is complete.

“(d) BRIEFING REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall provide to the Committees on Armed Services for the Senate and House of Representatives a briefing on—

“(1) the status of the implementation of the establishment of a major mishap incident designation, as required under subsection (a);

“(2) any updates to statutes or Department of Defense Instructions that are needed to implement this section; and

“(3) the projected timeline for the implementation of this section.

“(e) DEADLINE FOR IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall finalize the implementation of this section, including by updating any Department of Defense guidance and policy as necessary to carry out the requirements of this section.”

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)) [now 10 U.S.C. 185], 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 [now 10 U.S.C. 185] 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.”

[§ 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.