

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.

[§ 187. Repealed. Pub. L. 117–263, div. A, title XIV, § 1411(a), Dec. 23, 2022, 136 Stat. 2869]

Section, 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, related to Strategic Materials Protection Board. See section 98h–1 of Title 50, War and National Defense.

§ 188. Interagency Council on the Strategic Capability of the National Laboratories

(a) **ESTABLISHMENT.**—There is an Interagency Council on the Strategic Capability of the National Laboratories (in this section referred to as the “Council”).

(b) **MEMBERSHIP.**—The membership of the Council is comprised of the following:

- (1) The Secretary of Defense.
- (2) The Secretary of Energy.
- (3) The Secretary of Homeland Security.
- (4) The Director of National Intelligence.
- (5) The Administrator for Nuclear Security.
- (6) Such other officials as the President considers appropriate.

(c) **STRUCTURE AND PROCEDURES.**—The President may determine the chair, structure, staff, and procedures of the Council.

(d) **RESPONSIBILITIES.**—The Council shall be responsible for the following matters:

(1) Identifying and considering the science, technology, and engineering capabilities of the national laboratories that could be leveraged by each participating agency to support national security missions.

(2) Reviewing and assessing the adequacy of the national security science, technology, and engineering capabilities of the national laboratories for supporting national security missions throughout the Federal Government.

(3) Establishing and overseeing means of ensuring that—

(A) capabilities identified by the Council under paragraph (1) are sustained to an appropriate level; and

(B) each participating agency provides the appropriate level of institutional support to sustain such capabilities.

(4) In accordance with acquisition rules regarding federally funded research and development centers, establishing criteria for when each participating agency should seek to use the services of the national laboratories, including the identification of appropriate mission areas and capabilities.

(5) Making recommendations to the President and Congress regarding regulatory or statutory changes needed to better support—

(A) the strategic capabilities of the national laboratories; and

(B) the use of such laboratories by each participating agency.

(6) Other actions the Council considers appropriate with respect to—

(A) the sustainment of the national laboratories; and

(B) the use of the strategic capabilities of such laboratories.

(e) **STREAMLINED PROCESS.**—With respect to the participating agency for which a member of the Council is the head of, each member of the Council shall—

(1) establish processes to streamline the consideration and approval of procuring the services of the national laboratories on appropriate matters; and

(2) ensure that such processes are used in accordance with the criteria established under subsection (d)(4).

(f) **DEFINITIONS.**—In this section:

(1) The term “participating agency” means a department or agency of the Federal Government that is represented on the Council by a member under subsection (b).

(2) The term “national laboratories” means—

(A) each national security laboratory (as defined in section 3281(1) of the National Nuclear Security Administration Act (50 U.S.C. 2471(1))); and

(B) each national laboratory of the Department of Energy.

(Added Pub. L. 112–239, div. A, title X, § 1040(a), Jan. 2, 2013, 126 Stat. 1928.)

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 112–239, div. A, title X, § 1040(d), Jan. 2, 2013, 126 Stat. 1931, provided that: “Nothing in section 188 of title 10, United States Code, as added by subsection (a), shall be construed to limit section 309 of the Homeland Security Act of 2002 (6 U.S.C. 189).”

REPORT

Pub. L. 112–239, div. A, title X, § 1040(c), Jan. 2, 2013, 126 Stat. 1930, provided that:

“(1) **IN GENERAL.**—Not later than September 30, 2013, the Interagency Council on the Strategic Capability of the National Laboratories established under section 188 of title 10, United States Code, as added by subsection (a), shall submit to the appropriate congressional committees a report describing and assessing the following:

“(A) The actions taken to implement the requirements of such section 188 and the charter titled ‘Governance Charter for an Interagency Council on the Strategic Capability of DOE National Laboratories as National Security Assets’ signed by the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence in July 2010.

“(B) The effectiveness of the Council in accomplishing the purpose and objectives of such section and such Charter.

“(C) Efforts to strengthen work-for-others programs at the national laboratories.

“(D) Efforts to make work-for-others opportunities at the national laboratories more cost-effective.

“(E) Ongoing and planned measures for increasing cost-sharing and institutional support investments at the national laboratories from other agencies.

“(F) Any regulatory or statutory changes recommended to improve the ability of such other agencies to leverage expertise and capabilities at the national laboratories.

“(G) The strategic capabilities and core competencies of laboratories and engineering centers operated by the Department of Defense, including identification of mission areas and functions that should be carried out by such laboratories and engineering centers.