

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

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

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).

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 L. 89-718 repealed subsec.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.

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 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to 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

| Revised section | Source (U.S. Code)  | Source (Statutes at Large)   |
|-----------------|---|--|
| 174(a) .....    | 5:235b (1st sentence).<br>5:475g (1st sentence).<br>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).<br>5:475g (less 1st sentence).<br>5:628b (less 1st sentence).                   |  |
| 174(c) .....    | 5:235h (as applicable to 5:235b).<br>5:475m (as applicable to 5:475g).<br>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”.

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 concerned determines.”

TERMINATION OF ADVISORY COMMITTEES

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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

| Revised section | Source (U.S. Code)         | Source (Statutes at Large)                             |
|-----------------|----------------------------|--|
| 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”.

## 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 listed in subsection (d)” for “member of a committee under section 3033 or 8033 of this title”.

Subsec. (f). Pub. L. 90-168, § 2(4), added subsec. (f).

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1661(b)(3) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

## EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-94 effective Oct. 1, 1983, see section 1212(e) of Pub. L. 98-94 set out as a note under section 138 of this title.

## EFFECTIVE DATE OF 1967 AMENDMENT

For effective date of amendment by Pub. L. 90-168, see section 7 of Pub. L. 90-168, set out as a note under section 138 of this title.

## § 176. Armed Forces Institute of Pathology

(a)(1) There is in the Department of Defense an Institute to be known as the Armed Forces Institute of Pathology (hereinafter in this section referred to as the “Institute”), which has the responsibilities, functions, authority, and relationships set forth in this section. The Institute shall be a joint entity of the three military departments, subject to the authority, direction, and control of the Secretary of Defense.

(2) The Institute shall consist of a Board of Governors, a Director, two Deputy Directors, and a staff of such professional, technical, and clerical personnel as may be required.

(3) The Board of Governors shall consist of the Assistant Secretary of Defense for Health Affairs, who shall serve as chairman of the Board of Governors, the Assistant Secretary of Health and Human Services for Health, the Surgeons General of the Army, Navy, and Air Force, the Under Secretary for Health of the Department of Veterans Affairs, and a former Director of the Institute, as designated by the Secretary of Defense, or the designee of any of the foregoing.

(4) The Director and the Deputy Directors shall be appointed by the Secretary of Defense.

(b)(1) In carrying out the provisions of this section, the Institute is authorized to—

(A) contract with the American Registry of Pathology (established under section 177 of this title) for cooperative enterprises in medical research, consultation, and education between the Institute and the civilian medical profession under such conditions as may be agreed upon between the Board of Governors and the American Registry of Pathology;

(B) make available at no cost to the American Registry of Pathology such space, facilities, equipment, and support services within the Institute as the Board of Governors deems necessary for the accomplishment of their mutual cooperative enterprises; and

(C) contract with the American Registry of Pathology for the services of such professional, technical, or clerical personnel as are necessary to fulfill their cooperative enterprises.

(2) No contract may be entered into under paragraph (1) which obligates the Institute to make outlays in advance of the enactment of budget authority for such outlays.

(c) The Director is authorized, with the approval of the Board of Governors, to enter into agreements with the American Registry of Pathology for the services at any time of not more