

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

than six distinguished pathologists or scientists of demonstrated ability and experience for the purpose of enhancing the activities of the Institute in education, consultation, and research. Such pathologists or scientists may be appointed by the Director to administrative positions within the components or subcomponents of the Institute and may be authorized by the Director to exercise any or all professional duties within the Institute, notwithstanding any other provision of law. The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense.

(d) The Secretary of Defense shall promulgate such regulations as may be necessary to prescribe the organization, functions, and responsibilities of the Institute.

(Added Pub. L. 94-361, title VIII, §811(b), July 14, 1976, 90 Stat. 933; amended Pub. L. 96-513, title V, §511(6), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 101-189, div. A, title XVI, §1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 103-160, div. A, title VII, §733, Nov. 30, 1993, 107 Stat. 1697; Pub. L. 104-106, div. A, title IX, §903(f)(1), Feb. 10, 1996, 110 Stat. 402; Pub. L. 104-201, div. A, title IX, §901, Sept. 23, 1996, 110 Stat. 2617; Pub. L. 107-107, div. A, title X, §1048(a)(4), Dec. 28, 2001, 115 Stat. 1222.)

#### AMENDMENTS

2001—Subsec. (a)(3). Pub. L. 107-107 substituted “Under Secretary for Health” for “Chief Medical Director”.

1996—Subsec. (a)(3). Pub. L. 104-106, §903(a), (f)(1), which directed amendment of subsec. (a)(3), eff. Jan. 31, 1997, by substituting “official in the Department of Defense with principal responsibility for health affairs” for “Assistant Secretary of Defense for Health Affairs” and “Under Secretary for Health of the Department of Veterans Affairs” for “Chief Medical Director of the Department of Veterans Affairs”, was repealed by Pub. L. 104-201.

1993—Subsec. (c). Pub. L. 103-160 inserted at end “The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense.”

1989—Subsec. (a)(3). Pub. L. 101-189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1980—Subsec. (a)(3). Pub. L. 96-513, §511(6)(A), substituted “Secretary of Health and Human Services” for “Secretary of Health, Education, and Welfare”.

Subsec. (b)(1)(A). Pub. L. 96-513, §511(6)(B), inserted “of this title” after “177”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### ESTABLISHMENT OF JOINT PATHOLOGY CENTER

Pub. L. 110-181, div. A, title VII, §722, Jan. 28, 2008, 122 Stat. 199, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) The Secretary of Defense proposed to disestablish all elements of the Armed Forces Institute of Pathology, except the National Medical Museum and

the Tissue Repository, as part of the recommendations of the Secretary for the closure of Walter Reed Army Medical Center in the 2005 round of defense base closure and realignment.

“(2) The Defense Base Closure and Realignment Commission altered, but did not reject, the proposal of the Secretary of Defense to disestablish the Armed Forces Institute of Pathology.

“(3) The Commission’s recommendation that the Armed Forces Institute of Pathology’s ‘capabilities not specified in this recommendation will be absorbed into other DOD, Federal, or civilian facilities’ provides the flexibility to retain a Joint Pathology Center as a Department of Defense or Federal entity.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the Armed Forces Institute of Pathology has provided important medical benefits to the Armed Forces and to the United States and that the Federal Government should retain a Joint Pathology Center.

“(c) ESTABLISHMENT.—

“(1) ESTABLISHMENT REQUIRED.—The President shall establish and maintain a Joint Pathology Center that shall function as the reference center in pathology for the Federal Government.

“(2) ESTABLISHMENT WITHIN DOD.—Except as provided in paragraph (3), the Joint Pathology Center shall be established in the Department of Defense, consistent with the final recommendations of the 2005 Defense Base Closure and Realignment Commission, as approved by the President.

“(3) ESTABLISHMENT IN ANOTHER DEPARTMENT.—If the President makes a determination, within 180 days after the date of the enactment of this Act [Jan. 28, 2008], that the Joint Pathology Center cannot be established in the Department of Defense, the Joint Pathology Center shall be established as an element of a Federal agency other than the Department of Defense. The President shall incorporate the selection of such agency into the determination made under this paragraph.

“(d) SERVICES.—The Joint Pathology Center shall provide, at a minimum, the following:

“(1) Diagnostic pathology consultation services in medicine, dentistry, and veterinary sciences.

“(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

“(3) Diagnostic pathology research.

“(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of the Repository in conducting the activities described in paragraphs (1) through (3).”

#### NATIONAL MUSEUM OF HEALTH AND MEDICINE

Pub. L. 103-337, div. A, title X, §1067, Oct. 5, 1994, 108 Stat. 2851, as amended by Pub. L. 105-78, title VII, §702, Nov. 13, 1997, 111 Stat. 1524, provided that:

“(a) PURPOSE.—It is the purpose of this section—

“(1) to display and interpret the collections of the Armed Forces Institute of Pathology currently located at Walter Reed Medical Center; and

“(2) to designate the public facility of the Armed Forces Institute of Pathology as the National Museum of Health and Medicine.

“(b) DESIGNATION.—The public facility of the Armed Forces Institute of Pathology shall also be known as the National Museum of Health and Medicine.”

#### CONGRESSIONAL FINDINGS AND DECLARATION

Pub. L. 94-361, title VIII, §811(a), July 14, 1976, 90 Stat. 933, provided that:

“(1) The Congress hereby finds and declares that—

“(A) the Armed Forces Institute of Pathology offers unique pathologic support to national and international medicine;

“(B) the Institute contains the Nation’s most comprehensive collection of pathologic specimens for study and a staff of prestigious pathologists engaged in consultation, education, and research;

“(C) the activities of the Institute are of unique and vital importance in support of the health care of the Armed Forces of the United States;

“(D) the activities of the Institute are also of unique and vital importance in support of the civilian health care system of the United States;

“(E) the Institute provides an important focus for the exchange of information between civilian and military medicine, to the benefit of both; and

“(F) it is important to the health of the American people and of the members of the Armed Forces of the United States that the Institute continue its activities in serving both the military and civilian sectors in education, consultation, and research in the medical, dental, and veterinary sciences.

“(2) The Congress further finds and declares that beneficial cooperative efforts between private individuals, professional societies, and other entities on the one hand and the Armed Forces Institute of Pathology on the other can be carried out most effectively through the establishment of a private corporation.”

### § 177. American Registry of Pathology

(a)(1) There is authorized to be established a nonprofit corporation to be known as the American Registry of Pathology which shall not for any purpose be an agency or establishment of the United States Government. The American Registry of Pathology shall be subject to the provisions of this section and, to the extent not inconsistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(2) The American Registry of Pathology shall have a Board of Members (hereinafter in this section referred to as the “Board”) consisting of not less than eleven individuals who are representatives of the professional societies and organizations that support the activities of the American Registry of Pathology, of whom one shall be elected annually by the Board to serve as chairman.

(3) The American Registry of Pathology shall have a Director, who shall be appointed by the Board, and such other officers as may be named and appointed by the Board. Such officers shall be compensated at rates fixed by the Board and shall serve at the pleasure of the Board.

(4) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish under the District of Columbia Nonprofit Corporation Act the corporation authorized by paragraph (1).

(5) The term of office of each member of the Board shall be four years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (B) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment and to the maximum extent practicable, one fourth at the end of one year, one fourth at the end of two years, one fourth at the end of three years, and one fourth at the end of four years, and (C) a member whose term has expired may serve until his successor has qualified. No member shall be eligible to serve more than two consecutive terms of four years each.

(6) Any vacancy in the Board shall not affect its powers, but such vacancy shall be filled in the manner in which the original appointment was made.

(b) In order to carry out the purposes of this section, the American Registry of Pathology is authorized to—

(1) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of fascicles of tumor pathology, atlases, and other material;

(2) accept gifts and grants from and enter into contracts with individuals, private foundations, professional societies, institutions, and governmental agencies;

(3) enter into agreements with professional societies for the establishment and maintenance of Registries of Pathology; and

(4) serve as a focus for the interchange between military and civilian pathology and encourage the participation of medical, dental, and veterinary sciences in pathology for the mutual benefit of military and civilian medicine.

(c) In the performance of the functions set forth in subsection (b), the American Registry of Pathology is authorized to—

(1) enter into such other contracts, leases, cooperative agreements, or other transactions as the Board deems appropriate to conduct the activities of the American Registry of Pathology; and

(2) charge such fees for professional services as the Board deems reasonable and appropriate.

(d) The American Registry of Pathology may transmit annually to its Board and supporting organizations referred to in subsection (a)(2) a comprehensive and detailed report of its operations, activities, and accomplishments.

(Added Pub. L. 94-361, title VIII, §811(b), July 14, 1976, 90 Stat. 934; amended Pub. L. 98-525, title XIV, §1405(5), Oct. 19, 1984, 98 Stat. 2622; Pub. L. 112-239, div. A, title V, §585, Jan. 2, 2013, 126 Stat. 1768.)

#### REFERENCES IN TEXT

The District of Columbia Nonprofit Corporation Act, referred to in subsec. (a)(1), (4), is Pub. L. 87-569, Aug. 6, 1962, 76 Stat. 265, as amended, which is not classified to the Code.

#### AMENDMENTS

2013—Subsec. (a)(2). Pub. L. 112-239, §585(1)(A), substituted “the professional societies and organizations that support the activities of the American Registry of Pathology” for “those professional societies and organizations which sponsor individual registries of pathology at the Armed Forces Institute of Pathology” and struck out at end “Each such sponsor shall appoint one member to the Board for a term of four years.”

Subsec. (a)(3). Pub. L. 112-239, §585(1)(B), struck out “with the concurrence of the Director of the Armed Forces Institute of Pathology” after “shall be appointed by the Board”.

Subsec. (b). Pub. L. 112-239, §585(2), redesignated pars. (2) to (5) as (1) to (4), respectively, and struck out former par. (1) which read as follows: “enter into contracts with the Armed Forces Institute of Pathology for the provision of such services and personnel as may be necessary to carry out their cooperative enterprises;”.

Subsec. (d). Pub. L. 112-239, §585(3), substituted “annually to its Board and supporting organizations referred to in subsection (a)(2)” for “to the Director and the Board of Governors of the Armed Forces Institute of Pathology and to the sponsors referred to in sub-