Public Law 98-36
98th Congress

An Act

May 27, 1983
[S. 653]

To amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foundation for the Advancement of Military Medicine Act of 1983".

Foundation for the Advancement of Military Medicine Act of 1983.

SEC. 2. (a) Chapter 7 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 171 note.

10 USC 178.

"§ 178. Foundation for the Advancement of Military Medicine

"(a) There is authorized to be established a nonprofit corporation to be known as the Foundation for the Advancement of Military Medicine (hereinafter in this section referred to as the 'Foundation') which shall not for any purpose be an agency or instrumentality of the United States Government. The Foundation shall be subject to the provisions of this section and, to the extent not inconsistent with this section, the Corporations and Associations Articles of the State of Maryland.

"(b) It shall be the purpose of the Foundation (1) to carry out medical research and education projects under cooperative arrangements with the Uniformed Services University of the Health Sciences, (2) to serve as a focus for the interchange between military and civilian medical personnel, and (3) to encourage the participation of the medical, dental, nursing, veterinary, and other biomedical sciences in the work of the Foundation for the mutual benefit of military and civilian medicine.

Membership.

"(c)(1) The Foundation shall have a Council of Directors (hereinafter in this section referred to as the 'Council') composed of—

"(A) the Chairmen and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives (or their designees from the membership of such committees), who shall be ex officio members,

"(B) the Dean of the Uniformed Services University of the Health Sciences, who shall be an ex officio member, and

"(C) four members appointed by the ex officio members of the Council designated in clauses (A) and (B).

Term of office.

"(2) The term of office of each member of the Council appointed under clause (C) of paragraph (1) shall be four years, except that—

"(A) any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) the terms of office of members first taking office shall expire, as designated by the ex officio members of the Council at the time of the appointment, two at the end of two years and two at the end of four years.

"(3) The Council shall elect a chairman from among its members.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

"(d)(1) The Foundation shall have an Executive Director who shall be appointed by the Council and shall serve at the pleasure of the Council. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Council shall prescribe.

"(2) The rate of compensation of the Executive Director shall be fixed by the Council.

"(e) The initial members of the Council shall serve as incorporators and take whatever actions as are necessary to establish under the Corporations and Associations Articles of the State of Maryland the corporation authorized by subsection (a).

"(f) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original designation or appointment was made.

"(g) In order to carry out the purposes of this section, the Foundation is authorized to— Contracts.

"(1) enter into contracts with the Uniformed Services University of the Health Sciences for the purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education, including contracts for provision of such personnel and services as may be necessary to carry out such cooperative enterprises;

"(2) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

"(3) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

"(4) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

"(5) enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation;

"(6) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation; and

"(7) charge such fees for professional services furnished by the Foundation as the Executive Director determines reasonable and appropriate. Fees.

"(h) A person who is a full-time or part-time employee of the Foundation may not be an employee (full-time or part-time) of the Federal Government. Restriction.

"(i) The Council shall transmit to the President annually, and at such other times as the Council considers desirable, a report on the operations, activities, and accomplishments of the Foundation.". Report.

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following new item:

"178. Foundation for the Advancement of Military Medicine.".

SEC. 3. Section 2113 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(j)(1) The Board also is authorized—

"(A) to enter into contracts with the Foundation for the Advancement of Military Medicine established under section 178 of this title, or with any other nonprofit entity, for the *Ante*, p. 200.

purpose of carrying out cooperative enterprises in medical research, medical consultation, and medical education;

"(B) subject to paragraph (2), to make available to the Foundation for the Advancement of Military Medicine, on such terms and conditions as the Board determines appropriate, such space, facilities, equipment, and support services within the University as the Board considers necessary to accomplish cooperative enterprises undertaken by such Foundation and the University;

"(C) subject to paragraph (2), to enter into contracts with the Foundation for the Advancement of Military Medicine under which the Board may furnish the services of such professional, technical, or clerical personnel as may be necessary to fulfill cooperative enterprises undertaken by such Foundation and the University;

"(D) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the University, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project;

"(E) subject to paragraph (2), to enter into agreements with the Foundation for the Advancement of Military Medicine, or with any other nonprofit entity, under which scientists or other personnel of the Foundation or other entity may be utilized by the University for the purpose of enhancing the activities of the University in education, research, and technological applications of knowledge; and

"(F) to accept the voluntary services of guest scholars and other persons.

"(2) The authority of the Board under clauses (B), (C), and (E) of paragraph (1) may be exercised only if—

"(A) before the Board enters into any arrangement under which any space, facility, equipment, or support service is made available under clause (B) of such paragraph, before the Board enters into any contract under clause (C) of such paragraph, or before the Board enters into any agreement under clause (E) of such paragraph, it notifies the Committees on Armed Services of the Senate and the House of Representatives in writing of the proposed arrangement, contract, or agreement, as the case may be, the terms and conditions thereof, and, in the case of a proposed agreement under clause (E) of paragraph (1), any appointments proposed to be made under the authority of paragraph (4) in connection with the agreement, and

"(B) a period of fifteen days has elapsed following the date on which the notice is received by such committees.

Contracts, restrictions.

"(3) The Board may not enter into any contract with the Foundation for the Advancement of Military Medicine, or with any other entity, if the contract would obligate the University to make outlays in advance of the enactment of budget authority for such outlays.

"(4) Scientists or other medical personnel utilized by the University under an agreement described in clause (E) of paragraph (1) may be appointed to any position within the University and may be permitted to perform such duties within the University as the Board may approve.

"(5) A person who provides voluntary services under the authority of clause (F) of paragraph (1) shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.".

5 USC 8101 *et seq.*

28 USC 2671 *et seq.*

Approved May 27, 1983.

LEGISLATIVE HISTORY—S. 653:

SENATE REPORT No. 98-39 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 129 (1983):
Mar. 23, considered and passed Senate.
May 9, considered and passed House, amended.
May 12, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 21 (1983):
May 27, Presidential statement.