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TITLE 10--ARMED FORCES
Subtitle A--General Military Law
PART II--PERSONNEL
CHAPTER 49--MISCELLANEOUS PROHIBITIONS AND PENALTIES
Sec. 980. Limitation on use of humans as experimental subjects

Funds appropriated to the Department of Defense may not be used for research involving a human being as an experimental subject unless--

- (1) the **informed consent** of the subject is obtained in advance;
- or
- (2) in the case of research intended to be beneficial to the subject, the **informed consent** of the subject or a legal representative of the subject is obtained in advance.

(Added Pub. L. 98-525, title XIV, Sec. 1401(c)(1), Oct. 19, 1984, 98 Stat. 2615.)

Prior Provisions

Provisions similar to those in this section were contained in the following appropriation acts:

- Pub. L. 98-473, title I, Sec. 101(h) [title VIII, Sec. 8029], Oct. 12, 1984, 98 Stat. 1904, 1929.
- Pub. L. 98-212, title VII, Sec. 734, Dec. 8, 1983, 97 Stat. 1444.
- Pub. L. 97-377, title I, Sec. 101(c) [title VII, Sec. 737], Dec. 21, 1982, 96 Stat. 1833, 1857.
- Pub. L. 97-114, title VII, Sec. 738, Dec. 29, 1981, 95 Stat. 1585.
- Pub. L. 96-527, title VII, Sec. 739, Dec. 15, 1980, 94 Stat. 3088.
- Pub. L. 96-154, title VII, Sec. 741, Dec. 21, 1979, 93 Stat. 1159.
- Pub. L. 95-457, title VIII, Sec. 841, Oct. 13, 1978, 92 Stat. 1251.
- Pub. L. 95-111, title VIII, Sec. 840, Sept. 21, 1977, 91 Stat. 906.
- Pub. L. 94-419, title VII, Sec. 739, Sept. 22, 1976, 90 Stat. 1297.
- Pub. L. 94-212, title VII, Sec. 740, Feb. 9, 1976, 90 Stat. 175.
- Pub. L. 93-437, title VIII, Sec. 841, Oct. 8, 1974, 88 Stat. 1231.
- Pub. L. 93-238, title VII, Sec. 743, Jan. 2, 1974, 87 Stat. 1045.
- Pub. L. 92-570, title VII, Sec. 745, Oct. 26, 1972, 86 Stat. 1203.

Effective Date

Section effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as a note under section 520b of this title.

“1079b. Procedures for charging fees for care provided to civilians; retention and use of fees collected.”

10 USC 1079
note.

(b) **DEADLINE FOR IMPLEMENTATION.**—The Secretary of Defense shall begin to implement the procedures required by section 1079b(a) of title 10, United States Code (as added by subsection (a)), not later than one year after the date of the enactment of this Act.

SEC. 733. ENHANCEMENT OF MEDICAL PRODUCT DEVELOPMENT.

Section 980 of title 10, United States Code, is amended—

(1) by inserting “(a)” before “Funds”; and

(2) by adding at the end the following new subsection:

“(b) The Secretary of Defense may waive the prohibition in this section with respect to a specific research project to advance the development of a medical product necessary to the armed forces if the research project may directly benefit the subject and is carried out in accordance with all other applicable laws.”

10 USC 1071
note.

SEC. 734. PILOT PROGRAM PROVIDING FOR DEPARTMENT OF VETERANS AFFAIRS SUPPORT IN THE PERFORMANCE OF SEPARATION PHYSICAL EXAMINATIONS.

(a) **AUTHORITY.**—The Secretary of Defense and the Secretary of Veterans Affairs may jointly carry out a pilot program under which the Secretary of Veterans Affairs may perform the physical examinations required for members of the uniformed services separating from the uniformed services who are in one or more geographic areas designated for the pilot program by the Secretaries.

(b) **REIMBURSEMENT.**—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost incurred by the Secretary of Veterans Affairs in performing, under the pilot program, the elements of physical examination that are required by the Secretary concerned in connection with the separation of a member of a uniformed service. Reimbursements shall be paid out of funds available for the performance of separation physical examinations of members of that uniformed service in facilities of the uniformed services.

(c) **AGREEMENT.**—(1) If the Secretary of Defense and the Secretary of Veterans Affairs carry out the pilot program authorized by this section, the Secretaries shall enter into an agreement specifying the geographic areas in which the pilot program is carried out and the means for making reimbursement payments under subsection (b).

(2) The other administering Secretaries shall also enter into the agreement to the extent that the Secretary of Defense determines necessary to apply the pilot program, including the requirement for reimbursement, to the uniformed services not under the jurisdiction of the Secretary of a military department.

(d) **CONSULTATION REQUIREMENT.**—In developing and carrying out the pilot program, the Secretary of Defense shall consult with the other administering Secretaries.

(e) **PERIOD OF PROGRAM.**—The Secretary of Defense and the Secretary of Veterans Affairs may carry out the pilot program under this section beginning not later than July 1, 2002, and terminating on December 31, 2005.