

2006—Pub. L. 109-163 amended section catchline and text generally. Prior to amendment, text read as follows: “If he considers it in the best interest of the United States, the Secretary of the Navy may have remitted or canceled any part of an enlisted member’s indebtedness to the United States or any of its instrumentalities remaining unpaid before, or at the time of that member’s honorable discharge.”

Subsec. (a). Pub. L. 109-364, § 673(e)(2), substituted “The Secretary of the Navy” for “If the Secretary of the Navy considers it to be in the best interest of the United States, the Secretary” and inserted “, but only if the Secretary considers such action to be in the best interest of the United States” before period at end.

Pub. L. 109-364, § 673(b)(1), as amended by Pub. L. 110-181, substituted “of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the naval service” for “of a member of the Navy on active duty, or a member of a reserve component of the Navy in an active status, to the United States or any instrumentality of the United States incurred while the member was serving on active duty”.

Subsecs. (b) to (d). Pub. L. 109-364, § 673(b)(2), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out heading and text of former subsec. (b). Text read as follows: “The Secretary of the Navy may exercise the authority in subsection (a) with respect to a member—

- “(1) while the member is on active duty or in active status, as the case may be;
- “(2) if discharged from the armed forces under honorable conditions, during the one-year period beginning on the date of such discharge; or
- “(3) if released from active status in a reserve component, during the one-year period beginning on the date of such release.”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. A, title X, § 1063(c), Jan. 28, 2008, 122 Stat. 322, provided that the amendment made by section 1063(c)(7)(B) is effective as of Oct. 17, 2006, and as if included in the John Warner National Defense Authorization Act for Fiscal Year 2007, Pub. L. 109-364, as enacted.

TERMINATION DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title VI, § 683(b)(3), Jan. 6, 2006, 119 Stat. 3323, which provided for termination of amendments by Pub. L. 109-163, § 683(b), amending this section and the analysis to this chapter, on Dec. 31, 2007, and restoration of provisions as in effect on the day before Jan. 6, 2006, was repealed by Pub. L. 109-364, div. A, title VI, § 673(b)(3), Oct. 17, 2006, 120 Stat. 2271.

REGULATIONS

Secretary of Defense to prescribe regulations required for purposes of this section, as amended by Pub. L. 109-364, not later than Mar. 1, 2007, see section 673(d) of Pub. L. 109-364, set out as a note under section 4837 of this title.

CHAPTER 563—HOSPITALIZATION AND MEDICAL CARE

- Sec.
- 6201. Members of the naval service in other United States hospitals.
 - 6202. Insane members of the naval service.
 - 6203. Emergency medical treatment: reimbursement for expense.

§ 6201. Members of the naval service in other United States hospitals

(a) When appropriate naval hospital facilities are unavailable, the Secretary of the Navy may provide for the care and treatment of members of the naval service, entitled to treatment in

naval hospitals, in other United States hospitals, if the agencies controlling the other hospitals consent. Expenses incident to such care and treatment are chargeable to the same appropriation as would be chargeable for care and treatment in a naval hospital.

(b) The deduction authorized by section 4812 of the Revised Statutes (24 U.S.C. 16) shall be made from accounts of members hospitalized under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 387; Pub. L. 85-861, § 36B(19), Sept. 2, 1958, 72 Stat. 1571; Pub. L. 96-513, title V, § 513(14), Dec. 12, 1980, 94 Stat. 2932.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6201(a), (b), 6201(c)	24 U.S.C. 31. 34 U.S.C. 854f. 34 U.S.C. 854 (note).	Jan. 19, 1929, ch. 85, 45 Stat. 1090. June 25, 1938, ch. 690, § 207, 52 Stat. 1180. July 9, 1952, ch. 608, § 803 (3d sentence), 66 Stat. 505.

In subsection (a) the words “members of the naval service” are substituted for the words “naval patients on the active or retired list and members of the Naval Reserve or Marine Corps Reserve”. The definition of “member of the naval service” makes the terms coextensive. Reference to St. Elizabeths Hospital is omitted in view of Reorganization Plan No. 3 of 1946, § 201, 60 Stat. 1098, which transferred the functions of that hospital pertaining to members of the naval service to the Secretary of the Navy. For the purposes of this section, St. Elizabeths is now in the same category as other United States hospitals.

In subsection (b) reference to R.S. 4813 (24 U.S.C. 6) is omitted because the Administrator of Veterans’ Affairs held in Decision Number 571 (July 27, 1944) that R.S. 4813 was repealed by implication. Since this decision is binding on the Secretary of the Navy (see 38 U.S.C. 11a-2), the deductions from pension accounts authorized by R.S. 4813 may not be made.

In subsection (c) the words “each retired enlisted member of the naval service” are substituted for the words “retired enlisted men” and the words “is entitled to” are substituted for the words “shall receive” to conform to terminology used throughout this title. The words “equal in value to the hospital ration” are substituted for the words “prescribed by law for enlisted men of the Regular Navy” to show that the amount of the allowance is the value of the hospital ration. The words “for each day” are inserted to make it clear that the ration allowance is credited on a daily basis. The words “under this section” are substituted for the words “in a Federal hospital in accordance with law” because this section is the only authority for the hospitalization of members of the Fleet Reserve and Fleet Marine Corps Reserve and retired enlisted members of the naval service in Federal hospitals, other than naval hospitals, under conditions entitling the members to a ration allowance. The subsistence of a member of the Fleet Reserve or Fleet Marine Corps Reserve or a retired enlisted member of the naval service while hospitalized in naval hospitals is covered by § 6086 of this title.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-513 substituted “section 4812 of the Revised Statutes (24 U.S.C. 16)” for “section 16 of title 24”.

1958—Subsec. (c). Pub. L. 85-861 repealed subsec. (c) which related to a ration allowance for members of the Fleet Reserve of the Fleet Marine Corps Reserve and retired enlisted members of the naval service.

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.

§ 6202. Insane members of the naval service

A member of the naval service who becomes insane may be placed in the hospital for the insane that, in the opinion of the Secretary of the Navy, is most convenient and will provide the most beneficial treatment.

(Aug. 10, 1956, ch. 1041, 70A Stat. 387.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6202	34 U.S.C. 595.	R.S. 1551; July 1, 1916, ch. 209, § 1, 39 Stat. 309.

The words “that * * * will provide the most beneficial treatment” are substituted for the words “best calculated to promise a restoration of reason” for clarity. The second sentence of 34 U.S.C. 595 is omitted as superseded. It provided a method by which the Secretary of the Navy, in his discretion, could compensate other agencies for expenses involved in hospitalizing insane naval patients. Other provisions of law, principally 24 U.S.C. 31, 31 U.S.C. 686, and 37 U.S.C. 284, and regulations, principally Executive Order 10122, of April 14, 1950, establish the method currently used.

§ 6203. Emergency medical treatment: reimbursement for expense

The Secretary of the Navy shall prescribe regulations for reimbursing members of the naval service for expenses of emergency or necessary medical service, including hospitalization and medicines, when the member was in a duty status at the time he received the service and the service was not available from a Federal source. For the purpose of this section, a member on leave or liberty is in a duty status.

(Aug. 10, 1956, ch. 1041, 70A Stat. 387.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6203	34 U.S.C. 921a.	May 4, 1948, ch. 254, § 2, 62 Stat. 208.
	34 U.S.C. 921b.	May 4, 1948, ch. 254, § 3, 62 Stat. 208.

The word “shall” is substituted for the words “authorized and directed to”. The word “members” is substituted for the word “persons”. The words “from civilian sources” are omitted as surplusage. The word “hospitalization” is substituted for the words “hospital service”. In the second sentence, the word “authorized” is omitted as surplusage.

CHAPTER 565—BANDS

Sec.
6221. United States Navy Band; officer in charge.
6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.
[6223, 6224. Repealed.]

AMENDMENTS

2008—Pub. L. 110-181, div. A, title V, § 590(b)(2)(B), Jan. 28, 2008, 122 Stat. 138, struck out item 6223 “Competition with civilian musicians prohibited”.

2006—Pub. L. 109-364, div. A, title V, § 599(b), Oct. 17, 2006, 120 Stat. 2239, substituted “United States Marine

Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members” for “United States Marine Band: composition; director; assistant director” in item 6222.

2001—Pub. L. 107-107, div. A, title V, § 510(b), Dec. 28, 2001, 115 Stat. 1091, inserted “; officer in charge” after “Navy Band” in item 6221.

1980—Pub. L. 96-513, title V, § 513(15), Dec. 12, 1980, 94 Stat. 2932, struck out “; leader’s pay and allowances” after “Band” in item 6221, and struck out item 6224 “United States Navy Band; United States Marine Corps Band; concert tours”.

1958—Pub. L. 85-861, § 1(141), Sept. 2, 1958, 72 Stat. 1509, substituted “United States Marine Band” for “United States Marine Corps Band”, and “director; assistant director” for “Pay and allowances of leader and second leader” in item 6222.

§ 6221. United States Navy Band; officer in charge

(a) There is a Navy band known as the United States Navy Band.

(b)(1) An officer of the Navy designated for limited duty under section 5589 or 5596 of this title who is serving in a grade above lieutenant may be detailed by the Secretary of the Navy as Officer in Charge of the United States Navy Band.

(2) While serving as Officer in Charge of the United States Navy Band, an officer shall hold the grade of captain if appointed to that grade by the President, by and with the advice and consent of the Senate. Such an appointment may be made notwithstanding section 5596(d) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 388; Pub. L. 87-649, § 14c(44), Sept. 7, 1962, 76 Stat. 501; Pub. L. 96-513, title V, § 513(16), Dec. 12, 1980, 94 Stat. 2932; Pub. L. 107-107, div. A, title V, § 510(a), Dec. 28, 2001, 115 Stat. 1091.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6221	34 U.S.C. 596 (less 3d proviso).	Mar. 4, 1925, ch. 536, § 17 (less 3d proviso), 43 Stat. 1275.

Subsection (a) is set forth to preserve the legal authority for the title of the band, but the first 30 words of the Act of March 4, 1925, ch. 536, § 17, 43 Stat. 1275, are omitted as executed. To conform to the Career Compensation Act of 1949 (37 U.S.C. 231 et seq.), the word “basic” is inserted before “pay” in subsection (b) and the words “and is entitled to be credited for pay purposes with all service which may be credited under section 202 of the Career Compensation Act of 1949 (37 U.S.C. 233)” are substituted for the words “Provided, That all service as an enlisted man in the naval service shall be counted in computing longevity increases for pay of this leader”.

The second proviso is omitted as executed.

AMENDMENTS

2001—Pub. L. 107-107 amended section catchline and text generally. Prior to amendment, text read as follows: “There is a Navy band known as the United States Navy Band.”

1980—Pub. L. 96-513 in section catchline struck out “; leader’s pay and allowances” after “Band”, and in text struck out designation “(a)”.

1962—Subsec. (b). Pub. L. 87-649 repealed subsec. (b) which related to the pay and allowances of the leader of the United States Navy Band. See sections 207 and 424 of Title 37, Pay and Allowances of the Uniformed Services.