

tion payable for total disability to a veteran of any war, or of peacetime service, as the case may be. In the case of any initial award of naval pension granted before July 14, 1943, where the person granted the naval pension is also entitled to pension or compensation under laws administered by the Secretary of Veterans Affairs, such naval pension shall not exceed one-fourth of such pension or compensation.

(Added Pub. L. 85-56, title XXII, § 2201(31)(C), June 17, 1957, 71 Stat. 161; amended Pub. L. 85-857, § 13(v)(4), Sept. 2, 1958, 72 Stat. 1268; Pub. L. 99-145, title XIII, § 1301(c)(1), Nov. 8, 1985, 99 Stat. 736; Pub. L. 101-189, div. A, title XVI, § 1621(a)(2), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 101-510, div. A, title XIV, § 1484(j)(4), Nov. 5, 1990, 104 Stat. 1719.)

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-510 substituted “Secretary of Veterans Affairs” for “Veterans Administration”.

1989—Subsec. (b). Pub. L. 101-189 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans Affairs”.

1985—Subsec. (a). Pub. L. 99-145 substituted “enlisted member” for “enlisted man”.

1958—Pub. L. 85-857 limited naval pensions granted before July 14, 1943 to not more than one-fourth of any pension or compensation which the person is entitled to receive under laws administered by the Veterans Administration.

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-857, § 13(v)(4), Sept. 2, 1958, 72 Stat. 1268, provided that the amendment made by that section is effective as of Jan. 1, 1958.

EFFECTIVE DATE

Section effective Jan. 1, 1958, see section 2301 of Pub. L. 85-56.

§ 6161. Settlement of accounts: remission or cancellation of indebtedness of members

(a) IN GENERAL.—The Secretary of the Navy may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving as a member of the naval service, whether as a regular or a reserve in active status, but only if the Secretary considers such action to be in the best interest of the United States.

(b) RETROACTIVE APPLICABILITY TO CERTAIN DEBTS.—The authority in subsection (a) may be exercised with respect to any debt covered by that subsection that is incurred on or after October 7, 2001.

(c) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(Added Pub. L. 86-511, § 1(a), June 11, 1960, 74 Stat. 207; amended Pub. L. 109-163, div. A, title VI, § 683(b)(1), Jan. 6, 2006, 119 Stat. 3322; Pub. L. 109-364, div. A, title VI, § 673(b)(1), (2), (e)(2), Oct. 17, 2006, 120 Stat. 2271, 2272; Pub. L. 110-181, div. A, title X, § 1063(c)(7)(B), Jan. 28, 2008, 122 Stat. 323; Pub. L. 114-328, div. A, title VI, § 671(b)(2), Dec. 23, 2016, 130 Stat. 2173.)

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-328 substituted “as a member of the naval service, whether as a regular or a

reserve in active status” for “on active duty as a member of the naval service”.

2008—Subsec. (a). Pub. L. 110-181 made technical correction to directory language of Pub. L. 109-364, § 673(b)(1). See 2006 Amendment note below.

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 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective Dec. 23, 2016, and applicable with respect to debt incurred on or after Oct. 7, 2001, see section 671(b)(5) of Pub. L. 114-328, set out as a note under section 4837 of this title.

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.

- Sec.
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

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

pitalized 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. 34 U.S.C. 921b.	May 4, 1948, ch. 254, §2, 62 Stat. 208. 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.