

Section 293, act Mar. 4, 1921, ch. 169, §3, 41 Stat. 1440, required specific Congressional authorization for erection of memorials and interments.

Section 294, act Mar. 4, 1921, ch. 169, §4, 41 Stat. 1440, related to restrictions on inscriptions and entombments.

Section 295, act Mar. 4, 1921, ch. 169, §5, 41 Stat. 1440, related to character of the inscription.

Sections are covered by section 295a of this title.

**§ 295a. Arlington Memorial Amphitheater**

**(a) Recommendations of Secretary of Defense for memorials and entombments**

The Secretary of Defense or his designee may send to Congress in January of each year, his recommendations with respect to the memorials to be erected, and the remains of deceased members of the Armed Forces to be entombed, in the Arlington Memorial Amphitheater, Arlington National Cemetery, Virginia.

**(b) Specific authorization from Congress**

No memorial may be erected and no remains may be entombed in such amphitheater unless specifically authorized by Congress.

**(c) Character of memorials**

The character, design, or location of any memorial authorized by Congress is subject to the approval of the Secretary of Defense or his designee.

(Pub. L. 86-694, §1, Sept. 2, 1960, 74 Stat. 739.)

MEMORIAL TO VETERANS OF VIETNAM CONFLICT

Pub. L. 95-479, title III, §307, Oct. 18, 1978, 92 Stat. 1566, provided that: "The Secretary of Defense shall have placed in the Trophy Hall of the Memorial Amphitheater at Arlington National Cemetery a memorial plaque which shall bear the following inscription: 'The people of the United States of America pay tribute to those members of the Armed Forces of the United States who served honorably in Southeast Asia during the Vietnam conflict.'. To further honor those members of the Armed Forces who lost their lives in hostile action in Southeast Asia during the Vietnam conflict, the Secretary of Defense shall have placed near such plaque in a suitable repository a display of the Purple Heart Medal and other medals, ribbons, and decorations associated with service in Southeast Asia during the Vietnam conflict."

**§ 296. Repealed. Pub. L. 93-43, §7(a)(9), June 18, 1973, 87 Stat. 82**

Section, act July 1, 1947, ch. 187, 61 Stat. 234, related to preservation of historic graveyards in abandoned military posts and conveyance to grantees. See section 2405(b) of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93-43, set out as a note under section 2306 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93-43, see section 7(a) of Pub. L. 93-43, set out as a note under sections 271 to 276 of this title.

**CHAPTER 7A—PRIVATE AND COMMERCIAL CEMETERIES**

**§ 298. Repealed. Oct. 31, 1951, ch. 654, §1(47), 65 Stat. 703**

Section, act June 20, 1939, ch. 220, 53 Stat. 843, related to disposal, by Secretary of War, of government lots in commercial cemeteries.

**CHAPTER 8—GORGAS HOSPITAL**

- Sec. 301. Ancon Hospital to be known as Gorgas Hospital.
- 302. Change of name as affecting various rights; records, maps, and public documents.

**§ 301. Ancon Hospital to be known as Gorgas Hospital**

In recognition of his distinguished services to humanity and as a fitting perpetuation of the name and memory of Major General William Crawford Gorgas, the Government hospital within the Canal Zone, near the City of Panama, known prior to March 24, 1928, as the Ancon Hospital, shall after such date be known and designated on the public records as the Gorgas Hospital.

(Mar. 24, 1928, ch. 240, §1, 45 Stat. 365.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

**§ 302. Change of name as affecting various rights; records, maps, and public documents**

The change in the name of said hospital shall in no wise affect the rights of the Federal Government, or any municipality, corporation, association, or person; and all records, maps, and public documents of the United States in which said hospital is mentioned or referred to under the name of the Ancon Hospital or otherwise shall be held to refer to the said hospital under and by the name of the Gorgas Hospital.

(Mar. 24, 1928, ch. 240, §2, 45 Stat. 366.)

**CHAPTER 9—HOSPITALIZATION OF MENTALLY ILL NATIONALS RETURNED FROM FOREIGN COUNTRIES**

- Sec. 321. Definitions.
- 322. Reception of eligible persons at ports of entry or debarkation.
  - (a) Arrangements for care, treatment, and assistance.
  - (b) Payment or reimbursement for care, treatment, or assistance.
- 323. Transfer and release to State of residence or legal domicile, or to relative.
- 324. Care and treatment of eligible persons until transfer and release.
  - (a) Place of hospitalization.
  - (b) Ineligible persons.
- 325. Examination of persons admitted.
  - (a) Time and frequency of examination; discharge.
  - (b) Notice to legal guardian, etc.
- 326. Release of patient.
  - (a) Request; determination of right to retain; retention after request.
  - (b) Transfer to another hospital.

- Sec.  
327. Notification to committing court of discharge or conditional release.
328. Payment for care and treatment.  
(a) Persons liable; scope of liability; compromise or waiver; investigations; judicial proceedings.  
(b) "Costs or charges" defined.
329. Availability of appropriations for transportation.

### § 321. Definitions

For the purposes of this chapter except as the context may otherwise require—

(a) The term "Department" means the Department of Health and Human Services.

(b) The term "Secretary" means the Secretary of Health and Human Services.

(c) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(d) The term "eligible person" means an individual with respect to whom the following certificates are furnished to the Secretary:

(1) A certificate of the Secretary of State that such individual is a national of the United States; and

(2) Either (A) a certificate obtained or transmitted by the Secretary of State that such individual has been legally adjudged insane in a named foreign country, or (B) a certificate of an appropriate authority or person (as determined in accordance with regulations prescribed by the Secretary of Health and Human Services) stating that at the time of such certification such individual was in a named foreign country and was in need of care and treatment in a mental hospital.

(e) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital.

(Pub. L. 86-571, § 1, July 5, 1960, 74 Stat. 308; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

#### CHANGE OF NAME

"Department of Health and Human Services" substituted for "Department of Health, Education, and Welfare" in subsec. (a) and "Secretary of Health and Human Services" substituted for "Secretary of Health, Education, and Welfare" in subsecs. (b) and (d)(2), pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

#### EFFECTIVE DATE

Section 11 of Pub. L. 86-571 provided that: "This Act [enacting this chapter and repealing sections 191a and 196a of this title] shall, except as otherwise specified, take effect on the date of its enactment [July 5, 1960]."

### § 322. Reception of eligible persons at ports of entry or debarkation

#### (a) Arrangements for care, treatment, and assistance

Upon request of the Secretary of State, the Secretary of Health and Human Services is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon

arrival from a foreign country and, to the extent he finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization pursuant to other sections of this chapter. For the purpose of providing such care and treatment and assistance, the Secretary is authorized to enter into suitable arrangements with appropriate State or other public or nonprofit agencies. Such arrangements shall be made without regard to section 5 of title 41, and may provide for payment by the Secretary either in advance or by way of reimbursement.

#### (b) Payment or reimbursement for care, treatment, or assistance

The Secretary may, to the extent deemed appropriate, equitable, and practicable by him, (1) require any person receiving care and treatment or assistance pursuant to subsection (a) of this section to pay, in advance or by way of reimbursement, for the cost thereof or (2) obtain reimbursement for such cost from any State or political subdivision responsible for the cost of his subsequent hospitalization.

(Pub. L. 86-571, § 2, July 5, 1960, 74 Stat. 308; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

#### CHANGE OF NAME

"Secretary of Health and Human Services" substituted in text for "Secretary of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 324, 325, 326 of this title.

### § 323. Transfer and release to State of residence or legal domicile, or to relative

If, at the time of arrival in the United States, the residence or the legal domicile of an eligible person appearing to be in need of care and treatment in a mental hospital is known to be in a State, or whenever thereafter such a person's residence or legal domicile in a State is ascertained, the Secretary shall, if the person is then under his care (whether directly or pursuant to a contract or other arrangement under section 322 or 324 of this title), endeavor to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for the care and treatment of such person by such authorities and shall, upon the making of such arrangement in writing, transfer and release such person to such authorities. In the event the State of the residence or legal domicile of an eligible person cannot be ascertained, or the Secretary is unable to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for his care and treatment, the Secretary may, if he determines that the best interests of such person will be served thereby, transfer and release the eligible person to a relative who agrees in writing to assume responsibility for such person after having been fully informed as to his condition.