



THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D C 20301-1200

DEC 15 2004

HEALTH AFFAIRS

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (M&RA)
ASSISTANT SECRETARY OF THE NAVY (M&RA)
ASSISTANT SECRETARY OF THE AIR FORCE (M&RA)

SUBJECT: Termination of Subsistence Surcharge for Uniformed Services Personnel in
Military Treatment Facilities

Effective October 28, 2004, Department of Defense military treatment facilities (MTFs) are no longer authorized to collect the daily subsistence surcharge from active duty members or retired officers hospitalized for medical care. Retired enlisted members are already exempt from the daily subsistence surcharge.

This policy change is due to language contained in Section 607 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. This provision repealed Section 1075 of Title 10, United States Code, "Officers and Certain Enlisted Members: Subsistence Charges" (attached)

I request your immediate implementation of this guidance at your MTFs

My point of contact on this issue is Mr. David Fisher, TRICARE Management Activity, Office of the Chief Financial Officer (Management Control and Financial Studies). He can be reached at (703) 681-3492, ext. 4078

A handwritten signature in black ink that reads "William Winkenwerder, Jr.".

William Winkenwerder, Jr., MD

Attachment:
As stated

cc:
Surgeon General, Army
Surgeon General, Navy
Surgeon General, Air Force

HA POLICY: 04-028

1 **SEC. 607. REPEAL OF REQUIREMENT THAT MEMBERS ENTI-**
2 **TLED TO BASIC ALLOWANCE FOR SUBSIST-**
3 **ENCE PAY SUBSISTENCE CHARGES WHILE**
4 **HOSPITALIZED.**

5 (a) **REPEAL.**—(1) Section 1075 of title 10, United
6 States Code, is repealed.

7 (2) The table of sections at the beginning of chapter
8 55 of such title is amended by striking the item relating
9 to section 1075.

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 2, 2001]
[Document not affected by Public Laws enacted between
January 2, 2001 and January 28, 2002]
[CITE: 10USC1075]

TITLE 10--ARMED FORCES

Subtitle A--General Military Law

PART II--PERSONNEL

CHAPTER 55--MEDICAL AND DENTAL CARE

Sec. 1075. Officers and certain enlisted members: subsistence charges

When an officer or former officer of a uniformed service, or an enlisted member of a uniformed service entitled to basic allowance for subsistence, is hospitalized under section 1074 of this title, he shall pay an amount equal to the part of the charge prescribed under section 1078 of this title that is attributable to subsistence. An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay, or equivalent pay may not be so charged.

(Added Pub. L. 85-861, Sec. 1(25)(B), Sept. 2, 1958, 72 Stat. 1447; amended Pub. L. 97-22, Sec. 10(b)(2), July 10, 1981, 95 Stat. 137.)

Historical and Revision Notes

Revised section	Source (U.S. Code)	So
1075.....	37:422.	June 7, 70 Sta

The word ``officer'' is substituted for the words ``Commissioned officers and warrant officers'' to reflect section 101(14) of this title. The words ``or former officer'' are substituted for the words ``and retired''. The word ``active'' is omitted as surplusage.

Prior Provisions

A prior section 1075, act Aug. 10, 1956, ch. 1041, 70A Stat. 82, related to post card requests for absentee ballots, and for printing and transmission thereof, prior to repeal by Pub. L. 85-861, Sec. 36B(5), Sept. 2, 1958, 72 Stat. 1570, as superseded by the Federal Voting Assistance Act of 1955 which is classified to subchapter I-D (Sec. 1973cc et seq.) of chapter 20 of Title 42, The Public Health and Welfare.

Amendments

1981--Pub. L. 97-22 inserted `` , or an enlisted member of a uniformed service entitled to basic allowance for subsistence,' ' after