

The words “under such regulations as he may prescribe”, in 10:455e and 32:164d, are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The reference to 10:455a–455d and 32:164a–164c, and the words “nor any other law of the United States shall be construed as limiting the power and authority”, are omitted, since the revised section makes explicit the authority of the Secretary to require the prescribed hospitalization and care. The words “or in training, under the provisions of section 62—” are omitted as covered by the words “active duty”. The words “in the active military service” are omitted as surplusage. With the exception of 32:62 (4th proviso of last sentence), the references to 32:62–65, 144–146, 183, and 186, in 10:455e and 32:164d, do not refer to members of the Army National Guard of the United States and are therefore omitted from the revised section. 10:455e (1st proviso) and 32:164d (1st proviso) are omitted since they apply only to the National Guard and are covered by section 320 of title 32.

#### CODIFICATION

Pub. L. 100–26, §7(j)(11), Apr. 21, 1987, 101 Stat. 283, which directed that section 4723 of this title, as amended by section 604(f)(1)(D) of Pub. L. 99–661, be amended by striking out the comma after “disease”, could not be executed because no section 4723 of this title has been enacted. The probable intent of Congress was to amend section 3723 of this title. Pub. L. 100–180, §1231(16), cited as a credit to section 3723 above, made an identical amendment to section 3723.

#### AMENDMENTS

1987—Pub. L. 100–180 struck out the comma after “disease”.

1986—Pub. L. 99–661, substituted “incurred an injury, illness, or disease” for “was injured, or contracted a disease”.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–661 applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99–661, set out as a note under section 1074a of this title.

### CHAPTER 357—DECORATIONS AND AWARDS

Sec.	
3741.	Medal of honor: award.
3742.	Distinguished-service cross: award.
3743.	Distinguished-service medal: award.
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3748.	Medal of honor; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations.
3749.	Distinguished flying cross: award; limitations.
3750.	Soldier's Medal: award; limitations.
3751.	Service medals: issue; replacement; availability of appropriations.
3752.	Medals: posthumous award and presentation.
3753.	Civil War battle streamers.
3754.	Medal of honor: duplicate medal.
3755.	Medal of honor: presentation of Medal of Honor Flag.
3756.	Korea Defense Service Medal.

#### AMENDMENTS

2004—Pub. L. 108–375, div. A, title X, §1084(d)(28), Oct. 28, 2004, 118 Stat. 2063, renumbered item 3755 “Korea Defense Service Medal” as 3756.

2002—Pub. L. 107–314, div. A, title V, §543(b)(2), Dec. 2, 2002, 116 Stat. 2549, added item 3755 “Korea Defense Service Medal”.

Pub. L. 107–248, title VIII, §8143(c)(1)(B), Oct. 23, 2002, 116 Stat. 1570, added item 3755 “Medal of honor: presentation of Medal of Honor Flag”.

2001—Pub. L. 107–107, div. A, title V, §553(a)(1)(B), Dec. 28, 2001, 115 Stat. 1116, added item 3754.

#### EXTENSION OF TIME FOR AWARD OF DECORATION

Pub. L. 93–469, Oct. 24, 1974, 88 Stat. 1422, authorized award, not later than Oct. 24, 1976, of a decoration or device in lieu of decoration which, prior to Oct. 24, 1974, has been authorized by Congress to be awarded to any person for an act, achievement, or service performed while on active duty in Armed Forces of United States, or while serving with such forces, for any such act or service performed in direct support of military operations in Southeast Asia between July 1, 1958, and Mar. 28, 1973, inclusive, if written recommendation for award of decoration, or device in lieu of decoration, was made not later than Oct. 24, 1975.

Act Aug. 2, 1956, ch. 877, 70 Stat. 933, authorized award, not later than Aug. 2, 1957, of a decoration or device in lieu of decoration which, prior to Aug. 2, 1956, has been authorized by Congress to be awarded to any person for an act or service performed while on active duty in military or naval forces of United States, or while serving with such forces, for any such act or service performed between June 27, 1950, and July 27, 1953, inclusive, if written recommendation for decoration or device in lieu of decoration has been submitted to appropriate office in a military department at seat of Government before Aug. 2, 1956.

### § 3741. Medal of honor: award

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who while a member of the Army, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 10, 1956, ch. 1041, 70A Stat. 215; Pub. L. 88–77, §1(1), July 25, 1963, 77 Stat. 93.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3741 .....	10:1403.	July 9, 1918, ch. 143 (8th par. under “Ordnance Department”), 40 Stat. 870.

The words “That the provisions of existing law relating to the award of medals of honor to officers, non-commissioned officers, and privates of the Army be, and they hereby are, amended so that”, in the Act of July 9, 1918, ch. 143 (8th par. under “Ordnance Department”), 40 Stat. 870, are not contained in 10:1403. They are also omitted from the revised section as surplusage. The word “member” is substituted for the words “officer or enlisted man”. The word “only” is omitted as surplusage. The word “award” is inserted for clarity, since the President determines the recipient of the medal in addition to presenting it.