

of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

[§ 8690. Repealed. Pub. L. 90-235, § 7(b)(1), Jan. 2, 1968, 81 Stat. 763]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 538, exempted enlisted members of Air Force, while on active duty, from arrest for any debt, unless it was contracted before enlistment and amounted to at least \$20 when first contracted.

§ 8691. Flying officer rating: qualifications

Only officers of the Air Force in the following categories may be rated as flying officers:

- (1) Officers who have aeronautical ratings as pilots of service types of aircraft or as aircraft observers.
- (2) Flight surgeons.
- (3) Officers undergoing flight training.
- (4) Officers who are members of combat crews, other than pilots of service types of aircraft, aircraft observers, and observers.
- (5) In time of war, officers who have aeronautical ratings as observers.

(Aug. 10, 1956, ch. 1041, 70A Stat. 538.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8691	10:291c. 10:291c-1. 10:291e.	June 3, 1916, ch. 134, §13a (8th, 9th, and 11th provisos); added July 2, 1926, ch. 721, § 2 (4th sentence, less 2d proviso), 44 Stat. 781; June 16, 1936, ch. 587, § 3, 49 Stat. 1524; Oct. 4, 1940, ch. 742 (last proviso), 54 Stat. 963. June 24, 1948, ch. 632 (2d proviso under "Finance Department"), 62 Stat. 650.

10:291c (proviso) and the words "after June 30, 1948", in 10:291c-1, are omitted as executed. The definition of the term "flying officer", in 10:291c, originally was a definition of the term "flying officer in time of peace" as provided by section 2 of the Act of July 2, 1926, ch. 721, 44 Stat. 781. Section 1 of the Act of October 4, 1940, ch. 742, 54 Stat. 963, eliminated the words "in time of peace". As a consequence of that amendment, 10:291e (1st 26 words) is omitted as surplusage. Clause (2) is substituted for 10:291c-1 (less last 10 words). The words "commissioned officers or warrant", in 10:291c-1, are omitted as surplusage. In clause (4), the last 19 words are substituted for the words "any other".

[§ 8692. Repealed. Pub. L. 92-168, § 3(1), Nov. 24, 1971, 85 Stat. 489]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 538, provided qualifications to receive a rating of pilot in time of peace. See section 2003 of this title.

[§ 8693. Repealed. Pub. L. 90-235, § 7(a)(3), Jan. 2, 1968, 81 Stat. 763]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 538, provided for replacement of a lost or destroyed certificate of discharge from Air Force. See section 1040 of this title.

CHAPTER 855—HOSPITALIZATION

Sec.

[8721, 8722. Repealed.]

8723. When Secretary may require.

AMENDMENTS

1986—Pub. L. 99-661, div. A, title VI, §604(f)(1)(B)(v), Nov. 14, 1986, 100 Stat. 3877, struck out item 8721 "Members of Air Force, other than of Regular Air Force" and item 8722 "Members of C.A.T.C.; members of Air Force not covered by section 8721 of this title".

1958—Pub. L. 85-861, §1(190)(D), Sept. 2, 1958, 72 Stat. 1534, struck out reference to members of the A.F.R.O.T.C. in item 8722.

[§§ 8721, 8722. Repealed. Pub. L. 99-661, div. A, title VI, § 604(f)(1)(A), Nov. 14, 1986, 100 Stat. 3877]

Section 8721, acts Aug. 10, 1956, ch. 1041, 70A Stat. 538; Sept. 2, 1958, Pub. L. 85-861, §1(190)(A), 72 Stat. 1534, related to hospital benefits for members of Air Force, other than of Regular Air Force.

Section 8722, acts Aug. 10, 1956, ch. 1041, 70A Stat. 539; Sept. 2, 1958, Pub. L. 85-861, §1(190)(B), (C), 72 Stat. 1534, related to hospital and related benefits for members of a Citizens' Air Training Camp and for members of Air Force not covered by section 8721 of this title.

EFFECTIVE DATE OF REPEAL

Repeal 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 an Effective Date of 1986 Amendment note under section 1074a of this title.

§ 8723. When Secretary may require

The Secretary of the Air Force may order the hospitalization, medical and surgical treatment, and domiciliary care for as long as necessary, of any member of the Air Force on active duty, and may incur obligations with respect thereto, whether or not the member incurred an injury, illness, or disease in line of duty, except in the case of a member treated in a private hospital, or by a civilian physician, while on leave of absence for more than 24 hours.

(Aug. 10, 1956, ch. 1041, 70A Stat. 539; Pub. L. 99-661, div. A, title VI, § 604(f)(1)(D), Nov. 14, 1986, 100 Stat. 3878; Pub. L. 100-26, §7(j)(11), Apr. 21, 1987, 101 Stat. 283.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8723	10:455e. 32:164d.	July 15, 1939, ch. 282; re-stated Oct. 14, 1940, ch. 875, § 5, 54 Stat. 1137.

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 references 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 sections 62—" are omitted as covered by the words "active duty". The words "so long as any or all are necessary" and "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 Air 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.

AMENDMENTS

1987—Pub. L. 100-26 struck out 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 857—DECORATIONS AND AWARDS

Sec.

- 8741. Medal of honor: award.
- 8742. Air Force cross: award.
- 8743. Distinguished-service medal: award.
- 8744. Medal of honor; Air Force cross; distinguished-service medal: limitations on award.
- 8745. Medal of honor; Air Force cross; distinguished-service medal: delegation of power to award.
- 8746. Silver star: award.
- 8747. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: replacement.
- 8748. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations.
- 8749. Distinguished flying cross: award; limitations.
- 8750. Airman’s Medal: award; limitations.
- 8751. Service medals: issue; replacement; availability of appropriations.
- 8752. Medals: posthumous award and presentation.
- 8754. Medal of honor: duplicate medal.
- 8755. Medal of honor: presentation of Medal of Honor Flag.
- 8756. Korea Defense Service Medal.

AMENDMENTS

2004—Pub. L. 108-375, div. A, title X, §1084(d)(33), Oct. 28, 2004, 118 Stat. 2063, renumbered item 8755 “Korea Defense Service Medal” as 8756.

2002—Pub. L. 107-314, div. A, title V, §543(d)(2), Dec. 2, 2002, 116 Stat. 2550, added item 8755 “Korea Defense Service Medal”.

Pub. L. 107-248, title VIII, §8143(c)(3)(B), Oct. 23, 2002, 116 Stat. 1571, added item 8755 “Medal of honor: presentation of Medal of Honor Flag”.

2001—Pub. L. 107-107, div. A, title V, §553(c)(1)(B), Dec. 28, 2001, 115 Stat. 1116, added item 8754.

1960—Pub. L. 86-593, §1(7), July 6, 1960, 74 Stat. 332, substituted “Air Force cross” for “distinguished-service cross” in items 8742, 8744, and 8745, inserted “Air Force cross;” in items 8747 and 8748, and substituted “Airman’s Medal” for “Soldier’s Medal” in item 8750.

EXTENSION OF TIME FOR AWARD OF DECORATION

For extension of time for award of decorations, or devices in lieu of decorations, for acts or services performed in direct support of military operations in Southeast Asia between July 1, 1958, and Mar. 28, 1973, see Pub. L. 93-469, Oct. 24, 1974, 88 Stat. 1422, set out as a note preceding section 3741 of this title.

For extension of time for award of decoration, or device in lieu of decoration, for an act or service performed while on active duty in military or naval forces,

or while serving with such forces, between June 27, 1950, and July 27, 1953, see act Aug. 2, 1956, ch. 877, 70 Stat. 933, set out as a note preceding section 3741 of this title.

MERITORIOUS SERVICE MEDAL

Establishment of, see Ex. Ord. No. 11448, set out as a note preceding section 1121 of this title.

§ 8741. 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 Air Force, distinguishes 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. 540; Pub. L. 88-77, §3(1), July 25, 1963, 77 Stat. 94.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8741	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.

AMENDMENTS

1963—Pub. L. 88-77 enlarged the authority to award the medal of honor, which was limited to those cases in which persons distinguished themselves in action involving actual conflict with an enemy, to permit its award for distinguished service while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or 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.

§ 8742. Air Force cross: award

The President may award an Air Force cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Air Force, distinguishes himself by extraordinary heroism not justifying the award of a medal of honor—

(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