

**§ 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

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

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## 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
- (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. 86-593, §1(1), July 6, 1960, 74 Stat. 331; Pub. L. 88-77, §3(2), July 25, 1963, 77 Stat. 94.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8742 .....	10:1406.	July 9, 1918, ch. 143 (9th par. under "Ordnance Department"), 40 Stat. 870.

The words "but not in the name of Congress" are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The words "since the 6th day of April, 1917" are omitted as executed. The word "award" is substituted for the word "present" to cover the determination of the recipients as well as the actual presentation of the medal, and to conform to other sections of this chapter. The words "or herself" are omitted, since, under section 1 of title 1, words importing the masculine gender include the feminine. The words "or who shall hereafter distinguish" are omitted as surplusage.

AMENDMENTS

1963—Pub. L. 88-77 enlarged the authority to award the Air Force cross, which was limited to those cases in which persons distinguished themselves in connection with military operations against an armed enemy, to permit its award for extraordinary heroism not justifying the award of a medal of honor, 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.

1960—Pub. L. 86-593 substituted "Air Force cross" for "Distinguished-service cross" in section catchline, and substituted "an Air Force cross" for "a distinguished-service cross" in text.

REFERENCES TO DISTINGUISHED-SERVICE CROSS AND SOLDIER'S MEDAL CONSIDERED MADE TO AIR FORCE CROSS AND AIRMAN'S MEDAL

Pub. L. 86-593, §3, July 6, 1960, 74 Stat. 332, provided that: "References that other laws, regulations, and orders make, with respect to the Air Force, to the distinguished-service cross and the Soldier's Medal shall be considered to be made to the Air Force cross and the Airman's Medal, respectively."

§ 8743. Distinguished-service medal: award

The President may award a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in place thereof, to a person who, while serving in any capacity with the Air Force, distinguishes himself by exceptionally meritorious service to the United States in a duty of great responsibility.

(Aug. 10, 1956, ch. 1041, 70A Stat. 540.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8743 .....	10:1407.	July 9, 1918, ch. 143 (10th par., less words after 1st semicolon, under "Ordnance Department"), 40 Stat. 870.

The words "but not in the name of Congress" are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The words "since the 6th day of April, 1917" are omitted as executed. The word "award" is substituted for the word "present" to cover the determination of the recipients as well as the actual presentation of the medal, and to conform to other sections of this chapter. The words "or herself" are omitted, since, under section 1 of title 1, words importing the masculine gender include the feminine. The words "or who shall distinguish" are omitted as surplusage.

§ 8744. Medal of honor; Air Force cross; distinguished-service medal: limitations on award

(a) No more than one Air Force Cross or distinguished-service medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal or cross, the President may award a suitable bar or other device to be worn as he directs.

(b) Except as provided in subsection (d), no medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, may be awarded to a person unless—

- (1) the award is made within five years after the date of the act justifying the award;
- (2) a statement setting forth the distinguished service and recommending official rec-