

(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. 213, §3691; renumbered §7253, Pub. L. 115-232, div. A, title VIII, §808(b)(9), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3691	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 12 words are substituted for the words "any other".

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3691 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

CHAPTER 735—HOSPITALIZATION

Sec.
7263. When Secretary may require.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 355 of this title as this chapter and item 3723 as 7263.

1986—Pub. L. 99-661, div. A, title VI, §604(f)(1)(B)(ii), Nov. 14, 1986, 100 Stat. 3877, struck out item 3721 "Members of Army, other than of Regular Army" and item 3722 "Members of C.M.T.C.; members of Army not covered by section 3721 of this title."

1958—Pub. L. 85-861, §1(92)(D), Sept. 2, 1958, 72 Stat. 1482, substituted "Members of C.M.T.C." for "Members of R.O.T.C. and C.M.T.C." in item 3722.

§ 7263. When Secretary may require

The Secretary of the Army may order the hospitalization, medical and surgical treatment, and domiciliary care, for as long as necessary, of

any member of the Army 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. 215, §3723; Pub. L. 99-661, div. A, title VI, §604(f)(1)(D), Nov. 14, 1986, 100 Stat. 3878; Pub. L. 100-180, div. A, title XII, §1231(16), Dec. 4, 1987, 101 Stat. 1161; renumbered §7263, Pub. L. 115-232, div. A, title VIII, §808(b)(10), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3723	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 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 had yet 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 above, made an identical amendment to section 3723 prior to its renumbering as this section.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3723 of this title as this section.

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 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

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 737—DECORATIONS AND AWARDS

- Sec.
7271. Medal of honor: award.
7272. Distinguished-service cross: award.
7273. Distinguished-service medal: award.
7274. Medal of honor; distinguished-service cross; distinguished-service medal: limitations on award.
7275. Medal of honor; distinguished-service cross; distinguished-service medal: delegation of power to award.
7276. Silver star: award.
7277. Medal of honor; distinguished-service cross; distinguished-service medal; silver star: replacement.
7278. Medal of honor; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations.
7279. Distinguished flying cross: award; limitations.
7280. Soldier's Medal: award; limitations.
7281. Service medals: issue; replacement; availability of appropriations.
7282. Medals: posthumous award and presentation.
7283. Civil War battle streamers.
7284. Medal of honor: duplicate medal.
7285. Medal of honor: presentation of Medal of Honor Flag.
7286. Korea Defense Service Medal.

AMENDMENTS

2018—Pub. L. 115–232, div. A, title VIII, §808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 357 of this title as this chapter and items 3741 to 3756 as 7271 to 7286, respectively.

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.

§ 7271. 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, §3741; Pub. L. 88–77, §1(1), July 25, 1963, 77 Stat. 93; renumbered §7271, Pub. L. 115–232, div. A, title VIII, §808(b)(11), Aug. 13, 2018, 132 Stat. 1838.)

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.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 3741 of this title as this section.

1963—Pub. L. 88–77 enlarged authority to award 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.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

REVIEW OF WORLD WAR I VALOR MEDALS

Pub. L. 116–92, div. A, title V, §584, Dec. 20, 2019, 133 Stat. 1412, as amended by Pub. L. 116–283, div. A, title V, §561(a), Jan. 1, 2021, 134 Stat. 3639, provided that:

“(a) REVIEW REQUIRED.—Each Secretary concerned shall review the service records of World War I veterans described in subsection (b) under the jurisdiction of such Secretary in order to determine whether any such veteran should be awarded the Medal of Honor for valor during World War I.

“(b) COVERED WORLD WAR I VETERANS.—The World War I veterans whose service records may be reviewed under subsection (a) are the following:

“(1) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were awarded the Distinguished Service Cross or the Navy Cross for an action that occurred between April 6, 1917, and November 11, 1918.

“(2) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were awarded the Croix de Guerre with Palm (that is, awarded at the Army level or above) by the Government of France for an action that occurred between April 6, 1917, and November 11, 1918.

“(3) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were recommended for a Medal of Honor for actions that occurred from April 6, 1917, to November 11, 1918, if the Department of Defense possesses or receives records relating to such recommendation.

“(c) RECOMMENDATION BASED ON REVIEW.—If a Secretary concerned determines, based upon the review under subsection (a), that the award of the Medal of Honor to a covered World War I veteran is warranted, such Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

“(d) AUTHORITY TO AWARD MEDAL OF HONOR.—The Medal of Honor may be awarded to a World War I vet-