

(Added Pub. L. 105–261, div. A, title VI, §644(a)(1), Oct. 17, 1998, 112 Stat. 2048, §3681; amended Pub. L. 106–65, div. A, title VI, §652(e), Oct. 5, 1999, 113 Stat. 666; renumbered §7251, Pub. L. 115–232, div. A, title VIII, §808(b)(9), Aug. 13, 2018, 132 Stat. 1838.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 3681 of this title as this section.

1999—Subsec. (b). Pub. L. 106–65 substituted “under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.” for “under this section or section 6141 or 8681 of this title or section 516 of title 14.”

Statutory Notes and Related Subsidiaries

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

Pub. L. 105–261, div. A, title VI, §644(e), Oct. 17, 1998, 112 Stat. 2049, provided that: “Sections 3681, 6141, and 8681 [now 7251, 8261, and 9251] of title 10, United States Code (as added by this section), and section 516 [now 2748] of title 14, United States Code (as added by subsection (d)), shall apply with respect to releases from active duty described in those sections on or after October 1, 1998.”

§ 7252. Service credit: regular enlisted members; service as an officer to be counted as enlisted service

An enlisted member of the Regular Army is entitled to count active service as an officer in the Army as enlisted service for all purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 211, §3684; renumbered §7252, 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) |
|-----------------|-------------------------|---|
| 3684 | 10:631a (last proviso). | July 14, 1939, ch. 267, §1 (last proviso); restated May 29, 1954, ch. 249, §19(b) (last proviso), 68 Stat. 166. |

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 3684 of this title as this section.

Statutory Notes and Related Subsidiaries

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.

§ 7253. Flying officer rating: qualifications

Only officers of the Army 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. 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”.

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

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.

Editorial Notes

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.

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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.

Editorial Notes

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.