

§ 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.
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- 7282. Medals: posthumous award and presentation.
- 7283. Civil War battle streamers.
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- 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.