

added Pub. L. 90-77, title I, §108(a), Aug. 31, 1967, 81 Stat. 180; amended Pub. L. 91-588, §3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 93-527, §5, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94-169, title I, §105, Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94-432, title II, §205, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95-204, title I, §104, Dec. 2, 1977, 91 Stat. 1457, which authorized an increase by \$79 of the monthly rate of pension payable to the surviving spouse if the surviving spouse was entitled to pension under this subchapter and was in need of regular aid and attendance, was repealed by Pub. L. 95-588, title I, §112(a)(1), title IV, §401, Nov. 4, 1978, 92 Stat. 2505, 2511, effective Jan. 1, 1979.

SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL

AMENDMENTS

1963—Pub. L. 88-77, §5(3), July 25, 1963, 77 Stat. 96, substituted "ARMY, NAVY, AIR FORCE, AND COAST GUARD" for "ARMY, NAVY, AND AIR FORCE" in subchapter heading.

§ 1560. Medal of Honor Roll; persons eligible

(a) There shall be in the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Department of Homeland Security, respectively, a roll designated as the "Army, Navy, Air Force, and Coast Guard Medal of Honor Roll".

(b) Upon written application to the Secretary concerned, that Secretary shall enter and record on such roll the name of each surviving person who has served on active duty in the armed forces of the United States and who has been awarded a medal of honor for distinguishing such person conspicuously by gallantry and intrepidity at the risk of such person's life above and beyond the call of duty while so serving.

(c) Applications for entry on such roll shall be made in the form and under regulations prescribed by the Secretary concerned, and shall indicate whether or not the applicant desires to receive the special pension provided by section 1562 of this title. Proper blanks and instructions shall be furnished by the Secretary concerned, without charge upon the request of any person claiming the benefits of this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, §560; Pub. L. 87-138, §1, Aug. 14, 1961, 75 Stat. 338; Pub. L. 88-77, §5(1), July 25, 1963, 77 Stat. 95; Pub. L. 88-651, Oct. 13, 1964, 78 Stat. 1078; Pub. L. 89-311, §4, Oct. 31, 1965, 79 Stat. 1156; Pub. L. 91-24, §5, June 11, 1969, 83 Stat. 33; Pub. L. 94-169, title I, §106(41), Dec. 23, 1975, 89 Stat. 1019; renumbered §1560 and amended Pub. L. 102-83, §§4(b)(4)(A), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 405, 406; Pub. L. 107-296, title XVII, §1704(d), Nov. 25, 2002, 116 Stat. 2315.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296 substituted "of Homeland Security" for "of Transportation".

1991—Pub. L. 102-83, §5(a), renumbered section 560 of this title as this section.

Subsec. (b). Pub. L. 102-83, §4(b)(4)(A), substituted "that Secretary" for second reference to "the Secretary".

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "1562" for "562".

1975—Subsec. (b). Pub. L. 94-169 substituted "such person" for "himself" and "such person's" for "his".

1969—Subsec. (a). Pub. L. 91-24 substituted "Department of Transportation" for "Department of the Treasury".

1965—Subsec. (b). Pub. L. 89-311 struck out requirement that prospective enrollees have attained the age of forty before being eligible for entry on the roll.

1964—Subsec. (b). Pub. L. 88-651 substituted "forty years" for "fifty years" and "beyond the call of duty while so serving" for "beyond the call of duty—

"(1) while engaged in 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."

1963—Subsec. (a). Pub. L. 88-77 inserted references to Department of the Treasury and to Coast Guard.

Subsec. (b). Pub. L. 88-77 enlarged the authority to enter and record names on the Medal of Honor Roll, which was limited to persons who served in the active military, naval or air service of the United States in any war, and who distinguished themselves by gallantry or intrepidity in action involving actual conflict with an enemy, to permit entering and recording names of persons who served on active duty in the Armed Forces of the United States distinguish themselves by gallantry and intrepidity while engaged in 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.

1961—Subsec. (b). Pub. L. 87-138, §1(a), reduced the age requirement for entry on the Medal of Honor Roll from 65 to 50 years and struck out requirement that such person must have received an honorable discharge.

Subsec. (c). Pub. L. 87-138, §1(b), required applicants to indicate if they wished to receive the pension provided by section 562 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1975 AMENDMENT

Pub. L. 94-169, title I, §106, Dec. 23, 1975, 89 Stat. 1017, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89-311, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Pub. L. 87-138, §4, Aug. 14, 1961, 75 Stat. 339, provided that: "The amendments made by this Act [amending this section and sections 561 and 562 [now 1561 and 1562] of this title] shall take effect on the first day of the first month which begins after the date of the enactment of this Act [Aug. 14, 1961], except that the amendments made by subsection (b) of the first section [amending subsec. (c) of this section] and by section 2 [amending section 561 [now 1561] of this title] shall not apply with respect to any application under section 560 [now 1560] of title 38, United States Code, made before such first day by any person who fulfilled the qualifications prescribed by subsection (b) of such section at the time such application was made."

§ 1561. Certificate

(a) The Secretary concerned shall determine whether or not each applicant is entitled to have such person's name entered on the Army,

Navy, Air Force, and Coast Guard Medal of Honor Roll. If the official award of the Medal of Honor to the applicant, or the official notice to such person thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 1560 of this title, such award or notice shall be sufficient to entitle the applicant to have such person's name entered on such roll without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.

(b) Each person whose name is entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the Medal of Honor was awarded, of enrollment on such roll, and, if such person has indicated such person's desire to receive the special pension provided by section 1562 of this title, of such person's right to such special pension.

(c) The Secretary concerned shall deliver to the Secretary a certified copy of each certificate issued under subsection (b) in which the right of the person named in the certificate to the special pension provided by section 1562 of this title is set forth. Such copy shall authorize the Secretary to pay such special pension to the person named in the certificate.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, §561; Pub. L. 87-138, §2(a), Aug. 14, 1961, 75 Stat. 338; Pub. L. 88-77, §5(2), July 25, 1963, 77 Stat. 95; Pub. L. 94-169, title I, §106(42), (43), Dec. 23, 1975, 89 Stat. 1019; renumbered §1561 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 561 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1560" for "560".

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted "1562" for "562".

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "1562" for "562".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" after "the" in two places. 1975—Subsec. (a). Pub. L. 94-169, §106(42), substituted "such person's" for "his" wherever appearing, and "such person" for "him".

Subsec. (b). Pub. L. 94-169, §106(42), substituted "such person" for "he" and "such person's" for "his" wherever appearing.

Subsec. (c). Pub. L. 94-169, §106(43), struck out "by him" after "certificate issued".

1963—Subsecs. (a), (b). Pub. L. 88-77 inserted references to the Coast Guard.

1961—Pub. L. 87-138 struck out "entitling holder to pension", after "Certificate" in section catchline.

Subsec. (a). Pub. L. 87-138 substituted "have his name entered on the Army, Navy, and Air Force Medal of Honor Roll" for "the benefits of this subchapter", and "have his name entered on such roll" for "special pension under this subchapter".

Subsec. (b). Pub. L. 87-138 inserted provisions relating to the enrollee's indication of desire to receive pension.

Subsec. (c). Pub. L. 87-138 required the copy to set forth the right of the person named in the certificate to the pension.

EFFECTIVE DATE OF 1975 AMENDMENT

Pub. L. 94-169, title I, §106, Dec. 23, 1975, 89 Stat. 1017, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-138 effective Sept. 1, 1961, except that it shall not apply with respect to applications under section 1560 [formerly 560] of this title made prior to Sept. 1, 1961, by anyone who fulfilled the qualifications prescribed by subsec. (b) of such section 1560 [formerly 560] at the time such application was made, see section 4 of Pub. L. 87-138, set out as a note under section 1560 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1562. Special provisions relating to pension

(a) The Secretary shall pay monthly to each person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll, and a copy of whose certificate has been delivered to the Secretary under subsection (c) of section 1561 of this title, a special pension at the rate of \$1,000, as adjusted from time to time under subsection (e), beginning as of the date of application therefor under section 1560 of this title.

(b) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which such person is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

(c) Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.

(d) If any person has been awarded more than one medal of honor, such person shall not receive more than one special pension.

(e) Effective as of December 1 each year, the Secretary shall increase the amount of monthly special pension payable under subsection (a) as of November 30 of such year by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1 of such year as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).

(f)(1) The Secretary shall pay, in a lump sum, to each person who is in receipt of special pension payable under this section an amount equal to the total amount of special pension that the person would have received during the period beginning on the first day of the first month beginning after the date of the act for which the person was awarded the Medal of Honor and ending on the last day of the month preceding the month in which the person's special pension in fact commenced.

(2) For each month of a period referred to in paragraph (1), the amount of special pension payable to a person shall be determined using the rate of special pension that was in effect for such month, and shall be payable only if the person would have been entitled to payment of spe-