

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 has 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 to section 3723 above, made an identical amendment to section 3723.

AMENDMENTS

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 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 357—DECORATIONS AND AWARDS

Sec.	
3741.	Medal of honor: award.
3742.	Distinguished-service cross: award.
3743.	Distinguished-service medal: award.
3744.	Medal of honor; distinguished-service cross; distinguished-service medal: limitations on award.
3745.	Medal of honor; distinguished-service cross; distinguished-service medal: delegation of power to award.
3746.	Silver star: award.
3747.	Medal of honor; distinguished-service cross; distinguished-service medal; silver star: replacement.
3748.	Medal of honor; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations.
3749.	Distinguished flying cross: award; limitations.
3750.	Soldier's Medal: award; limitations.
3751.	Service medals: issue; replacement; availability of appropriations.
3752.	Medals: posthumous award and presentation.
3753.	Civil War battle streamers.
3754.	Medal of honor: duplicate medal.
3755.	Medal of honor: presentation of Medal of Honor Flag.
3756.	Korea Defense Service Medal.

AMENDMENTS

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.

EXTENSION OF TIME FOR AWARD OF DECORATION

Pub. L. 93–469, Oct. 24, 1974, 88 Stat. 1422, authorized award, not later than Oct. 24, 1976, of a decoration or device in lieu of decoration which, prior to Oct. 24, 1974, has been authorized by Congress to be awarded to any person for an act, achievement, or service performed while on active duty in Armed Forces of United States, or while serving with such forces, for any such act or service performed in direct support of military operations in Southeast Asia between July 1, 1958, and Mar. 28, 1973, inclusive, if written recommendation for award of decoration, or device in lieu of decoration, was made not later than Oct. 24, 1975.

Act Aug. 2, 1956, ch. 877, 70 Stat. 933, authorized award, not later than Aug. 2, 1957, of a decoration or device in lieu of decoration which, prior to Aug. 2, 1956, has been authorized by Congress to be awarded to any person for an act or service performed while on active duty in military or naval forces of United States, or while serving with such forces, for any such act or service performed between June 27, 1950, and July 27, 1953, inclusive, if written recommendation for decoration or device in lieu of decoration has been submitted to appropriate office in a military department at seat of Government before Aug. 2, 1956.

§ 3741. 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; Pub. L. 88–77, §1(1), July 25, 1963, 77 Stat. 93.)

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

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.

REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS

Pub. L. 112-81, div. A, title V, §595, Dec. 31, 2011, 125 Stat. 1444, provided that:

“(a) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Navy shall review the service of each Jewish American World War I veteran described in subsection (b) to determine whether such veteran should be posthumously awarded the Medal of Honor.

“(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service is to be reviewed under subsection (a) are any Jewish American World War I veterans awarded the Distinguished Service Cross or the Navy Cross for heroism during World War I and whose name and supporting material for upgrade of the award are submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act [Dec. 31, 2011].

“(c) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) that the award of the Medal of Honor to a veteran is warranted, the Secretary shall submit to the Secretary of Defense a recommendation that the Medal of Honor be awarded posthumously to the veteran.

“(d) WORLD WAR I DEFINED.—In this section, the term ‘World War I’ means the period beginning on April 6, 1917, and ending on November 11, 1918.”

REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN AND HISPANIC AMERICAN WAR VETERANS

Pub. L. 107-107, div. A, title V, §552, Dec. 28, 2001, 115 Stat. 1115, as amended by Pub. L. 113-66, div. A, title V, §566, Dec. 26, 2013, 127 Stat. 769, provided that:

“(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Jewish American war veteran or Hispanic American war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

“(b) COVERED JEWISH AMERICAN WAR VETERANS AND HISPANIC AMERICAN WAR VETERANS.—The Jewish American war veterans and Hispanic American war veterans whose service records are to be reviewed under subsection (a) are the following:

“(1) Any Jewish American war veteran or Hispanic American war veteran who was awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross before the date of the enactment of this Act [Dec. 28, 2001].

“(2) Any other Jewish American war veteran or Hispanic American war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

“(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

“(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jew-

ish American war veteran or Hispanic American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

“(e) AUTHORITY TO AWARD MEDAL OF HONOR.—(1) A Medal of Honor may be awarded to a Jewish American war veteran or Hispanic American war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

“(2) In addition to the authority provided by paragraph (1), a Medal of Honor may be awarded to a veteran of the Armed Forces who, although not a Jewish-American war veteran or Hispanic-American war veteran described in subsection (b), was identified during the review of service records conducted under subsection (a) and regarding whom the Secretary of Defense submitted, before January 1, 2014, a recommendation to the President that the President award the Medal of Honor to that veteran.

“(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

“(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

“(2) any regulation or other administrative restriction on—

“(A) the time for awarding the Medal of Honor; or

“(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

“(g) DEFINITION.—For purposes of this section, the term ‘Jewish American war veteran’ means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.”

REVIEW REGARDING UPGRADING OF DISTINGUISHED-SERVICE CROSSES AND NAVY CROSSES AWARDED TO ASIAN-AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS FOR WORLD WAR II SERVICE

Pub. L. 104-106, div. A, title V, §524, Feb. 10, 1996, 110 Stat. 312, provided that:

“(a) REVIEW REQUIRED.—(1) The Secretary of the Army shall review the records relating to each award of the Distinguished-Service Cross, and the Secretary of the Navy shall review the records relating to each award of the Navy Cross, that was awarded to an Asian-American or a Native American Pacific Islander with respect to service as a member of the Armed Forces during World War II. The purpose of the review shall be to determine whether any such award should be upgraded to the Medal of Honor.

“(2) If the Secretary concerned determines, based upon the review under paragraph (1), that such an upgrade is appropriate in the case of any person, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that person.

“(b) WAIVER OF TIME LIMITATIONS.—A Medal of Honor may be awarded to a person referred to in subsection (a) in accordance with a recommendation of the Secretary concerned under that subsection without regard to—

“(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

“(2) any regulation or other administrative restriction on—

“(A) the time for awarding the Medal of Honor; or

“(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross or Navy Cross has been awarded.

“(c) DEFINITION.—For purposes of this section, the term ‘Native American Pacific Islander’ means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).”

§ 3742. Distinguished-service cross: award

The President may award a distinguished-service cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Army, 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. 215; Pub. L. 88-77, §1(2), July 25, 1963, 77 Stat. 93.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3742	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 authority to award the distinguished-service 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 award of a medal of honor, while engaged in an action against an enemy of 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 United States is not a belligerent party.

§ 3743. 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 Army, distinguishes himself by exceptionally meritorious service to the United States in a duty of great responsibility.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3743	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.

§ 3744. Medal of honor; distinguished-service cross; distinguished-service medal: limitations on award

(a) No more than one distinguished-service 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, distinguished-service 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 recognition of it was made within three years after the distinguished service; and
- (3) it appears from records of the Department of the Army that the person is entitled to the award.

(c) No medal of honor, distinguished-service cross, distinguished-service medal, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable.

(d) If the Secretary of the Army determines that—

- (1) a statement setting forth the distinguished service and recommending official recognition of it was made and supported by sufficient evidence within three years after the distinguished service; and
- (2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted on;

a medal of honor, distinguished-service cross, distinguished-service medal, or device in place thereof, as the case may be, may be awarded to the person concerned within two years after the date of that determination.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216; Pub. L. 86-582, §1(1), July 5, 1960, 74 Stat. 320; Pub. L. 113-66, div. A, title V, §§561(a), 562(a), Dec. 26, 2013, 127 Stat. 766.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3744(a)	10:1411.	July 9, 1918, ch. 143 (12th par., less words after 2d semicolon, under "Ordnance Department"); restated Jan. 24, 1920, ch. 55, §1 (less last sentence), 41 Stat. 398.
3744(b)	10:1409 (words before 1st semicolon).	
3744(c)	10:1409 (words after 2d semicolon).	