

(Aug. 10, 1956, ch. 1041, 70A Stat. 217; Pub. L. 105-85, div. A, title V, §574(a), Nov. 18, 1997, 111 Stat. 1758.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3750(a) .....	10:1428 (less last sentence).	July 2, 1926, ch. 721, § 11, 44 Stat. 789.
3750(b) .....	10:1428 (last sentence).	

In subsection (a), the words "Under such rules and regulations as he may prescribe" are omitted, since the President has inherent authority to issue regulations appropriate to exercising his functions. 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 word "award" is substituted for the word "present" to cover the determination of the recipients as well as the actual presentation of the medal. The words "a decoration called" are substituted for the words "a medal to be known as". The words "including the National Guard and the Organized Reserves" are omitted as surplusage. The words "or herself" are omitted, since under section 1 of title 1, words importing the masculine gender include the feminine. The words "after July 2, 1926" are omitted as executed.

In subsection (b), the words "that would otherwise justify" are substituted for the words "sufficient to".

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 designated existing provisions as par. (1) and added par. (2).

**§ 3751. Service medals: issue; replacement; availability of appropriations**

(a) The Secretary of the Army shall procure, and issue without charge to any person entitled thereto, any service medal authorized for members of the Army after May 12, 1928, and any ribbon, clasp, star, or similar device prescribed as a part of that medal.

(b) Under such regulations as the Secretary may prescribe, any medal or other device issued under subsection (a) that is lost, destroyed, or becomes unfit for use, without fault or neglect of the owner, may be replaced at cost. However, if the owner is a member of the Army or the Air Force, the medal or device may be replaced without charge.

(c) The Secretary may spend, from any appropriation for the support of the Army, amounts necessary to provide medals and devices under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3751(a) .....	10:1415a (less 21st through 30th words, and less clauses (a) through (n)).	May 12, 1928, ch. 528, § 1 (less 25th through 34th words, and less clauses (a) through (n)), 2 (less applicability to § 1 clauses (a) through (n)), 3 (less applicability to § 1 (clauses (a) through (n))), 45 Stat. 500.
3751(b) .....	10:1415b (less applicability to 10:1415a (clauses (a) through (n))).	
3751(c) .....	10:1415c (less applicability to 10:1415a (clauses (a) through (n))).	

In subsection (a), 10:1415a (proviso) is omitted as surplusage, since the revised section is not limited to persons who are members of the Army at the time of the issue.

In subsection (b), the words "member of the Army or the Air Force" are substituted for the words "persons in the military service of the United States".

In subsection (c), the last 16 words are substituted for 10:1415c (last 16 words).

ISSUANCE OF CERTAIN OTHER MEDALS AND DEVICES

Act Aug. 10, 1956, ch. 1041, §33, 70A Stat. 633, provided that:

"(a) The Secretary of the Army shall procure, and issue without charge to any person entitled thereto, the following service medals, and any ribbon, clasp, star, or similar device prescribed as a part of that medal:

- "(1) Civil War campaign medal;
- "(2) Indian campaign medal;
- "(3) Spanish campaign medal;
- "(4) Spanish War service medal;
- "(5) Cuban occupation medal;
- "(6) Puerto Rico occupation medal;
- "(7) Philippine campaign medal;
- "(8) Philippine Congressional medal;
- "(9) China campaign medal;
- "(10) Cuban pacification medal;
- "(11) Mexican service medal;
- "(12) Mexican border service medal;
- "(13) Victory medal and clasps; and
- "(14) fourragere as an individual decoration.

"(b) Under regulations prescribed by the Secretary, any medal or other device issued under subsection (a) that is lost, destroyed, or becomes unfit for use, without fault or neglect of the owner, may be replaced at cost. However, if the owner is a member of the Army or the Air Force, the medal or device may be replaced without charge.

"(c) The Secretary may spend, from any appropriation for the support of the Army, amounts necessary to provide medals and devices under this section.

"(d) If a person dies before a medal or device is presented to him under subsection (a), it may be presented to his family."

**§ 3752. Medals: posthumous award and presentation**

(a) If a person dies before the award of a medal of honor, distinguished-service cross, distinguished-service medal, distinguished flying cross, or device in place thereof, to which he is entitled, the award may be made and the medal or device presented to his representative, as designated by the President.

(b) If a person dies before an authorized service medal or device prescribed as a part thereof is presented to him under section 3751 of this title, it shall be presented to his family.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217; Pub. L. 85-861, §33(a)(23), Sept. 2, 1958, 72 Stat. 1565.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3752(a) .....	10:1409 (words between 1st and 2d semicolons).	July 9, 1918, ch. 143 (words between 1st and 2d semicolons of 15th par. under "Ordnance Department"), 40 Stat. 871.
3752(b) .....	10:1429 (1st 49 words of last sentence). 10:1415a (21st through 30th words, less applicability to clauses (a) through (n)).	July 2, 1926, ch. 721, § 12 (1st 49 words of last sentence), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549. May 12, 1928, ch. 528, § 1 (25th through 34th words, less applicability to clauses (a) through (n)), 45 Stat. 500.

In subsection (a), the words "If a person" are substituted for the words "In case an individual \* \* \* dies", in 10:1409, and "In case an individual \* \* \* shall

have died”, in 10:1429. The words “within three years from the date”, in 10:1409, are omitted as covered by section 3744 of this title. The words “who shall distinguish himself”, in 10:1409, and “who distinguishes himself”, in 10:1429, are omitted as covered by the words “the award \* \* \* to which he is entitled”.

## 1958 ACT

The change reflects the fact that the source statute for these sections (sec. 1 of the Act of May 12, 1928, ch. 528, 45 Stat. 500) was mandatory and not merely permissive.

## AMENDMENTS

1958—Subsec. (b). Pub. L. 85-861 substituted “it shall be presented” for “it may be presented”.

## EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

**§ 3753. Civil War battle streamers**

If, under regulations prescribed by the Secretary of the Army, it is determined that a regiment or other unit of the Army is entitled to that honor, the regiment or unit may carry any appropriate Civil War battle streamer with its colors or standards.

(Aug. 10, 1956, ch. 1041, 70A Stat. 218.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3753 .....	[Uncodified].	Mar. 9, 1948, ch. 104, 62 Stat. 71.

The words “it is determined” are substituted for the words “upon verification in the War Department that it is entitled to such honors”.

**§ 3754. Medal of honor: duplicate medal**

A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Army may determine, as a duplicate or for display purposes only.

(Added Pub. L. 107-107, div. A, title V, § 553(a)(1)(A), Dec. 28, 2001, 115 Stat. 1115.)

**§ 3755. Medal of honor: presentation of Medal of Honor Flag**

The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 3741 of this title. Presentation of the flag shall be made at the same time as the presentation of the medal under section 3741 or 3752(a) of this title. In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.

(Added Pub. L. 107-248, title VIII, § 8143(c)(1)(A), Oct. 23, 2002, 116 Stat. 1570; amended Pub. L. 107-314, div. A, title X, § 1062(a)(16), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 109-364, div. A, title V, § 555(a), Oct. 17, 2006, 120 Stat. 2217.)

## CODIFICATION

Another section 3755 was renumbered section 3756 of this title.

## AMENDMENTS

2006—Pub. L. 109-364 struck out “after October 23, 2002” after “section 3741 of this title” and inserted at end “In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.”

2002—Pub. L. 107-314 substituted “October 23, 2002” for “the date of the enactment of this section”.

## PRESENTATION OF FLAG FOR PRIOR RECIPIENTS OF MEDAL OF HONOR

Pub. L. 109-364, div. A, title V, § 555(b), Oct. 17, 2006, 120 Stat. 2217, provided that:

“(1) LIVING RECIPIENTS.—The President shall provide for the presentation of the Medal of Honor Flag as expeditiously as possible after the date of the enactment of this Act [Oct. 17, 2006] to each living recipient of the Medal of Honor who has not already received a Medal of Honor Flag.

“(2) SURVIVORS OF DECEASED RECIPIENTS.—In the case of presentation of the Medal of Honor Flag for a recipient of the Medal of Honor who was awarded the Medal of Honor before the date of the enactment of this Act [Oct. 17, 2006] and who is deceased as of such date (or who dies after such date and before the presentation required by paragraph (1)), the President shall provide for posthumous presentation of the Medal of Honor Flag, upon written application therefor, to the primary living next of kin, as determined under regulations or procedures prescribed by the Secretary of Defense for the purposes of this paragraph (and notwithstanding the amendments made by paragraph (2) of subsection (a) [amending this section]).

“(3) MEDAL OF HONOR FLAG.—In this subsection, the term ‘Medal of Honor Flag’ means the flag designated under section 903 of title 36, United States Code.”

**§ 3756. Korea Defense Service Medal**

(a) The Secretary of the Army shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Army served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

(b) In this section, the term “KDSM eligibility period” means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

(c) The Secretary of the Army shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.

(Added Pub. L. 107-314, div. A, title V, § 543(b)(1), Dec. 2, 2002, 116 Stat. 2549, § 3755; renumbered § 3756, Pub. L. 108-375, div. A, title X, § 1084(d)(28), Oct. 28, 2004, 118 Stat. 2063.)

## REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 107-314, which was approved Dec. 2, 2002.

## AMENDMENTS

2004—Pub. L. 108-375 renumbered section 3755 of this title as this section.