

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

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

## FINDINGS

Pub. L. 107-314, div. A, title V, §543(a), Dec. 2, 2002, 116 Stat. 2549, provided that: "Congress makes the following findings:

"(1) More than 40,000 members of the United States Armed Forces have served in the Republic of Korea or the waters adjacent thereto each year since the signing of the cease-fire agreement in July 1953 ending the Korean War.

"(2) An estimated 1,200 members of the United States Armed Forces have died as a direct result of their service in Korea since the cease-fire agreement in July 1953."

## AWARD FOR SERVICE BEFORE DATE OF ENACTMENT

Pub. L. 107-314, div. A, title V, §543(e), Dec. 2, 2002, 116 Stat. 2550, provided that: "The Secretary of the military department concerned shall take appropriate steps to provide in a timely manner for the issuance of the Korea Defense Service Medal, upon application therefor, to persons whose eligibility for that medal is by reason of service in the Republic of Korea or the waters adjacent thereto before the date of the enactment of this Act [Dec. 2, 2002]."

**[CHAPTER 359—REPEALED]****[§§ 3781 to 3787. Repealed. Pub. L. 96-513, title II, § 213, Dec. 12, 1980, 94 Stat. 2885]**

Section 3781, acts Aug. 10, 1956, ch. 1041, 70A Stat. 218; July 12, 1960, Pub. L. 86-616, §2(a), 74 Stat. 386, authorized Secretary of the Army to convene at any time a board of officers to review record of any commissioned officer on active list of Regular Army to determine whether he should be required, because of substandard performance of duty, to show cause for his retention on active list. See section 1181(a) of this title.

Section 3782, acts Aug. 10, 1956, ch. 1041, 70A Stat. 218; July 12, 1960, Pub. L. 86-616, §2(a), 74 Stat. 387, provided for boards of inquiry, composed of three or more officers, to be convened at such places as Secretary of the Army prescribes, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 3781 of this title, should be retained on active list of Regular Army. See section 1182 of this title.

Section 3783, acts Aug. 10, 1956, ch. 1041, 70A Stat. 218; July 12, 1960, Pub. L. 86-616, §2(a), 74 Stat. 387, provided for boards of review, composed of three or more officers, to be convened by Secretary of the Army, at such places as he prescribes, to review records of cases of officers recommended by boards of inquiry for removal from active list of Regular Army.

Section 3784, acts Aug. 10, 1956, ch. 1041, 70A Stat. 219; July 12, 1960, Pub. L. 86-616, §2(a), 74 Stat. 387, authorized Secretary of the Army to remove an officer from active list of Regular Army if his removal is recommended by a board of review and provided that decision of Secretary in such a case is final and conclusive. See section 1184 of this title.

Section 3785, acts Aug. 10, 1956, ch. 1041, 70A Stat. 219; July 12, 1960, Pub. L. 86-616, §2(a), 74 Stat. 387, provided that each officer under consideration for removal from active list of Regular Army under this chapter be given written notification, at least 30 days prior to a board of inquiry hearing, that he is being required to show cause for retention on active list, be allowed reasonable time to prepare a defense, be allowed to appear in person and by counsel at proceedings before a board of inquiry, and be allowed full access to, and furnished copies of, records relevant to his case at all stages of proceeding. See section 1185 of this title.

Section 3786, acts Aug. 10, 1956, ch. 1041, 70A Stat. 219; July 12, 1960, Pub. L. 86-616, §2(a), 74 Stat. 387, authorized Secretary of the Army, at any time during proceedings under this chapter and before removal of an officer from active list of Regular Army, to grant that officer's request for voluntary retirement, if he is

otherwise qualified therefor, or for honorable discharge with severance benefits. See section 1186 of this title.

Section 3787, added Pub. L. 86-616, §2(a), July 12, 1960, 74 Stat. 388, provided that no officer serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by board and that no person be a member of more than one board convened under this chapter for same officer. See section 1187 of this title.

## EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[CHAPTER 360—REPEALED]****[§§ 3791 to 3797. Repealed. Pub. L. 96-513, title II, § 213, Dec. 12, 1980, 94 Stat. 2885]**

Section 3791, added Pub. L. 86-616, §3(a), July 12, 1960, 74 Stat. 388, authorized Secretary of the Army to convene at any time a board of general officers to review record of any commissioned officer on active list of Regular Army to determine whether he should be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with interests of national security, to show cause for his retention on active list. See section 1181(b) of this title.

Section 3792, added Pub. L. 86-616, §3(a), July 12, 1960, 74 Stat. 388, provided for boards of inquiry, composed of three or more general officers, to be convened at such places as Secretary of the Army prescribes, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 3791 of this title, should be retained on active list of Regular Army. See section 1182 of this title.

Section 3793, added Pub. L. 86-616, §3(a), July 12, 1960, 74 Stat. 389, provided for boards of review, composed of three or more general officers, to be convened by Secretary of the Army, at such places as he prescribes, to review records of cases of officers recommended by boards of inquiry for removal from active list of Regular Army.

Section 3794, added Pub. L. 86-616, §3(a), July 12, 1960, 74 Stat. 389, authorized Secretary of the Army to remove an officer from active list of Regular Army if his removal is recommended by a board of review and provided that decision of Secretary in such a case is final and conclusive. See section 1184 of this title.

Section 3795, added Pub. L. 86-616, §3(a), July 12, 1960, 74 Stat. 389, provided that each officer under consideration for removal from active list of Regular Army under this chapter be given written notification, at least 30 days prior to a board of inquiry hearing, that he is being required to show cause for retention on active list, be allowed reasonable time to prepare a defense, be allowed to appear in person and by counsel at proceedings before board of inquiry, and be allowed full access to, and furnished copies of, records relevant to his case at all stages of proceedings, except records that Secretary determines be withheld in interests of national security, in which case, a summary, to extent national security permits, be furnished. See section 1185 of this title.

Section 3796, added Pub. L. 86-616, §3(a), July 12, 1960, 74 Stat. 389, authorized Secretary of the Army, at any time during proceedings under this chapter and before removal of an officer from active list of Regular Army, to grant that officer's request for voluntary retirement, if he is otherwise qualified therefor, or for honorable discharge with severance benefits. See section 1186 of this title.

Section 3797, added Pub. L. 86-616, §3(a), July 12, 1960, 74 Stat. 390, provided that no officer serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered