

1962—Subsec. (e). Pub. L. 87-649 repealed subsec. (e) which related to pay and allowances of members who accepted a commission under this section. See sections 207 and 424 of Title 37, Pay and Allowances of the Uniformed Services.

1958—Pub. L. 85-861 substituted “United States Marine Band” for “United States Marine Corps Band”, and “director; assistant director” for “pay and allowances of leader and second leader” in section catchline.

Subsec. (a). Pub. L. 85-861 authorized one director and two assistant directors instead of one leader and one second leader.

Subsec. (b). Pub. L. 85-861 substituted provisions relating to designation of director and assistant directors for provisions which prescribed the pay and allowances of the leader and second leader.

Subsecs. (c) to (g). Pub. L. 85-861 added subsecs. (c) to (g).

#### 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 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

#### DELEGATION OF FUNCTIONS

Functions of President under subsec. (c)(2) delegated to Secretary of Defense, without authority for Secretary to redelegate, see Ex. Ord. No. 13598, §§1(c), 2, Jan. 27, 2012, 77 F.R. 5371, set out as a note under section 301 of Title 3, The President.

### CHAPTER 837—DECORATIONS AND AWARDS

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8308.	Korea Defense Service Medal.

#### PRIOR PROVISIONS

A prior chapter 837, consisting of sections 8351 to 8396, related to appointments as reserved officers in the Air Force, prior to repeal, except for sections 8351 and 8352 (now sections 12212 and 12214 of this title), by Pub. L. 103-337, div. A, title XVI, §1629(c)(1), Oct. 5, 1994, 108 Stat. 2963.

#### AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated

chapter 567 as this chapter and items 6241 to 6258 as 8291 to 8308, respectively.

2004—Pub. L. 108-375, div. A, title X, §1084(d)(30), Oct. 28, 2004, 118 Stat. 2063, renumbered item 6257 “Korea Defense Service Medal” as 6258.

2002—Pub. L. 107-314, div. A, title V, §543(c)(2), Dec. 2, 2002, 116 Stat. 2550, added item 6257 “Korea Defense Service Medal”.

Pub. L. 107-248, title VIII, §8143(c)(2)(B), Oct. 23, 2002, 116 Stat. 1570, added item 6257 “Medal of honor: presentation of Medal of Honor Flag”.

2001—Pub. L. 107-107, div. A, title V, §553(b)(1)(B), Dec. 28, 2001, 115 Stat. 1116, added item 6256.

#### EXTENSION OF TIME FOR AWARD OF DECORATION

For extension of time for the award of decorations, or devices in lieu of decorations, for acts or services performed in direct support of military operations in Southeast Asia between July 1, 1958, and Mar. 28, 1973, see Pub. L. 93-469, Oct. 24, 1974, 88 Stat. 1422, set out as a note preceding section 7271 of this title.

### § 8291. Medal of honor

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 naval service, distinguishes 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. 389, §6241; Pub. L. 88-77, §2(1), July 25, 1963, 77 Stat. 93; Pub. L. 104-106, div. A, title XV, §1503(b)(2), Feb. 10, 1996, 110 Stat. 512; renumbered §8291, Pub. L. 115-232, div. A, title VIII, §807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6241 .....	34 U.S.C. 354.	Feb. 4, 1919, ch. 14, §1, 40 Stat. 1056; Aug. 7, 1942, ch. 551, §1, 56 Stat. 743.

In subsection (a) the word “award” is added for clarity since the President determines the recipient, in addition to presenting the medal in the name of Congress. The words “a member of the naval service” are substituted for the words “in the naval service of the United States” for uniformity. The word “distinguishes” is substituted for the words “shall \* \* \* distinguish” for uniformity.

In subsection (b) the words “of the medal of honor authorized on August 8, 1942” are substituted for the words “adopted pursuant to the Act approved December 21, 1861 (12 Stat. 330)” for the reason that the 1861 Act does not establish the design, and the date of formal adoption of the design of the medal is obscure. The effect of the subsection is to continue the design recognized by 34 U.S.C. 354.

#### PRIOR PROVISIONS

A prior section 8291, act Aug. 10, 1956, ch. 1041, 70A Stat. 509, related to original appointments in Regular Air Force of nurses or woman medical specialists, and prescribed qualifications for appointment as a nurse,