

CHAPTER 737—DECORATIONS AND AWARDS

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AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 357 of this title as this chapter and items 3741 to 3756 as 7271 to 7286, respectively.

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.

§ 7271. 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, §3741; Pub. L. 88-77, §1(1), July 25, 1963, 77 Stat. 93; renumbered §7271, Pub. L. 115-232, div. A, title VIII, §808(b)(11), Aug. 13, 2018, 132 Stat. 1838.)

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

2018—Pub. L. 115-232 renumbered section 3741 of this title as this section.

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.

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.

REVIEW OF WORLD WAR I VALOR MEDALS

Pub. L. 116-92, div. A, title V, §584, Dec. 20, 2019, 133 Stat. 1412, as amended by Pub. L. 116-283, div. A, title V, §561(a), Jan. 1, 2021, 134 Stat. 3639, provided that:

“(a) REVIEW REQUIRED.—Each Secretary concerned shall review the service records of World War I veterans described in subsection (b) under the jurisdiction of such Secretary in order to determine whether any such veteran should be awarded the Medal of Honor for valor during World War I.

“(b) COVERED WORLD WAR I VETERANS.—The World War I veterans whose service records may be reviewed under subsection (a) are the following:

“(1) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were awarded the Distinguished Service Cross or the Navy Cross for an action that occurred between April 6, 1917, and November 11, 1918.

“(2) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were awarded the Croix de Guerre with Palm (that is, awarded at the Army level or above) by the Government of France for an action that occurred between April 6, 1917, and November 11, 1918.

“(3) African American war veterans, Asian American war veterans, Hispanic American war veterans, Jewish American war veterans, and Native American war veterans who were recommended for a Medal of Honor for actions that occurred from April 6, 1917, to November 11, 1918, if the Department of Defense possesses or receives records relating to such recommendation.

“(c) RECOMMENDATION BASED ON REVIEW.—If a Secretary concerned determines, based upon the review under subsection (a), that the award of the Medal of Honor to a covered World War I veteran is warranted, such Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

“(d) AUTHORITY TO AWARD MEDAL OF HONOR.—The Medal of Honor may be awarded to a World War I vet-

eran in accordance with a recommendation of a Secretary concerned under subsection (c).

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

“(1) section 7274 or 8298 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.

“(f) DEADLINE.—The review under subsection (a) shall terminate not later than six years after the date of the enactment of this Act [Dec. 20, 2019].

“(g) DEFINITIONS.—

“(1) IN GENERAL.—In this section:

“(A) AFRICAN AMERICAN WAR VETERAN.—The term ‘African American war veteran’ means any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself as of African descent on his military personnel records.

“(B) ASIAN AMERICAN WAR VETERAN.—The term ‘Asian American war veteran’ means any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself racially, nationally, or ethnically as originating from a country in Asia on his military personnel records.

“(C) HISPANIC AMERICAN WAR VETERAN.—The term ‘Hispanic American war veteran’ means any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself racially, nationally, or ethnically as originating from a country where Spanish is an official language on his military personnel records.

“(D) JEWISH AMERICAN WAR VETERAN.—The term ‘Jewish American war veteran’ mean any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself as Jewish on his military personnel records.

“(E) NATIVE AMERICAN WAR VETERAN.—The term ‘Native American war veteran’ means any person who served in the United States Armed Forces between April 6, 1917, and November 11, 1918, and who identified himself as a member of a federally recognized tribe within the modern territory of the United States on his military personnel records.

“(F) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(i) the Secretary of the Army, in the case of members of the Armed Forces who served in the Army between April 6, 1917, and November 11, 1918; and

“(ii) the Secretary of the Navy, in the case of members of the Armed Forces who served in the Navy or the Marine Corps between April 6, 1917, and November 11, 1918.

“(2) APPLICATION OF DEFINITIONS OF ORIGIN.—If the military personnel records of a person do not reflect the person’s membership in one of the groups identified in subparagraphs (B) through (F) of paragraph (1) but historical evidence exists that demonstrates the person’s Jewish faith held at the time of service, or that the person identified himself as of African, Asian, Hispanic, or Native American descent, the person may be treated as being a member of the applicable group by the Secretary concerned for purposes of this section.”

[Pub. L. 116-283, div. A, title V, §561(b), Jan. 1, 2021, 134 Stat. 3639, provided that: “The amendment made by subsection (a) [amending section 584 of Pub. L. 116-92, set out above] shall take effect as if enacted on the date of the enactment of the National Defense Author-

ization Act for Fiscal Year 2020 [Dec. 20, 2019] (Public Law 116-92; 133 Stat. 1281 [1198]).”]

REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER WAR VETERANS

Pub. L. 114-328, div. A, title V, §586, Dec. 23, 2016, 130 Stat. 2151, as amended by Pub. L. 115-232, div. A, title VIII, §809(b)(6), Aug. 13, 2018, 132 Stat. 1840, provided that:

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

“(b) COVERED VETERANS.—The Asian American and Native American Pacific Islander war veterans whose service records are to be reviewed under subsection (a) are any former members of the Armed Forces whose service records identify them as an Asian American or Native American Pacific Islander war veteran who was awarded the Distinguished-Service Cross, the Navy Cross, or the Air Force Cross during the Korean War or the Vietnam War.

“(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with such veterans service organizations as the Secretary considers appropriate.

“(d) RECOMMENDATIONS BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Asian American or Native American Pacific Islander 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.—A Medal of Honor may be awarded to an Asian American or Native American Pacific Islander war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

“(f) CONGRESSIONAL NOTIFICATION.—No Medal of Honor may be awarded pursuant to subsection (e) until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives notice of the recommendations under subsection (d), including the name of each Asian American or Native American Pacific Islander war veteran recommended to be awarded a Medal of Honor and the rationale for such recommendation.

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

“(1) section 7274, 8296, or 9274 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.

“(h) DEFINITION.—In this section, the term ‘Native American Pacific Islander’ means a Native Hawaiian or Native American Pacific Islander, as those terms are defined in section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c).”

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 Jewish 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 [now 7274, 8298, or 9274] 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 [now 7274, 8298, or 9274] 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.)”

§ 7272. 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, § 3742; Pub. L. 88–77, § 1(2), July 25, 1963, 77 Stat. 93; renumbered § 7272, Pub. L. 115–232, div. A, title VIII, § 808(b)(11), Aug. 13, 2018, 132 Stat. 1838.)