

(Aug. 10, 1956, ch. 1041, 70A Stat. 391, § 6254; renumbered § 8304, Pub. L. 115-232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6254	34 U.S.C. 359 (less proviso).	Feb. 4, 1919, ch. 14, § 6 (less proviso), 40 Stat. 1056; renumbered § 8 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.

The words “the appropriations for the pay of the Navy or the Marine Corps, as appropriate”, are substituted for the words “the appropriation ‘Pay, subsistence, and transportation of naval personnel’”, to identify by a general description, rather than by the specific appropriation title, the appropriation authorized to be used. Specific appropriation titles vary from one appropriation act to the next. The permanent authority contained in 34 U.S.C. 359 for the Secretary of the Navy to use appropriations available for the pay of the Navy and the Marine Corps is not affected by a change in the titles of those appropriations nor is it affected by a specific authorization in an appropriation act to use, during the life of the act, a different type of appropriation.

PRIOR PROVISIONS

A prior section 8304, act Aug. 10, 1956, ch. 1041, 70A Stat. 515, related to promotion of Air Force nurses or women medical specialists to grades of first lieutenant, captain, major, lieutenant colonel, or colonel, prior to repeal by Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6254 of this title as this section.

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.

§ 8305. Commemorative or special medals: facsimiles and ribbons

Under regulations prescribed by the Secretary of the Navy, members of the naval service may wear, in place of commemorative or special medals awarded to them, miniature facsimiles of such medals and ribbons symbolic of the awards.

(Aug. 10, 1956, ch. 1041, 70A Stat. 391, § 6255; renumbered § 8305, Pub. L. 115-232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6255	34 U.S.C. 358a.	Apr. 25, 1935, ch. 82, 49 Stat. 162.

The words “members of the naval service may” are substituted for the words “That authority is hereby granted to personnel of the Navy and Marine Corps” for clarity.

PRIOR PROVISIONS

A prior section 8305, acts Aug. 10, 1956, ch. 1041, 70A Stat. 516; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(14), 71 Stat. 388; Nov. 8, 1967, Pub. L. 90-130, § 1(27)(E), 81

Stat. 382, related to promotion of officers in regular grade of lieutenant colonel to grade of colonel, prior to repeal by Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981. See section 619 et seq. of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6255 of this title as this section.

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.

§ 8306. 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 Navy may determine, as a duplicate or for display purposes only.

(Added Pub. L. 107-107, div. A, title V, § 553(b)(1)(A), Dec. 28, 2001, 115 Stat. 1116, § 6256; renumbered § 8306, Pub. L. 115-232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

PRIOR PROVISIONS

A prior section 8306, act Aug. 10, 1956, ch. 1041, 70A Stat. 516, related to promotion of officers in regular grade of colonel to grade of brigadier general, prior to repeal by Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981. See section 619 et seq. of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6256 of this title as this section.

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.

§ 8307. 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 8291 of this title. Presentation of the flag shall be made at the same time as the presentation of the medal under section 8291 or 8300 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)(2)(A), Oct. 23, 2002, 116 Stat. 1570, § 6257; 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; renumbered § 8307 and amended Pub. L. 115-232, div. A, title VIII, §§ 807(b)(13), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

PRIOR PROVISIONS

A prior section 8307, act Aug. 10, 1956, ch. 1041, 70A Stat. 517, related to promotion of officers in regular

grade of brigadier general to grade of major general, prior to repeal by Pub. L. 96-513, title II, §204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981. See section 619 et seq. of this title.

AMENDMENTS

2018—Pub. L. 115-232, §809(a), substituted “section 8291” for “section 6241” and “section 8291 or 8300” for “section 6241 or 6250”.

Pub. L. 115-232, §807(b)(13), renumbered section 6257 of this title as this section.

2006—Pub. L. 109-364 struck out “after October 23, 2002” after “section 6241 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”.

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.

PRESENTATION OF FLAG FOR PRIOR RECIPIENTS OF MEDAL OF HONOR

President to provide for the presentation of the Medal of Honor Flag to living recipients of the Medal of Honor as expeditiously as possible after Oct. 17, 2006, and for posthumous presentation to survivors of deceased recipients upon written application therefor, see section 555(b) of Pub. L. 109-364, set out as a note under section 7285 of this title.

§ 8308. Korea Defense Service Medal

(a) The Secretary of the Navy shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Navy or Marine Corps 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 Navy 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(c)(1), Dec. 2, 2002, 116 Stat. 2549, §6257; renumbered §6258, Pub. L. 108-375, div. A, title X, §1084(d)(30), Oct. 28, 2004, 118 Stat. 2063; renumbered §8308, Pub. L. 115-232, div. A, title VIII, §807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

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.

PRIOR PROVISIONS

Prior sections 8308 and 8309 were repealed by Pub. L. 96-513, title II, §204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981.

Section 8308, act Aug. 10, 1956, ch. 1041, 70A Stat. 518, related to effect of removal from recommended list by President of name of any promotion-list officer or brigadier general of Regular Air Force who in President's opinion is not qualified for promotion or who is not confirmed by Senate. See section 629 of this title.

Section 8309, act Aug. 10, 1956, ch. 1041, 70A Stat. 518, provided that President prescribe a system of physical examination for all commissioned officers of Regular Air Force in grades below brigadier general to determine their fitness for promotion in Regular Air Force. See section 624 of this title.

A prior section 8310 was renumbered section 9160 of this title.

Prior sections 8312 to 8314 were repealed by Pub. L. 96-513, title II, §204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981.

Section 8312, act Aug. 10, 1956, ch. 1041, 70A Stat. 519, provided that an officer who is promoted in Regular Air Force is considered to have accepted his promotion on date of order announcing it, unless he expressly declines it, without need to take the oath of office upon promotion if his service since last taking it has been continuous. See section 626 of this title.

Section 8313, act Aug. 10, 1956, ch. 1041, 70A Stat. 519, provided that in time of war or national emergency declared by Congress or President, the President may suspend operation of any provision of law relating to promotion, mandatory retirement, or separation of commissioned officers of Regular Air Force. See section 123(a), (b) of this title.

Section 8314, added Pub. L. 85-861, §1(177)(A), Sept. 2, 1958, 72 Stat. 1519, provided that promotion to a higher grade of a commissioned officer of Regular Air Force who is on a recommendation list awaiting promotion not be withheld or delayed because of original appointment of any other person to a commissioned grade in Regular Air Force and that this section does not apply to appointments as medical or dental officers or Air Force nurses or medical specialists. See section 624 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6258 of this title as this section.

2004—Pub. L. 108-375 renumbered section 6257 of this title as this section.

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.

CHAPTER 839—DISCHARGE OF ENLISTED MEMBERS

Sec.

8317. Minors enlisted upon false statement of age.

PRIOR PROVISIONS

A prior chapter 839, consisting of sections 8441 to 8452, related to temporary appointments in the Air Force, prior to renumbering as chapter 919 of this title.

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 569 of this title as this chapter and item 6292 as 8317.

1980—Pub. L. 96-513, title V, §503(46), Dec. 12, 1980, 94 Stat. 2914, struck out item 6294 “Women in the Regular Navy and Regular Marine Corps: termination of enlistment”.

1968—Pub. L. 90-235, §§3(a)(4), (b)(4), 8(4), Jan. 2, 1968, 81 Stat. 758, 764, struck out item 6291 “Honorable discharges”, item 6293 “Minors enlisted without consent of parent or guardian”, item 6295 “Regular Navy: early