

§ 1129. Purple Heart: members killed or wounded in action by friendly fire

(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before November 30, 1993, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before such date or for which an application is made to the Secretary in such manner as the Secretary requires.

(Added Pub. L. 103-160, div. A, title XI, §1141(a), Nov. 30, 1993, 107 Stat. 1756; amended Pub. L. 105-85, div. A, title X, §1073(a)(18), Nov. 18, 1997, 111 Stat. 1901.)

Editorial Notes

AMENDMENTS

1997—Subsec. (c). Pub. L. 105-85 substituted “November 30, 1993,” for “the date of the enactment of this section,” and “before such date or” for “before the date of the enactment of this section or”.

AWARD OF PURPLE HEART TO PERSONS WOUNDED WHILE HELD AS PRISONERS OF WAR BEFORE APRIL 25, 1962

Pub. L. 104-106, div. A, title V, §521, Feb. 10, 1996, 110 Stat. 309, as amended by Pub. L. 108-136, div. A, title V, §544, Nov. 24, 2003, 117 Stat. 1478, provided that:

“(a) **AWARD OF PURPLE HEART.**—For purposes of the award of the Purple Heart, the Secretary concerned (as defined in section 101 of title 10, United States Code) shall treat a former prisoner of war who was wounded before April 25, 1962, while held as a prisoner of war (or while being taken captive) in the same manner as a former prisoner of war who is wounded on or after that date while held as a prisoner of war (or while being taken captive).

“(b) **STANDARDS FOR AWARD.**—An award of the Purple Heart under subsection (a) shall be made in accordance with the standards in effect on the date of the enactment of this Act [Feb. 10, 1996] for the award of the Purple Heart to persons wounded on or after April 25, 1962.

“(c) **ELIGIBLE FORMER PRISONERS OF WAR.**—A person shall be considered to be a former prisoner of war for purposes of this section if the person is eligible for the prisoner-of-war medal under section 1128 of title 10, United States Code.

“(d) **PROCEDURES FOR AWARD.**—In determining whether a former prisoner of war who submits an application for the award of the Purple Heart under subsection (a) is eligible for that award, the Secretary concerned shall apply the following procedures:

“(1) Failure of the applicant to provide any documentation as required by the Secretary shall not in itself disqualify the application from being considered.

“(2) In evaluating the application, the Secretary shall consider (A) historical information as to the

prison camp or other circumstances in which the applicant was held captive, and (B) the length of time that the applicant was held captive.

“(3) To the extent that information is readily available, the Secretary shall assist the applicant in obtaining information or identifying the sources of information referred to in paragraph (2).

“(4) The Secretary shall review a completed application under this section based upon the totality of the information presented, taking into account the length of time between the period during which the applicant was held as a prisoner of war and the date of the application.”

Executive Documents

EX. ORD. NO. 11016. AUTHORIZING AWARD OF THE PURPLE HEART

Ex. Ord. No. 11016, Apr. 25, 1962, 27 F.R. 4139, as amended by Ex. Ord. No. 11382, §13(4), Nov. 28, 1967, 32 F.R. 16247; Ex. Ord. No. 12464, Feb. 23, 1984, 49 F.R. 7099; Ex. Ord. No. 13286, §71, Feb. 28, 2003, 68 F.R. 10630; Ex. Ord. No. 13758, Jan. 12, 2017, 82 F.R. 5321, provided:

WHEREAS General George Washington, at Newburg-on-the-Hudson, on August 7, 1782, during the War of the Revolution, issued an Order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or Decoration of the Purple Heart; and

WHEREAS the award of that decoration ceased with the closing of the War of the Revolution and was revived on February 22, 1932, out of respect to the memory and military achievements of General George Washington, by War Department General Orders No. 3:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. The Secretary of a military department, or the Secretary of Homeland Security with regard to the Coast Guard when not operating as a service in the Navy, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, to any member or former member of the armed forces under the jurisdiction of that department who, while serving as a member of the armed forces, has been, or may hereafter be, wounded:

(a) in any action against an enemy of the United States;

(b) in any action with an opposing armed force of a foreign country in which the armed forces of the United States are or have been engaged;

(c) 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;

(d) as the result of an act of any such enemy or opposing armed force;

(e) as the result of an act of any hostile foreign force;

(f) while being taken captive or while being held as a prisoner of war, and for purposes of this paragraph a person is considered a prisoner of war if the person is eligible for the Prisoner of War Medal pursuant to section 1128 of title 10, United States Code;

(g) after March 28, 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack for the purposes of this order by the Secretary of the department concerned, or jointly by the Secretaries of the departments concerned if persons from more than one department are wounded in the attack;

(h) after March 28, 1973, as a result of military operations, while serving outside the territory of the United States as part of a peacekeeping force;

(i) after September 10, 2001, in an attack that was motivated or inspired by a foreign terrorist organization, which the Secretary of the department concerned shall treat in the same manner as an international terrorist attack, provided the attack specifically targeted the member due to his or her military service as provided in section 1129a of title 10, United States Code; or

(j) after December 6, 1941, by friendly weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, an opposing armed force, or hostile foreign force.

2. The Secretary of a military department, or the Secretary of Homeland Security with regard to the Coast Guard when not operating as a service in the Navy, shall, in the name of the President of the United States, award the Purple Heart, with suitable ribbons and appurtenances, posthumously, to any member of the armed forces under the jurisdiction of that department covered by, and under the circumstances described in:

- (a) paragraphs 1(a)–(f) who, after April 5, 1917;
- (b) paragraphs 1(g)–(h) who, after March 28, 1973;
- (c) paragraph 1(i) who, after September 10, 2001; or
- (d) paragraph 1(j) who, after December 6, 1941, has been, or may hereafter be, killed, or who has died or may hereafter die after being wounded.

3. A wound for which the award is made must have been of such severity that it required treatment by a medical officer.

4. The Purple Heart is not authorized for a wound or death that results from the willful misconduct of the member.

5. The Purple Heart shall be forwarded to the next of kin of any person entitled to the posthumous award, without respect to whether a previous award has been made to such person, except that if the award results from service before December 7, 1941, the Purple Heart shall be forwarded to such next of kin upon his application therefore to the Secretary of the department concerned.

6. Except as authorized in paragraph 5, not more than one Purple Heart shall be awarded to any person, but for each subsequent award a Gold Star, or other suitable device, shall be awarded to be worn with the Purple Heart as prescribed by appropriate regulations to be issued by the Secretary of the department concerned.

7. When authorized by the Secretary of the department concerned, the award of the Purple Heart may be made by subordinate military commanders, or such other appropriate officers as the Secretary concerned may designate.

8. The Secretary of the department concerned may prescribe such regulations as he considers appropriate to carry out this order. The regulations of the Secretaries of the departments with respect to the award of the Purple Heart shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

9. This order supersedes Executive Order No. 10409 of November 12, 1952, entitled “Award of the Purple Heart to Persons Serving with the Navy, Marine Corps, or Coast Guard of the United States”. However, existing regulations prescribed pursuant to that order, together with regulations prescribed under the authority of General Orders No. 3, War Department, February 22, 1932, shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed by the Secretary of the department concerned under this order.

§ 1129a. Purple Heart: members killed or wounded in attacks by foreign terrorist organizations

(a) IN GENERAL.—For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded as a result of an international terrorist attack against the United States.

(b) COVERED MEMBERS.—(1) A member described in this subsection is a member on active duty who was killed or wounded in an attack by a foreign terrorist organization in circumstances where the death or wound is the re-

sult of an attack targeted on the member due to such member’s status as a member of the armed forces, unless the death or wound is the result of willful misconduct of the member.

(2) For purposes of this section, an attack by an individual or entity shall be considered to be an attack by a foreign terrorist organization if—

(A) the individual or entity was in communication with the foreign terrorist organization before the attack; and

(B) the attack was inspired or motivated by the foreign terrorist organization.

(c) FOREIGN TERRORIST ORGANIZATION DEFINED.—In this section, the term “foreign terrorist organization” means an entity designated as a foreign terrorist organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(Added Pub. L. 113–291, div. A, title V, § 571(a)(1)(A), Dec. 19, 2014, 128 Stat. 3387.)

Statutory Notes and Related Subsidiaries

RETROACTIVE EFFECTIVE DATE AND APPLICATION

Pub. L. 113–291, div. A, title V, § 571(a)(2), Dec. 19, 2014, 128 Stat. 3387, provided that:

“(A) EFFECTIVE DATE.—The amendments made by paragraph (1) [enacting this section] shall take effect as of September 11, 2001.

“(B) REVIEW OF CERTAIN PREVIOUS INCIDENTS.—The Secretary concerned shall undertake a review of each death or wounding of a member of the Armed Forces that occurred between September 11, 2001, and the date of the enactment of this Act [Dec. 19, 2014] under circumstances that could qualify as being the result of an attack described in section 1129a of title 10, United States Code (as added by paragraph (1)), to determine whether the death or wounding qualifies as a death or wounding resulting from an attack by a foreign terrorist organization for purposes of the award of the Purple Heart pursuant to such section (as so added).

“(C) ACTIONS FOLLOWING REVIEW.—If the death or wounding of a member of the Armed Forces reviewed under subparagraph (B) is determined to qualify as a death or wounding resulting from an attack by a foreign terrorist organization as described in section 1129a of title 10, United States Code (as so added), the Secretary concerned shall take appropriate action under such section to award the Purple Heart to the member.

“(D) SECRETARY CONCERNED DEFINED.—In this paragraph, the term ‘Secretary concerned’ has the meaning given that term in section 101(a)(9) of title 10, United States Code.”

§ 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review

(a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration.

(b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Com-