

eligibility for promotion, with appointment and service credit restrictions on persons who were cadets at the United States Air Force, Military, or Naval Academies but were not graduated, and a disallowance of service credit under this section for persons who graduated from one of these Academies. See section 533 of this title.

Section 8288, acts Aug. 10, 1956, ch. 1041, 70A Stat. 508; Aug. 2, 1957, Pub. L. 85-155, title III, § 301(7), 71 Stat. 387; Sept. 2, 1958, Pub. L. 85-861, § 1(170), 72 Stat. 1518, provided for determination of grade of a person originally appointed as a commissioned officer in Regular Air Force, other than persons appointed as medical or dental officers. See section 533 of this title.

Section 8289, act Aug. 10, 1956, ch. 1041, 70A Stat. 509, provided that no person be originally appointed as a first lieutenant in Regular Air Force with a view to designation as a medical officer until he passes an examination of his professional fitness before an examining board composed of at least three medical officers designated by Secretary of Air Force. See section 532 of this title.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6222 of this title as this section.

2006—Pub. L. 109-364 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) to (f) relating to composition of the United States Marine Band, designation of its director and assistant directors, grades upon initial appointment, promotion, retirement, and revocation of appointments.

1980—Subsecs. (e) to (g). Pub. L. 96-513 redesignated subsecs. (f) and (g) as (e) and (f), respectively.

1970—Subsec. (d). Pub. L. 91-197 struck out provision that the grade of the director be no higher than lieutenant colonel and that the grades of the assistant directors be no higher than captain.

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 L. 87-649 repealed subsec.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).

#### Statutory Notes and Related Subsidiaries

##### 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 Sec-

retary 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

#### Sec.

- 8291. Medal of honor.
- 8292. Navy cross.
- 8293. Distinguished-service medal.
- 8294. Silver star medal.
- 8295. Distinguished flying cross.
- 8296. Navy and Marine Corps Medal.
- 8297. Additional awards.
- 8298. Limitations of time.
- [8299. Repealed.]
- 8300. Posthumous awards.
- 8301. Delegation of power to award.
- 8302. Regulations.
- 8303. Replacement.
- 8304. Availability of appropriations.
- 8305. Commemorative or special medals: facsimiles and ribbons.
- 8306. Medal of honor: duplicate medal.
- 8307. Medal of honor: presentation of Medal of Honor Flag.
- 8308. Korea Defense Service Medal.

#### Editorial Notes

##### 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

2019—Pub. L. 116-92, div. A, title V, § 582(b)(2)(B), Dec. 20, 2019, 133 Stat. 1412, struck out item 8299 “Limitation of honorable service”.

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.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### Editorial Notes

##### 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, 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 6241 of this title as this section.

1996—Par. (2). Pub. L. 104-106 inserted “or” after “an opposing foreign force;”.

1963—Pub. L. 88-77 enlarged the authority to award the medal of honor, which was limited to those cases in which persons distinguished themselves in action involving actual conflict with an enemy, or in the line of his profession, and without detriment to the mission of his command or to the command to which attached, 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, and substituted the requirement that it be of appropriate design, with ribbons and appurtenances, for the requirement that it be the same as that authorized on August 8, 1942.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### Executive Documents

##### MERITORIOUS SERVICE MEDAL

Establishment of, see Ex. Ord. No. 11448, set out as a note preceding section 1121 of this title.

#### § 8292. Navy cross

The President may award a Navy cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Navy or Marine Corps, 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. 389, §6242; Pub. L. 88-77, §2(2), July 25, 1963, 77 Stat. 94; renumbered §8292, 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)                                                                                  |
|-----------------|--------------------|-------------------------------------------------------------------------------------------------------------|
| 6242 .....      | 34 U.S.C. 356.     | Feb. 4, 1919, ch. 14, §3, 40 Stat. 1056; renumbered §2 and amended Aug. 7, 1942, ch. 551, §1, 56 Stat. 743. |

The word “award” is substituted for the word “present” to cover the determination of the recipient as well as the actual presenting of the decoration. The words “but not in the name of Congress” are omitted, since a decoration is presented in the name of Congress only if the law so directs. The words “Navy or the Marine Corps” are substituted for the words “naval service of the United States” for clarity. To be eligible for the award, a person need not be a member of the naval service, but only serving in some capacity either with the Navy or with the Marine Corps.

#### Executive Documents

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6242 of this title as this section.

1963—Pub. L. 88-77 enlarged the authority to award the Navy cross, which was limited to those cases in which persons distinguished themselves in connection with military operations against an armed enemy, to permit its award for extraordinary heroism not justifying the award of a medal of honor, 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.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and