

be sold to former members of the military or naval service who have been separated therefrom under honorable conditions: *Provided*, That nothing in this section shall be construed as modifying in any way the provisions of section 1393 of this title. Any money realized from the sale of articles of uniform under this section shall be covered into the Treasury to the credit of the appropriation out of which such articles were purchased. (Feb. 14, 1927, c. 134, 44 Stat. 1096.)

The Act cited to the text was entitled "An Act to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States."

Chapter 33.—MILITARY DECORATIONS AND BADGES.

★ **Section 1401. Rules and regulations governing awards of medals, etc.**—The President is authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of sections 1403, 1406 to 1412, 1416, 1420, and 1424 of this title, and to execute the full purpose and intention thereof. (July 9, 1918, c. 143, 40 Stat. 872.)

This section has been restated to express existing law.

★ **1402. Medals of honor authorized.**—

The War Department recommends the omission of this section from the Code on the ground that it is in part superseded by § 1403 of this title and in part but an executed provision relating to the appropriation of money for the preparation of medals of honor and other devices.

★ **1404. Award of medal of honor; separation from service as preventing award; failure to apply for while in service.**—

"in action in the Civil War" in line 4 of this section should be omitted as the statutory provision constituting the section contained no such restriction.

★ **1410. Award of medals and crosses by commanding generals.**—The President is authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to the commanding general of a separate army or higher unit in the field, the power conferred upon him by sections 1403, 1406 to 1412, 1416, 1420, and 1424 of this title to award the medal of honor, the distinguished-service cross, and the distinguished-service medal. (July 9, 1918, c. 143, 40 Stat. 872.)

This section has been restated to express existing law.

★ **1413a. Medals for Spanish War soldiers serving in Philippine insurrection.**—The Secretary of War is hereby authorized and directed to procure a bronze medal, with suitable device, to be presented to each of the several officers and enlisted men and families of such as may be dead, who, having volunteered and enlisted under the calls of the President for the war with Spain, served beyond the term of their enlistment to help to suppress the Philippine insurrection, and who subsequently received an honorable discharge from the Army of the United States, or who died prior to such discharge. (June 29, 1906, c. 3614, 34 Stat. 621.)

This section omitted from the Code appears to be still in force.

1415a. Gratuitous issue of certain service medals, fourrageres, etc., authorized.—The Secretary of War is hereby authorized and directed to procure and issue without expense to persons entitled to them, and to the families of such as may be dead, the following service medals, together with the ribbons, clasps, stars, and similar devices as may be prescribed as a part thereof:

- (a) Civil War campaign medal; (b) Indian campaign medal;
- (c) Spanish campaign medal; (d) Spanish War service medal;
- (e) Cuban occupation medal; (f) Porto Rico occupation medal;
- (g) Philippine campaign medal; (h) Philippine congressional medal;
- (i) China campaign medal; (j) Cuban pacification medal;
- (k) Mexican service medal; (l) Mexican border service

medal; (m) Victory medal and clasps; (n) fourragere as an individual decoration; (o) any service medal or similar device hereafter authorized: *Provided*, That the fact that a person is not in or did not die in the service shall not preclude such gratuitous issue. (May 12, 1928, c. 528, § 1, 45 Stat. 500.)

The Act cited to the text was entitled "An Act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes."

Section 4 of said Act May 12, 1928, c. 528, provides as follows: "All laws or parts of laws in conflict with the provisions of this Act are hereby repealed."

1415b. Replacement of service medals, etc., issued under section 1415a.—Whenever any article presented under the provisions of section 1415a of this title shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the owner, such article may, under such regulations as the Secretary of War may prescribe, be replaced at cost price: *Provided*, That to persons in the military service of the United States such article may be replaced free of charge. (May 12, 1928, c. 528, § 2, 45 Stat. 500.)

See note to § 1415a.

1415c. Appropriation available to defray cost of gratuitous issue of medals, etc., under sections 1415a and 1415b.—The Secretary of War is hereby authorized to expend from the appropriations for the support of the Army so much as may be necessary to defray the cost of the issues provided by sections 1415a and 1415b of this title. (May 12, 1928, c. 528, § 3, 45 Stat. 500.)

See note to § 1415a.

★ **1424. Expenditure authorized for medals, crosses, etc.**—The Secretary of War is authorized to expend from the appropriations for contingent expenses of his department from time to time so much as may be necessary to defray the cost of the medals of honor, distinguished-service crosses, distinguished-service medals, bars, rosettes, and other devices provided for in sections 1403, 1406 to 1412, and 1416 of this title. (July 9, 1918, c. 143, 40 Stat. 871.)

This section has been restated to express existing law.

1425. Unlawful wearing, manufacture, or sale of medals, etc.—The wearing, manufacturing, or sale of the congressional medal of honor, distinguished-service cross, distinguished-service medal, distinguished-flying cross, soldier's medal, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the War Department, or the ribbon, button, or rosette of any of the said medals, badges or decorations, of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

Any person who knowingly offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding \$250 or by imprisonment not exceeding six months, or by both such fine and imprisonment. (As amended Apr. 21, 1928, c. 392, 45 Stat. 437.)

★ **1427. Right to wear badges of military societies.**—The distinctive badges adopted by military societies of men who served in the armies and navies of the United States in the War of the Revolution, the War of 1812, the Mexican War, and the War of the Rebellion, respectively, or during the Spanish-American War, and the incident insurrection in the Philippines, or during the Chinese Relief Expedition of 1900, may be worn upon all occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organizations in their own right. The distinctive badges adopted by the Army and Navy Union of the United States may be worn, in

their own right, upon all public occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization. (Sept. 25, 1890, No. 50, 26 Stat. 681; May 11, 1894, No. 26, 28 Stat. 583; Feb. 2, 1901, c. 192, § 41, 31 Stat. 758; Jan. 12, 1903, No. 2, 32 Stat. 1229; Mar. 2, 1907, No. 18, 34 Stat. 1423.)

This section has been restated to express existing law.

1428. Soldier's medal authorized.—Under such rules and regulations as he may prescribe the President is hereby authorized to present, but not in the name of Congress, a medal to be known as the soldier's medal, of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Army of the United States, including the National Guard and the Organized Reserves, shall hereafter distinguish himself, or herself, by heroism not involving actual conflict with an enemy.

No more than one soldier's medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of the soldier's medal the President may award a suitable bar, or other suitable device, to be worn as he shall direct. (July 2, 1926, c. 721, § 11, 44 Stat. 789.)

The Act cited to the text was entitled "An Act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes."

1429. Distinguished flying cross authorized.—Under such rules and regulations as he may prescribe, and notwithstanding the provisions of section 14 of this Act [see note under section 291 of this title] the President is hereby authorized to present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon, to any person who, while serving in any capacity with the Air Corps of the Army of the United States, including the National Guard and the Organized Reserves, or with the United States Navy, since the 6th day of April, 1917, has distinguished, or who, after July 2, 1926, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight: *Provided*, That no person shall be eligible for the award of the distinguished flying cross for any act performed prior to November 11, 1918, except officers or enlisted men who have prior to July 2, 1926, been recommended for but have not received the congressional medal of honor, the distinguished service cross, or the distinguished service medal and except those officers or enlisted men who displayed heroism while serving as instructors or students at flying schools. No more than one distinguished flying cross shall be issued to any one person, but for each succeeding act or achievement sufficient to justify the award of a distinguished flying cross the President may award a suitable bar or other suitable device to be worn as he shall direct. In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the cross or the bar or other device presented to such representative of the deceased as the President may designate, but no cross, bar, or other device hereinbefore authorized shall be awarded or presented to any individual whose entire service subsequent to the time he distinguishes himself has not been honorable. (July 2, 1926, c. 721, § 12, 44 Stat. 789.)

For title of Act see note to § 1428.

1430. Additional pay for holder of soldier's medal or distinguished flying cross.—Each enlisted or enrolled man to whom there shall be awarded the distinguished flying cross or the soldier's medal shall be entitled to additional pay at the rate of \$2 per month from the date of the act of heroism or extraordinary achievement on which the award is based, and each bar, or other suitable device, in lieu of the distinguished flying cross or the soldier's medal, as provided for in sections 1428 and 1429 of this title, shall entitle him to further additional pay at the rate of \$2 per month from the date of the act of

heroism or extraordinary achievement for which the bar or other device is awarded, and said additional pay shall continue throughout his active service, whether such service shall or shall not be continuous. (July 2, 1926, c. 721, § 13, 44 Stat. 789.)

For title of Act see note to § 1428.

Chapter 34.—DESERTION.

★ Section 1431. Compensation for arresting deserters.—

The War Department recommends the omission of this section from the Code as it is temporary legislation repeated from year to year in Appropriation Acts.

★ 1432. Forfeiture of right to pension.—

"April 26, 1898, c. 191, § 6, 30 Stat. 365" should precede the citation at the end of this section.

★ 1441. Restoration of status by removal of charge.—

"1436" in lines 3 and 12 of this section should read "1435."

Chapter 35.—UNITED STATES DISCIPLINARY BARRACKS.

Section 1453. Government and control of Disciplinary Barracks.—[Repealed in part.]

This section was repealed in part by Act May 29, 1928, c. 901, § 1, 45 Stat. 986, 988, which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * * 33. Statement of the financial and other affairs of the United States disciplinary barracks for the preceding year. (Statutes at Large, volume 38, part 1, page 1085; title 10, section 1453, United States Code.)"

For title of Act see note to § 1287.

★ 1454. Officers, guards, etc.—The officers of the United States Disciplinary Barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army at large. In addition to detailing for duty at said Disciplinary Barracks such number of enlisted men of the Staff Corps and departments as he may deem necessary, the Secretary of War shall assign a sufficient number of enlisted men of the line of the Army for duty as guards at said Disciplinary Barracks and as noncommissioned officers of the disciplinary organizations hereinafter authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be detached from the line of the Army, or enlisted for the purpose. (Mar. 4, 1915, c. 143, § 2, 38 Stat. 1085.)

This section has been restated to express existing law. So much of this section as commences with the words "and said guards shall be organized as infantry" has been omitted as statutory grades of enlisted men were abolished by § 604 of this title, and the statutory organization of the infantry company was abolished by § 281 of this title.

★ 1457a. Remission of unexecuted portions of sentences; restoration to duty; prisoners confined elsewhere than in United States Disciplinary Barracks and branches.—The authority vested in the Secretary of War by section 1457 of this title to give honorable restoration to duty, in case the same is merited, to general prisoners confined in the United States Disciplinary Barracks and its branches, shall be extended so that such restoration may be given to general prisoners confined elsewhere. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1074.)

This section omitted from the Code appears to be still in force.

★ 1457h. Parole for prisoners confined in United States Disciplinary Barracks.—The Secretary of War is authorized to establish a system of parole for prisoners confined in the United States Disciplinary Barracks and its branches, the terms and conditions of such parole to be such as the Secretary of War may prescribe. (Mar. 4, 1915, c. 143, § 1, 38 Stat. 1075.)

This section omitted from the Code appears to be still in force.