

(g) The provisions of this section shall not apply in any case unless the proceedings of the naval retiring board shall be commenced within six months from the termination of the temporary appointment or release from active duty of the individual concerned whichever may occur earlier. (July 24, 1941, ch. 320, § 8, 55 Stat. 604.)

CROSS REFERENCES

Age retirement of officers of Regular Navy and Marine Corps while serving under temporary appointments, see section 811 of Appendix to Title 50, War.

§ 350h. Computation of authorized number of officers in any grade.

Commissioned officers appointed under the authority of section 350a of this title shall not be counted in any computation to determine the authorized number of officers in any grade. Commissioned officers of the Regular Navy and Marine Corps temporarily appointed to higher ranks or grades therein under the authority of section 350b of this title shall be counted only in their permanent ranks or grades in such computation. (July 24, 1941, ch. 320, § 9, 55 Stat. 605.)

§ 350i. Termination of temporary status of personnel; retired pay.

Personnel appointed or advanced under the authority of sections 350–350j of this title may be continued in their temporary status during such period as the President may determine, but not longer than six months after the termination of war or national emergency. Upon the termination of their temporary status such personnel shall, unless otherwise provided herein, revert to their permanent grades, ranks, or ratings, but upon being subsequently retired or in the case of retired officers returned to an inactive status, they shall, on condition that their performance of duty under such temporary appointments has been satisfactory, be placed on the retired list, or advanced thereon as the case may be, with the highest rank held by them while on active duty: *Provided*, That except where specific provision is made otherwise, their retired pay shall be based on the pay of the rank or rating held at the time of retirement: *Provided further*, That nothing in sections 350–350j of this title shall entitle such personnel, when recalled to active duty, to any other rank or rating than that in which they were serving at the time of retirement. (July 24, 1941, ch. 320, § 10, 55 Stat. 605.)

AMENDMENTS

1942—This section was amended by act June 30, 1942, ch. 462, § 7, 56 Stat. 465, as follows: "Section 10 of the aforesaid Act of July 24, 1941 (Title 34, § 350i), is hereby amended so that temporary appointments made under authority of that Act (Title 34, §§ 350–350j) during the present war may continue in force until six months after the termination of this Act."

For termination of 1942 amendment, see section 814 of Appendix to Title 50, War.

CROSS REFERENCES

Age retirement of officers of Regular Navy and Marine Corps while serving under temporary appointments, see section 811 of Appendix to Title 50, War.

§ 350j. Temporary promotions in Naval Reserve, Marine Corps Reserve, and Coast Guard.

The provisions of sections 350–350j of this title, except as may be necessary to adapt the same thereto shall apply to—

(a) Personnel of the Naval Reserve (except the Fleet Reserve) and the Marine Corps Reserve (except the Fleet Marine Corps Reserve) in like manner and to the same extent and with the same relative conditions in all respects as are provided for personnel of the Regular Navy and Marine Corps, but this shall not be construed to authorize the temporary appointment of the personnel thereof to ranks or grades in the Regular Navy or Marine Corps.

(b) Personnel of the Coast Guard in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Navy in relationship to the Navy. (July 24, 1941, ch. 320, § 11, 55 Stat. 605, as amended Apr. 9, 1943, ch. 38, § 2, 57 Stat. 60.)

AMENDMENTS

1943—Proviso, formerly part of paragraph (b) was omitted by act of Apr. 9, 1943, cited to text.

Chapter 6.—GRATUITIES, MEDALS, AND OTHER INSIGNIA OF HONOR; MEDAL OF HONOR ROLL; BADGES

GRATUITIES, MEDALS, ETC.

Sec.

356a. Silver star medal; to whom presented (New).

356b. Navy and Marine Corps Medal; to whom presented (New).

GRATUITIES, MEDALS, ETC.

CROSS REFERENCES

Medals for persons serving in merchant marine, see sections 751, 752 of Appendix to Title 50, War.

§§ 351–353. Repealed. Aug. 7, 1942, ch. 551, §§ 2, 3, 56 Stat. 745.

CODIFICATION

Section 351 was from R. S. § 1407 and act Mar. 3, 1901, ch. 850, 31 Stat. 1099. Act June 10, 1922, ch. 212, § 21, 42 Stat. 633, which was formerly cited to this section because it provided that nothing in that act should in any way change existing laws governing money allowances granted to enlisted men on account of awards or medals or decorations expressly authorized by Congress, was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

Section 352 was from act May 4, 1898, No. 30, 30 Stat. 741.

Section 353 was from act Mar. 3, 1915, ch. 83, 38 Stat. 931.

§ 354. Medals of honor; to whom presented; design.

The President of the United States is hereby authorized to present, in the name of Congress, a medal of honor to any person who, while in the naval service of the United States, shall, in action involving actual conflict with the enemy, or in the line of his profession, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or to the command to which attached: *Provided*, That the design of this medal shall be the same as that adopted pursuant to the Act approved December 21,

1861 (12 Stat. 330). (As amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743.)

REFERENCES IN TEXT

Act Dec. 21, 1861, ch. 1, referred to in this section, provided for the preparation and award of "medals of honor" in section 7 thereof. No design of that medal was there specified, other than to state that it was "to be prepared, with suitable emblematic devices".

§ 355. Distinguished-service medals; to whom presented.

The President is hereby further authorized to present, but not in the name of Congress, a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the Navy of the United States, since the sixth day of April 1917 has distinguished, or who hereafter shall distinguish, himself by exceptionally meritorious service to the Government in a duty of great responsibility. (As renumbered § 3 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743.)

§ 356. Navy crosses; to whom presented.

The President is hereby further authorized to present, but not in the name of Congress, a Navy cross of appropriate design and ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the naval service of the United States, distinguishes himself by extraordinary heroism in connection with military operations against an armed enemy. (As renumbered § 2 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743.)

§ 356a. Silver star medal; to whom presented.

The President is hereby further authorized to present, but not in the name of Congress, a silver star medal of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the Navy of the United States, since December 6, 1941, has distinguished himself or who hereafter shall distinguish himself conspicuously by gallantry and intrepidity in action, such gallantry and service not being sufficient to justify the award of a medal of honor or a Navy cross. (Feb. 4, 1919, ch. 14, § 4, as added Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743.)

CROSS REFERENCES

Bronze Star Medal, see Ex. Ord. No. 9419, set out as note under section 1412 of Title 10, Army.

§ 356b. Navy and Marine Corps Medal; to whom presented.

The President is hereby further authorized to present, but not in the name of Congress, a medal to be known as the Navy and Marine Corps Medal, of appropriate design with accompanying ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who while serving in any capacity with the United States Navy or Marine Corps, including the Naval Reserve or Marine Corps Reserve, shall have, since December 6, 1941, distinguished himself or herself by heroism not involving actual conflict with an enemy, or to any person to

whom the Secretary of the Navy has heretofore awarded a letter of commendation for heroism, regardless of the date of such act of heroism, who makes application for such medal. No additional pay shall be payable under section 357 of this title for service rendered prior to August 7, 1942, by virtue of the award of a Navy and Marine Corps medal based upon any act of heroism performed prior to December 7, 1941. (Feb. 4, 1919, ch. 14, § 5, as added Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

§ 357. Additional pay to persons awarded medals or crosses.

Each enlisted or enrolled person of the naval service to whom is awarded a medal of honor, Navy cross, distinguished-service medal, silver star medal, or a Navy and Marine Corps Medal shall, for each such award, be entitled to additional pay at the rate of \$2 per month from the date of the distinguished act or service on which the award is based, and each bar, or other suitable emblem or insignia, in lieu of a medal of honor, Navy cross, distinguished-service medal, silver star medal, or a Navy and Marine Corps Medal, as hereby provided for, shall entitle him to further additional pay at the rate of \$2 per month from the date of the distinguished act or service for which the bar is awarded, and such additional pay shall continue throughout his active service, whether such service shall or shall not be continuous. (Feb. 4, 1919, ch. 14, § 4, 40 Stat. 1056, as renumbered § 6 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

CODIFICATION

Act June 10, 1922, ch. 212, § 21, 42 Stat. 633, which was formerly cited to this section because it provided that nothing therein should in any way change existing laws governing money allowances granted to enlisted men on account of awards or medals or decorations expressly authorized by Congress, was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 358. Bars or other insignia for additional acts of valor.

No more than one medal of honor, or one Navy cross, or one distinguished-service medal, or one silver star medal or one Navy and Marine Corps Medal shall be issued to any one person; but for each succeeding deed or service sufficient to justify the awarding of a medal of honor, or Navy cross, or a distinguished-service medal, silver star medal, or a Navy and Marine Corps Medal, respectively, the President may award a suitable bar, or other suitable emblem or insignia, to be worn with the decoration and a corresponding rosette or other device. (As renumbered § 7 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

§ 359. Expenditure for medals, crosses, or other devices; replacement of lost medals, crosses, or devices.

The Secretary of the Navy is hereby authorized to expend from the appropriation "Pay, subsistence, and transportation of naval personnel" of the Navy Department so much as may be necessary to defray the cost of the medals of honor, Navy crosses, distinguished-service medals, silver star medals, and Navy and Marine Corps Medals, and bars, emblems,

or insignia herein provided for, and so much as may be necessary to replace any medals, crosses, bars, emblems, or insignia as are herein or may hereafter have been provided for: *Provided*, That such replacement shall be made only in those cases where the medal of honor, Navy cross, distinguished-service medal, silver star medal, or a Navy and Marine Corps Medal, or bar, emblem, or insignia presented under the provisions of sections 354-358 and 359-364 of this title or any other Act shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded and shall be made without charge therefor. (As renumbered § 8 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

§ 360. Time limit on award of medals, crosses, or other devices; statement or report as to act or distinguished service.

Except as otherwise prescribed herein, no medal of honor, Navy cross, distinguished-service medal, silver star medal, Navy and Marine Corps Medal, or bar or other suitable emblem or insignia in lieu of either of said medals or of said cross, shall be issued to any person after more than five years from the date of the act or service justifying the awarding thereof, nor unless a specific statement or report distinctly setting forth the act or distinguished service and suggesting or recommending official recognition thereof shall have been made by his superior through official channels at the time of act or service or within three years thereafter. (As renumbered § 9 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

§ 361. Same; exceptions to time limit.

In cases of persons now in the naval service for whom the award of the medal of honor, distinguished-service medal, or Navy cross, has been recommended in full compliance with then existing regulations, but on account of services which, though insufficient fully to justify the award of the medal of honor, the distinguished-service medal, or the Navy cross, appears to have been such as to justify the award of the silver star medal, or the Navy and Marine Corps Medal hereinbefore provided, such cases may be considered and acted upon under the provisions of sections 354-358 and 359-364 of this title authorizing the award of the silver star medal or the Navy and Marine Corps Medal, notwithstanding that said services may have been rendered more than five years before said cases shall have been considered as authorized by this section, but all consideration or any action upon any of said cases shall be based exclusively upon official records now on file in the Navy Department. (As renumbered § 10 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745.)

§ 362. Honorable subsequent service as condition to award.

No medal or cross or no bar or other emblem or insignia shall be awarded or presented to any individual, or to the representative of any individual, whose entire service subsequent to the time he dis-

tinguished himself shall not have been honorable. (As renumbered § 10 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745.)

§ 363. Awards in case of death.

In case an individual who shall distinguish himself dies before the making of the award to which he may be entitled, the award may nevertheless be made and the medal or cross or bar or other emblem or insignia presented within five years from the date of the act or service justifying the award thereof to such representative of deceased as the President may designate. (As renumbered § 10 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745.)

§ 364. Delegation of power to make awards; rules and regulations.

The President is hereby authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to flag officers who are commanders in chief or commanding on important independent duty the power conferred upon him by sections 354-358 and 359-364 of this title to award the Navy cross, the distinguished-service medal, silver star medal, and the Navy and Marine Corps Medal; and he is further 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 354-358 and 359-364 of this title and to execute full purpose and intention thereof. (As renumbered § 11 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745.)

Chapter 7.—RETIREMENT

GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

Sec.

- 398b. Advance in rank upon retirement of certain officers in command of fleet or part thereof (New).
 399h. Advanced rank and pay of certain Navy and Marine Corps officers commended for duty in combat (New).
 402a. Money allowances for subsistence and rental (New).

ACTIVE DUTY OF RETIRED OFFICERS

427. Pay and allowances of retired Navy and Marine Corps officers (New).

GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

INVOLUNTARY RETIREMENT OF FITTED SUSPENDED DURING EMERGENCY

Act Feb. 7, 1942, ch. 46, title I, 56 Stat. 63, provided "That no officer of the Navy or Marine Corps who has been, or hereafter may be, adjudged fitted shall be involuntarily retired prior to six months subsequent to the termination of the existing national emergency". Provisions on this subject were also contained in act May 6, 1941, ch. 86, § 1, 55 Stat. 160.

CROSS REFERENCES

Retirement of Marine Corps officers and personnel generally, see section 681 et seq. of this title.

§ 384. Age of retirement.

CROSS REFERENCES

Temporary grade or rank, retirement while serving in, see section 811 of Appendix to Title 50, War.