

1919, ch. 70, §§ 1, 2, 40 Stat. 1202, 1203; June 4, 1920, ch. 228, § 8, 41 Stat. 836.)

CODIFICATION

Similar provisions, relating to the Navy and Marine Corps, are contained in section 607 of Title 34, Navy.

§ 1395. Sale of articles of uniform to former members of military service.

Under such regulations as the Secretary of War may prescribe, exterior articles of uniform may be sold to former members of the military 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, ch. 134, 44 Stat. 1096.)

CODIFICATION

Similar provisions, relating to the Navy and Marine Corps, are contained in section 608 of Title 34, Navy.

Chapter 33.—MILITARY DECORATIONS AND BADGES

- Sec.
1401. Rules and regulations governing awards of medals, etc.
1402. Medals of honor authorized.
1403. Acts justifying award of medal of honor.
1404. Award of medal of honor; separation from service as preventing award; failure to apply for while in service.
1405. Rosettes or knots and ribbons for Civil War medal-of-honor men; replacement in case of loss, etc.
1406. Distinguished-service crosses for extraordinary heroism in war.
1407. Distinguished-service medals for exceptionally meritorious service.
1408. Distinguished-service medals in lieu of certificates of merit.
- 1408a. Distinguished Service Cross in lieu of certificate of merit and Distinguished Service Medal.
- 1408b. Legion of Merit and Medal for Merit.
1409. Time limit on award of medals, crosses, etc.
1410. Award of medals and crosses by commanding generals.
1411. Bars to be worn with medals or crosses; additional acts of valor.
1412. Star for gallantry not warranting medal or cross.
1413. Spanish War and Mexican border medals for members of National Guard.
- 1413a. Medals for Spanish War soldiers serving in Philippine insurrection.
1414. Mexican border medals for service at points other than on Mexican border.
- 1414a. Mexican border medals for certain members of reserve forces of the Army.
1415. Medals for members of Texas cavalry brigades.
- 1415a. Gratuitous issue of certain service medals, fourragères, etc., authorized.
- 1415b. Replacement of service medals, etc., issued under section 1415a.
- 1415c. Appropriation available to defray cost of gratuitous issue of medals, etc., under sections 1415a and 1415b.
1416. Replacement of lost medals, crosses, etc.
1417. Supply for replacement of Civil War medals of honor.
1418. Disposal of replaced medals of honor.
1419. Eliminations from medal-of-honor list.
1420. Certificates of merit discontinued.
1421. Certificates of honorable services for military telegraphers in Civil War.
1422. Foreign decorations received before entering military service of United States.

- Sec.
1423. Foreign decorations awarded to officers or men while serving in United States Army.
- 1423a. Foreign decorations awarded members of armed forces during World War II.
- 1423b. Decorations to units or members of armed forces of cobelligerents during World War II.
1424. Expenditure authorized for medals, crosses, etc.
1425. Unlawful wearing, manufacture, or sale of medals, etc.
1426. Army corps badges for Civil War service.
1427. Right to wear badges of military societies.
1428. Soldier's Medal.
1429. Distinguished Flying Cross.
1430. Additional pay for holder of Soldier's Medal or Distinguished Flying Cross.
- 1430a. Additional pay during World War II to holder of expert or combat infantryman badges.
- 1430b. Additional pay during World War II to holder of Medical Badge.
- 1430c. Medal for service in armed forces during World War II.

CROSS REFERENCES

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

§ 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, 1406–1408, 1409–1412, 1416, 1420, 1422, 1423, and 1424 of this title, and to execute the full purpose and intention thereof. (July 9, 1918, ch. 143, 40 Stat. 872.)

§ 1402. Medals of honor authorized.

CODIFICATION

Section, act Apr. 23, 1904, ch. 1485, 33 Stat. 274, has been omitted on the suggestion of the Judge Advocate General that it was repealed in part by section 1403 of this title and that otherwise it was executed. See J. A. G. 010.3, Nov. 12, 1929, p. 217.

§ 1403. Acts justifying award of medal of honor.

The President is authorized to present, in the name of the Congress, a medal of honor only to each person who, while an officer or enlisted man of the Army, shall, after July 9, 1918, in action involving actual conflict with an enemy, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. (July 9, 1918, ch. 143, 40 Stat. 870.)

CROSS REFERENCES

Pensions for persons on Army and Navy medal of honor roll, see sections 391–394 of Title 38, Pensions, Bonuses, and Veterans' Relief.

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

CODIFICATION

Section, act Apr. 23, 1904, ch. 1485, 33 Stat. 275, has been omitted on the suggestion of the Judge Advocate General that it is no longer operative. See J. A. G. 010.3, July 10, 1931, Inc. 99.

§ 1405. Rosettes or knots and ribbons for Civil War medal-of-honor men; replacement in case of loss, etc.

The Secretary of War is authorized to issue to any person to whom a medal of honor has been awarded, or may be awarded for meritorious conduct in the Civil War, a rosette or knot to be worn in lieu of the

medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed and established by the President of the United States, and any appropriation that may hereafter be available for the contingent expenses of the War Department is made available for the purposes of this section: *Provided*, That whenever a ribbon issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor. (May 2, 1896, No. 51, 29 Stat. 473.)

§ 1406. Distinguished-service crosses for extraordinary heroism in war.

The President is authorized to present, but not in the name of Congress, a distinguished-service cross 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 Army of the United States since the 6th day of April, 1917, has distinguished, or who shall hereafter distinguish, himself or herself by extraordinary heroism in connection with military operations against an armed enemy. (July 9, 1918, ch. 143, 40 Stat. 870.)

§ 1407. Distinguished-service medals for exceptionally meritorious service.

The President is 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 Army of the United States since the 6th day of April 1917 has distinguished, or who shall distinguish, himself or herself by exceptionally meritorious service to the Government in a duty of great responsibility. (July 9, 1918, ch. 143, 40 Stat. 870.)

§ 1408. Distinguished-service medals in lieu of certificates of merit.

The distinguished-service medal shall be issued to all enlisted men of the Army to whom the certificate of merit has been granted up to and including the 9th day of July 1918 under the provisions of previously existing law, in lieu of such certificate of merit. (July 9, 1918, ch. 143, 40 Stat. 870.)

§ 1408a. Distinguished Service Cross in lieu of certificate of merit and Distinguished Service Medal.

The Distinguished Service Cross shall be issued to all enlisted men of the Army to whom the certificate of merit was issued under the provisions of previously existing law in lieu of such certificate of merit. Those persons who, prior to March 5, 1934, received the Distinguished Service Medal in lieu of the certificate of merit under the provisions of section 1408 of this title, shall be issued the Distinguished Service Cross provided the Distinguished Service Medal is first surrendered to the War Department. (Mar. 5, 1934, ch. 44, §§ 1, 2, 48 Stat. 396.)

§ 1408b. Legion of Merit and Medal for Merit.

(1) There is created a decoration to be known as the "Legion of Merit", which shall have suit-

able appurtenances and devices and not more than four degrees, and which the President, under such rules and regulations as he shall prescribe, may award to (a) personnel of the armed forces of the United States and of the Government of the Philippines and (b) personnel of the armed forces of friendly foreign nations who, since the proclamation of an emergency by the President on September 8, 1939, shall have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

(2) There is created a decoration to be known as the "Medal for Merit", which shall have distinctive appurtenances and devices and only one degree, and which the President, under such rules and regulations as he shall prescribe, may award to such civilians of the nations prosecuting World War II under the joint declaration of the United Nations and of other friendly foreign nations as have, since the proclamation of an emergency by the President on September 8, 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services: *Provided*, That awards to civilians of foreign nations shall be only for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations. (July 20, 1942, ch. 508, § 2, 56 Stat. 662.)

APPROPRIATIONS

Section 3 of act July 20, 1942, cited to text, provided: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions of this Act (affecting sections 1408b and 1424a of this title)."

EX. ORD. NO. 9637. MEDAL FOR MERIT

Ex. Ord. No. 9637, Oct. 4, 1945, 10 F. R. 12543, provided in part:

By virtue of and pursuant to the authority vested in me by section 2 of the act of July 20, 1942, 56 Stat. 662 [this section], I hereby prescribe the following rules and regulations for the award of the decoration of the Medal for Merit, created by the said act:

1. The decoration of the Medal for Merit shall be awarded only by the President of the United States or at his direction. Awards of the Medal for Merit may be made to such civilians of the nations prosecuting the war under the joint declaration of the United States and of other friendly foreign nations as have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services in the furtherance of the prosecution of the war since the proclamation of an emergency by the President on September 8, 1939. Awards of the Medal for Merit made to civilians of foreign nations shall be for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations.

2. There is hereby established the Medal for Merit Board, which shall be composed of three members appointed by the President, one of whom shall be designated by the President to act as Chairman of the Board.

3. The Medal for Merit Board shall receive and consider proposals for the award of the decoration of the Medal for Merit and submit to the President the recommendations of the Board with respect thereto. In the case of proposed awards to civilians of foreign nations, such recommendations shall include the recommendations of the Secretary of State.

4. The Medal for Merit Board is authorized to prescribe, with the approval of the President, such rules and regulations not inconsistent with the provisions of this order as may be necessary to accomplish its purposes.

5. Executive Order 9331 of April 19, 1943, and the Medal for Merit Board created thereby, are superseded by this order.

§ 1409. Time limit on award of medals, crosses, etc.

Except as otherwise prescribed in this section, no medals of honor, distinguished-service cross, distinguished-service medal, or bar or other suitable device in lieu of either of said medals or of said cross, shall be issued to any person after more than three years from the date of the act justifying the award thereof, nor unless a specific statement or report distinctly setting forth the distinguished service and suggesting or recommending official recognition thereof shall have been made at the time of the distinguished service or within two years thereafter, nor unless it shall appear from official records in the War Department that such person has so distinguished himself as to entitle him thereto; but 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 the bar or other emblem or device presented, within three years from the date of the act justifying the award thereof, to such representative of the deceased as the President may designate; but no medal, cross, bar, or other device, hereinbefore authorized, shall be awarded or presented to any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable; but in cases of officers and enlisted men in the Army on the 9th day of July 1918 for whom the award of the medal of honor 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, appear to have been such as to justify the award of the distinguished-service cross or distinguished-service medal hereinbefore provided for, such cases may be considered and acted upon under the provisions of sections 1403, 1406-1412, 1416, 1422, 1423 and 1424 of this title authorizing the award of the distinguished-service cross and distinguished-service medal, notwithstanding that said services may have been rendered more than three years before said cases shall have been considered as authorized by said sections but all consideration of and action upon any of said cases shall be based exclusively upon official records now on file in the War Department; and in the cases of officers and enlisted men in the Army on the 9th day of July 1918 who have been mentioned in orders, then a part of official records, for extraordinary heroism or especially meritorious services, such as to justify the award of the distinguished-service cross or the distinguished-service medal hereinbefore provided for, such cases may be considered and acted on under the provisions of said sections, notwithstanding that said act or services may have been rendered more than three years before said cases shall have been considered as authorized by said sections, but all consideration of and action upon any said cases shall be based exclusively upon official records of the War Department. (July 9, 1918, ch. 143, 40 Stat. 871.)

MODIFICATION OF TIME LIMITATION

Act June 26, 1946, ch. 489, 60 Stat. 310, provided in part that the time limitation should not apply to any case in which "(1) the act or service justifying the award was performed during the period commencing December 7, 1941, and ending with the date of the termination of hostilities in the present war and (2) the recommendation for official recognition of such act or service was initiated not later than six months after the latter date."

The termination of hostilities of World War II was proclaimed at 12 o'clock noon of December 31, 1946, by Proc. No. 2714, set out as note under section 601 of Appendix to Title 50, War.

§ 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, 1406-1408, 1409-1412, 1416, 1420, 1422, 1423, and 1424 of this title to award the medal of honor, the distinguished-service cross, and the distinguished-service medal. (July 9, 1918, ch. 143, 40 Stat. 872.)

§ 1411. Bars to be worn with medals or crosses; additional acts of valor.

No more than one medal of honor or one distinguished-service cross or one distinguished-service medal shall be issued to any one person; but for each succeeding deed or act sufficient to justify the award of a medal of honor or a distinguished-service cross or a distinguished-service medal, respectively, the President may award a suitable bar or other suitable device, to be worn as he shall direct. (July 9, 1918, ch. 143, 40 Stat. 871; Jan. 24, 1920, ch. 55, § 1, 41 Stat. 398.)

§ 1412. Star for gallantry not warranting medal or cross.

For each citation of any person for gallantry in action while serving in any capacity with the Army of the United States, published in orders issued from the headquarters of a force commanded by, or which is the appropriate command of, a general officer, not warranting the award of a medal of honor or distinguished-service cross, he or she shall be permitted to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter. (July 9, 1918, ch. 143, 40 Stat. 871; Jan. 24, 1920, ch. 55, § 1, 41 Stat. 398; Dec. 15, 1942, ch. 736, 56 Stat. 1052.)

AMENDMENTS

1942—Act Dec. 15, 1942, cited to text, substituted "of any person" for "of an officer or enlisted man" and inserted "while serving in any capacity with the Army of the United States."

EX. ORD. NO. 9419. BRONZE STAR MEDAL

Ex. Ord. No. 9419, Feb. 4, 1944, 9 F. R. 7803, provided: By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

There is hereby established the Bronze Star Medal, with accompanying ribbons and appurtenances, for award to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, or Coast Guard of the United States on or after December 7, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in

aerial flight, in connection with military or naval operations against an enemy of the United States.

The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of War and the Secretary of the Navy, and may be awarded by the Secretary of War, or the Secretary of the Navy, or by such commanding officers of the Army, Navy, Marine Corps, or Coast Guard as the said Secretaries may respectively designate. Awards shall be made under such regulations as the said Secretaries shall severally prescribe, and such regulations shall, so far as practicable, be of uniform application.

No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations. The Bronze Star Medal or device may be awarded posthumously, and, when so awarded, may be presented to such representative of the deceased as may be designated in the award.

§ 1413. Spanish War and Mexican border medals for members of National Guard.

The Secretary of War is authorized and directed to procure a bronze medal, with suitable device and ribbon, to be presented to each of the several officers and enlisted men, and families of such as may be dead, of the National Guard who, under the orders of the President of the United States, served in the War with Spain, and who have received an honorable discharge from the service, and who served on the Mexican border in the years 1916 and 1917 and who are not eligible to receive the Mexican service badge heretofore authorized by the President: *Provided*, That such medals shall not be issued to men who have, subsequent to such service, been dishonorably discharged from the service or deserted. (July 9, 1918, ch. 143, 40 Stat. 873; May 14, 1934, ch. 284, 48 Stat. 776.)

§ 1413a. Medals for Spanish War soldiers serving in Philippine insurrection.

The Secretary of War is 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, ch. 3614, § 1, 34 Stat. 621.)

§ 1414. Mexican border medals for service at points other than on Mexican border.

The Mexican border medal and ribbon issued to National Guard officers and enlisted men under the provisions of section 1413 of this title shall be issued to National Guard officers and enlisted men who at the same time served as such in the field under the call of the National Guard to such Mexican border service but were stationed for service at points other than on the Mexican border: *Provided*, That such medals shall not be issued to men who have subsequent to such service been dishonorably discharged from the service or deserted. (June 5, 1920, ch. 240, 41 Stat. 973.)

§ 1414a. Mexican border medals for certain members of reserve forces of the Army.

The Secretary of War is authorized and directed to issue the Mexican Border Service Medal to any officer of the Medical Reserve Corps or to any other member of a reserve component of the Army not eligible under existing law to receive such medal or the Mexican Service Medal heretofore authorized by the President who (1) served on the Mexican border at any time during the period from January 1, 1916, to April 6, 1917, or (2) was called to active duty during such period on account of the existing emergency and served in the field but rendered service elsewhere than on the Mexican border: *Provided*, That such medal shall not be issued to any person who has, subsequent to such service, been dishonorably discharged from the service or deserted. (July 2, 1945, ch. 221, 59 Stat. 313.)

§ 1415. Medals for members of Texas cavalry brigades.

The Secretary of War is authorized and directed to procure a bronze medal of appropriate design, with a bar and ribbon, together with a rosette or other device to be worn in lieu thereof, to be presented to each of the several officers and enlisted men of the two brigades of cavalry organized by the State of Texas, under authority from the War Department of date of December 8, 1917, who served therein prior to November 11, 1918: *Provided*, That such medals shall not be presented to men who have, subsequent to such service, been dishonorably discharged from the service, or deserted: *Provided further*, That the several officers and enlisted men to whom such medals may be presented are authorized to wear, on occasions of ceremony, the uniform lawfully prescribed to be worn by them at the time of their service: *Provided*, This section shall not be considered as conferring upon the members of said organizations the benefits of sections 511, 512-512b, 512c, 512d, 513-518 of Title 38 or to confer a pensionable status to the members of said organizations, and that this section shall not be deemed to constitute a precedent for the future granting of such rights. (Apr. 16, 1924, ch. 117, 43 Stat. 100.)

§ 1415a. Gratuitous issue of certain service medals, fourrageres, etc., authorized.

The Secretary of War is 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) Puerto 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, ch. 528, § 1, 45 Stat. 500; May 17, 1932, ch. 190, 47 Stat. 158.)

REPEALS

Section 4 of act May 12, 1928, cited to text, provided 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, ch. 528, § 2, 45 Stat. 500.)

REPEALS

Repeal of provisions of law inconsistent with act May 12, 1928, cited to text, see note under section 1415a of this title.

§ 1415c. Appropriation available to defray cost of gratuitous issue of medals, etc., under sections 1415a and 1415b.

The Secretary of War is 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, ch. 528, § 3, 45 Stat. 500.)

REPEALS

Repeal of provisions of law inconsistent with act May 12, 1928, cited to text, see note under section 1415a of this title.

§ 1416. Replacement of lost medals, crosses, etc.

Whenever a medal, cross, bar, ribbon, rosette, or other device presented under the provisions of sections 1403, 1406-1408, 1409-1412, 1416, 1420, 1422, 1423, 1424 of this title 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, such medal, cross, bar, ribbon, rosette, or device shall be replaced without charge therefor. (July 9, 1918, ch. 143, 40 Stat. 871.)

§ 1417. Supply for replacement of Civil War medals of honor.

The Secretary of War is authorized and directed to use so many of the medals and rosettes or other insignia provided for by section 1402 of this title as may be necessary to replace the medals that have been issued for distinguished service in the Civil War. (Apr. 23, 1904, ch. 1485, 33 Stat. 274.)

§ 1418. Disposal of replaced medals of honor.

The holders of medals of honor for meritorious conduct in the Civil War, shall not be required to surrender such medals in case such medals are replaced in pursuance of the provisions of section 1417 of this title; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by said section, such medals shall be returned to them: *Provided*, That no recipient of both medals shall wear both medals at the same time. (Feb. 27, 1907, No. 17, 34 Stat. 1422.)

§ 1419. Eliminations from medal-of-honor list.

In any case in which the board convened pursuant to law, for the purpose of investigating and reporting upon past awards or issues of the so-called congressional medal of honor by or through the War Department, with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action involving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action shall have found and reported that said medal was issued for any cause other than that hereinbefore specified, the name of the recipient of the medal so issued shall be stricken permanently from the official medal-of-honor list. It shall be a misdemeanor for him to wear or publicly display said medal, and, if he shall still be in the Army, he shall be required to return said medal to the War Department for cancellation. (June 3, 1916, ch. 134, § 122, 39 Stat. 214.)

§ 1420. Certificates of merit discontinued.

After July 9, 1918, the award of the certificate of merit for distinguished service shall cease. (July 9, 1918, ch. 143, 40 Stat. 871.)

§ 1421. Certificates of honorable services for military telegraphers in Civil War.

The Secretary of War is authorized and directed to prepare a roll of all persons who served not less than ninety days in the operation of military telegraph lines during the late Civil War, and to issue to each, upon application, unless it appears that his service was not creditably performed, or to the representatives of those who are dead, suitable certificates of honorable service in the military telegraph corps of the Army of the United States, stating the service rendered, the length of such service, and the dates, as near as may be, between which such service was performed: *Provided*, That this section shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not herein specifically provided for. (Jan. 26, 1897, ch. 92, 29 Stat. 497.)

§ 1422. Foreign decorations received before entering military service of United States.

American citizens who have received, since August 1, 1914, decorations or medals for distinguished service in the armies or in connection with the field service of those nations engaged in war against the Imperial German Government, shall, on entering the military service of the United States, be permitted to wear such medals or decorations. (July 9, 1918, ch. 143, 40 Stat. 872.)

§ 1423. Foreign decorations awarded to officers or men while serving in United States Army.

Any officer or enlisted man of the military forces of the United States is authorized to accept and wear any medal or decoration bestowed before July 9, 1918, by the Government of any of the nations concurrently engaged with the United States in World War I. (July 9, 1918, ch. 143, 40 Stat. 872.)

CROSS REFERENCES

Decorations from foreign governments, see sections 114 and 115 of Title 5, Executive Departments and Government Officers and Employees.

§ 1423a. Foreign decorations awarded members of armed forces during World War II.

Officers and enlisted men of the armed forces of the United States are authorized during World War II and for a year thereafter to accept from the governments of cobelligerent nations or the other American republics such decorations, orders, medals, and emblems, as may be tendered them, and which are conferred by such governments upon members of their own military forces, expressly granting the consent of Congress required for this purpose by clause 8 of section 9, article I, of the Constitution: *Provided*, That any such officer or enlisted man is authorized to accept and wear any decoration, order, medal, or emblem heretofore bestowed upon such person by the government of a cobelligerent nation or of an American republic. (July 20, 1942, ch. 508, § 1, 56 Stat. 662.)

CROSS REFERENCES

Appropriations, see note under section 1408b of this title.

§ 1423b. Decorations to units or members of armed forces of cobelligerents during World War II.

For the duration of World War II and six months thereafter the President is authorized, under regulations to be prescribed by him, to confer such decorations and medals as may be authorized in the military service of the United States upon units of, or upon any person serving in any capacity with, the military forces of the countries now, or which may hereafter be, engaged with the United States in World War II. (Dec. 17, 1942, ch. 763, § 1, 56 Stat. 1056.)

APPROPRIATION

Section 2 of act Dec. 17, 1942, cited to text, provided as follows: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions of this Act [this section]."

§ 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, 1406-1408, 1409-1412, and 1416 of this title. (July 9, 1918, ch. 143, 40 Stat. 871.)

§ 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 De-

partment, 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. (Feb. 24, 1923, ch. 110, 42 Stat. 1286; Apr. 21, 1928, ch. 392, 45 Stat. 437.)

§ 1426. Army corps badges for Civil War service.

All persons who have served as officers, noncommissioned officers, privates, or other enlisted men, in the Regular Army, Volunteer, or militia forces of the United States, during the War of the Rebellion, and have been honorably discharged from the service, or still remain in the same, shall be entitled to wear, on occasions of ceremony, the distinctive Army badge ordered for or adopted by the Army corps and division, respectively, in which they served. (R. S. § 1227.)

DERIVATION

Res. July 25, 1868, No. 73, 15 Stat. 261.

§ 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, ch. 192, § 41, 31 Stat. 758; Jan. 12, 1903, No. 2, 32 Stat. 1229; Mar. 2, 1907, No. 18, 34 Stat. 1423.)

CODIFICATION

Section is also set out as section 371 of Title 34, Navy.

§ 1428. Soldier's Medal.

Under such rules and regulations as he may prescribe the President is 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, after July 2, 1926, 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 suit-

able device, to be worn as he shall direct. (July 2, 1926, ch. 721, § 11, 44 Stat. 789.)

§ 1429. Distinguished Flying Cross.

Under such rules and regulations as he may prescribe, the President is 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, 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, ch. 721, § 12, 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549.)

CODIFICATION

Similar provisions relating to the Navy and Coast Guard are set out as section 364a of Title 34, Navy.

§ 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, ch. 721, § 13, 44 Stat. 789.)

CODIFICATION

Provisions of this section relating to distinguished flying cross are also set out as section 364b of Title 34, Navy.

§ 1430a. Additional pay during World War II to holder of expert or combat infantryman badges.

During World War II and for six months thereafter, any enlisted man of the combat ground forces of the Army who is entitled, under regulations prescribed by the Secretary of War, to wear the expert infantryman badge or the combat infantryman badge, shall be paid additional compensation at the rate of \$5 per month when he is entitled to wear the expert infantryman badge and at the rate of \$10 per month when he is entitled to wear the combat infantryman badge: *Provided*, That additional compensation for both awards may not be paid at the same time. (June 30, 1944, ch. 335, § 1, 58 Stat. 648.)

EFFECTIVE DATE

Section 3 of act June 30, 1944, cited to text, provided: "The provisions of this Act [section] shall become effective as of January 1, 1944."

APPROPRIATIONS

Section 2 of act June 30, 1944, cited to text, provided: "The appropriations heretofore or hereafter made for 'Finance Service, Army', shall be available for carrying into effect the provisions of this Act [section]."

§ 1430b. Additional pay during World War II to holder of Medical Badge.

During World War II and for six months thereafter, any enlisted man of the Army who is entitled, under regulations prescribed by the Secretary of War, to wear the Medical Badge shall be paid additional compensation at the rate of \$10 per month: *Provided*, That any enlisted man whose right to wear the Medical Badge has been temporarily suspended may, under regulations prescribed by the Secretary of War, continue to be paid such additional compensation. (July 6, 1945, ch. 279, § 1, 59 Stat. 462.)

EFFECTIVE DATE

Section 3 of act July 6, 1945, cited to text, provided: "The provisions of this Act [section] shall become effective on the first day of the month following its enactment. The additional compensation provided by this Act [section] shall not be paid for any retroactive period prior to the date of the actual award of the Medical Badge."

APPROPRIATIONS

Section 2 of act July 6, 1945, cited to text, provided: "The appropriations heretofore or hereafter made for 'Finance Service, Army', shall be available for carrying into effect the provisions of this Act [section]."

§ 1430c. Medal for service in armed forces during World War II.

The Secretary of War and the Secretary of the Navy are authorized and directed to procure, in numbers sufficient for the purposes of this section, a medal (and suitable appurtenances) of design and official designation jointly approved by them, to be awarded to all persons who shall have served on active duty in the armed forces of the United States or of the Government of the Philippine Islands at any time during the period beginning December 7, 1941, and ending at 12:00 o'clock noon of December 31, 1946, and whose service shall have been honorable. The medal may be awarded posthumously and, when so awarded, shall be presented to such representative of the deceased as shall be prescribed in the applicable regulations. Awards shall be made pursuant to regulations prescribed by the Secretary of War and the Secretary of the Navy. (July 6, 1945,

ch. 275, 59 Stat. 461; Proc. No. 2714, Dec. 31, 1946, 12 F. R. 1, 60 Stat. —.)

CODIFICATION

This section is also set out as section 366 of Title 34, Navy.

Words "at 12:00 o'clock noon of December 31, 1946" referred to in text, were substituted for "with the date of the termination of hostilities in the present war" on the authority of Proc. No. 2714, cited to text, and set out in a note under section 601 of Appendix to Title 50, War.

The former second sentence of section defining the term "date of termination of hostilities in the present war" was omitted as unnecessary in view of said Proc. No. 2714.

CROSS REFERENCES

Medals for service in Merchant Marine, see sections 754-754b of Appendix to Title 50, War.

Chapter 34.—DESERTION

- Sec.
1431. Compensation for arresting deserters.
1432. Forfeiture of right to pension.
1433. Effect of quitting command at termination of Civil War.
1434. Removal of record of charge against soldiers in World War I.
1435. Removal of record of charge against soldiers in Civil War.
1436. Charge based on second enlistment by soldier in Civil War before expiration of or discharge from first enlistment.
1437. Return to duty by soldier in Civil War after desertion as restoring right to pension.
1438. Removal of record of charge against soldiers in Mexican War.
1439. Right to pay, allowances, and bounty after removal of charge.
1440. Cases excepted from provisions for removal of charge.
1441. Restoration of status by removal of charge.
1442. Applications for removal of charge.
1443. Status of deserters or draft evaders unchanged by end of World War I.

CROSS REFERENCES

Desertion, see sections 1530-1533 of this title (Arts. 58-61 of Articles of War).

§ 1431. Compensation for arresting deserters.

No greater sum than \$25 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for services in the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners, and the expenses incident to their pursuit. (July 16, 1946, ch. 583, § 1, 60 Stat. 546.)

SIMILAR PROVISIONS

The text of this section was taken from the Military Appropriation Act, 1947, cited to text. Similar provisions were contained in the following acts:

- 1945—July 3, 1945, ch. 265, § 1, 59 Stat. 388.
- 1944—June 28, 1944, ch. 303, § 1, 58 Stat. 577.
- 1943—July 1, 1943, ch. 185, § 1, 57 Stat. 352.
- 1942—July 2, 1942, ch. 477, § 1, 56 Stat. 615.
- 1941—June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 371.
- 1940—June 13, 1940, ch. 343, 54 Stat. 357.
- 1939—Apr. 26, 1939, ch. 88, § 1, 53 Stat. 598.
- 1938—June 11, 1938, ch. 347, § 1, 52 Stat. 648.
- 1937—July 1, 1937, ch. 423, § 1, 50 Stat. 448.
- 1936—May 15, 1936, ch. 404, § 1, 49 Stat. 1284.
- 1935—Apr. 9, 1935, ch. 54, title I, 49 Stat. 127.
- 1934—Apr. 26, 1934, ch. 165, title I, 48 Stat. 619.
- 1933—Mar. 4, 1933, ch. 281, title I, 47 Stat. 1575.
- 1932—July 14, 1932, ch. 482, title I, 47 Stat. 668.
- 1931—Feb. 23, 1931, ch. 279, title I, 46 Stat. 1281.

- 1930—May 28, 1930, ch. 348, title I, 46 Stat. 436.
- 1929—Feb. 28, 1929, ch. 366, title I, 45 Stat. 1354.
- 1928—Mar. 29, 1928, ch. 232, title I, 45 Stat. 330.
- 1927—Feb. 23, 1927, ch. 167, title I, 44 Stat. 1110.
- 1926—Apr. 15, 1926, ch. 146, title I, 44 Stat. 259.
- 1925—Feb. 12, 1925, ch. 225, title I, 43 Stat. 900.

CROSS REFERENCES

Arrest of deserters by civil officials, see section 1578 of this title (Art. 106 of Articles of War).

§ 1432. Forfeiture of right to pension.

Any soldier who deserts shall, besides incurring the penalties which on Apr. 26, 1898, attached to the crime of desertion, forfeit all right to pension which he might otherwise have acquired. (Apr. 26, 1898, ch. 191, § 6, 30 Stat. 365; May 11, 1908, ch. 163, 35 Stat. 110.)

CROSS REFERENCES

Withholding pension prohibited except after notice and hearing, see section 56 of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 1433. Effect of quitting command at termination of Civil War.

No soldier shall be taken or held to be a deserter from the Army who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date; but nothing herein contained shall operate as a remission of any forfeiture incurred by any such soldier of his pension; but this section shall be construed solely as a removal of any disability such soldier may have incurred by the loss of his citizenship in consequence of his desertion. (R. S. § 4749.)

DERIVATION

Act July 19, 1867, ch. 28, 15 Stat. 14.

§ 1434. Removal of record of charge against soldiers in World War I.

In all cases where it shall be made to appear to the satisfaction of the President that a commissioned or warrant officer or an enlisted man with the charge of desertion standing against him on March 4, 1925, on the rolls and records of the Army has since such charge was entered served honorably in the World War, either in the military or naval forces of the Allies or in the Army or in other branches of the military service of the United States prior to November 11, 1918, the President is authorized, in his discretion, to cause an entry to be made on said rolls and records of the Army, relieving said officer or enlisted man of all the disabilities which he had heretofore or would hereafter suffer by virtue of said charge of desertion thus appearing against him; and upon such action being taken by the President such officer or enlisted man shall be regarded as having been honorably discharged on the date the charge of desertion was entered against him: *Provided*, That nothing contained in this section shall operate to entitle any officer or enlisted man to back pay or allowances of any kind or to a pension for any service rendered prior to the World War. (Mar. 4, 1925, ch. 536, § 2, 43 Stat. 1270.)

CODIFICATION

Similar provisions, relating to the Navy, are contained in section 1017 of Title 34, Navy.