

This section incorporates the existing legislation as to concert tours allowances for both the Navy Band and Marine Corps Band into one section for brevity and uniformity.

**Chapter 567.—DECORATIONS AND AWARDS**

**Sec.**

- 6241. Medal of honor.
- 6242. Navy cross.
- 6243. Distinguished-service medal.
- 6244. Silver star medal.
- 6245. Distinguished flying cross.
- 6246. Navy and Marine Corps Medal.
- 6247. Additional awards.
- 6248. Limitations of time.
- 6249. Limitation of honorable service.
- 6250. Posthumous awards.
- 6251. Delegation of power to award.
- 6252. Regulations.
- 6253. Replacement.
- 6254. Availability of appropriations.
- 6255. Commemorative or special medals: facsimiles and ribbons.

**§ 6241. Medal of honor.**

(a) The President may award, and present in the name of Congress, a medal of honor to any person who, while a member of the naval service, in action involving actual conflict with an enemy, or in the line of his profession, distinguishes 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.

(b) The design of this medal shall be the same as that of the medal of honor authorized on August 8, 1942. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 389.)

**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.

**§ 6242. Navy cross.**

The President may award a Navy cross of appropriate design and a ribbon, together with a rosette or other device to be worn in place thereof, to any person who, while serving in any capacity with the Navy or the Marine Corps, distinguishes himself by extraordinary heroism in connection with

military operations against an armed enemy. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 389.)

**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.

**§ 6243. Distinguished-service medal.**

The President may award a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in place thereof, to any person who, while serving in any capacity with the Navy or the Marine Corps, distinguishes himself by exceptionally meritorious service to the United States in a duty of great responsibility. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 389.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6243.....	34 U. S. C. 355.	Feb. 4, 1919, ch. 14, § 2, 40 Stat. 1056; renumbered § 3 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 as surplusage, since a decoration is presented in the name of Congress only if Congress so directs. The words "Navy or the Marine Corps" are substituted for the words "Navy of the United States" because the provision is interpreted as authorizing the award of the medal to persons serving with the Marine Corps as well as with the Navy. The words "since the sixth day of April 1917 has distinguished" are omitted as executed. The words "United States" are substituted for the word "Government" for uniformity.

**§ 6244. Silver star medal.**

The President may award a silver star medal of appropriate design and a ribbon, together with a rosette or other device to be worn in place thereof, to any person who, while serving in any capacity with the Navy or the Marine Corps, distinguishes 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. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 389.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6244-----	34 U. S. C. 356a.	Feb. 4, 1919, ch. 14, § 4; added 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 as surplusage, 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 "Navy of the United States" because the provision is interpreted as authorizing the award of the medal to persons serving with the Marine Corps. The words "since December 6, 1941, has distinguished himself" are omitted as executed.

§ 6245. Distinguished flying cross.

The President may award a distinguished flying cross of appropriate design with accompanying ribbon to any person who, while serving in any capacity with the Navy or the Marine Corps, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 390.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6245-----	34 U. S. C. 364a (1st sentence, less 1st 9 words, and less 2d and 3d sentences).	July 2, 1926, ch. 721, § 12 (1st sentence, less 1st 9 words, and less 2d and 3d sentences), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549.

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 as surplusage, since a decoration is presented in the name of Congress only if the law so directs. The proviso of the first sentence of 34 U. S. C. 364a is omitted as executed. The words "Navy or the Marine Corps" are substituted for the words "United States Navy" because the provision is interpreted as authorizing the award of the decoration to persons serving with the Marine Corps as well as with the Navy. The words "and notwithstanding the provisions of section 14 of this Act," which are not now contained in title 34, are omitted as unnecessary. The words "since the 6th day of April, 1917, has distinguished, or who, after July 2, 1926," are omitted as executed.

§ 6246. Navy and Marine Corps Medal.

The President may award a medal called the "Navy and Marine Corps Medal" of appropriate design with accompanying ribbon, together with a rosette or other device to be worn in place thereof—

(1) to any person who, while serving in any capacity with the Navy or the Marine Corps, distinguishes himself by heroism not involving actual conflict with an enemy; or

(2) to any person to whom the Secretary of the Navy, before August 7, 1942, awarded a letter of commendation for heroism, and who applies for that medal, regardless of the date of the act of heroism. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 390.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6246-----	34 U. S. C. 356b.	Feb. 4, 1919, ch. 14, § 5; added Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.

The word "award" is substituted for the word "present" to cover the determination of the recipient as well as the actual presenting of the award. 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 "including the Naval Reserve and Marine Corps Reserve" are omitted as covered by the definitions of the Navy and the Marine Corps. The last sentence, relating to additional pay, is omitted for the reason that, under the Career Compensation Act of 1949 (37 U. S. C. 231 et seq.), there is no additional pay authorized for any medal. The words "since December 6, 1941" are omitted as executed. The words "or herself" are omitted as covered by the rules of construction in 1 U. S. C. 1.

§ 6247. Additional awards.

Not more than one medal of honor, Navy cross, distinguished-service medal, silver star medal, distinguished flying cross, or Navy and Marine Corps Medal may be awarded to a person. However, for each succeeding act or service that would otherwise justify the award of such a medal or cross, the President may award a suitable bar, emblem, or insignia to be worn with the decoration and corresponding rosette or other device. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 390.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6247-----	34 U. S. C. 358; 34 U. S. C. 364a (2d sentence).	Feb. 4, 1919, ch. 14, § 5, 40 Stat. 1056; renumbered § 7 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744. July 2, 1926, ch. 721, § 12 (2d sentence), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549.

The word "awarded" is substituted for the word "issued" for uniformity. The words "that would otherwise justify" are substituted for the words "sufficient to justify" for clarity. The word "service" is substituted for the word "achievement" for uniformity. The words "as he shall direct" are omitted as surplusage.

§ 6248. Limitations of time.

Except as provided in section 6246 of this title, no medal of honor, Navy cross, distinguished-service medal, silver star medal, Navy and Marine Corps Medal, or bar, emblem, or insignia in place thereof may be awarded to a person unless—

(1) the award is made within five years after the date of the act or service justifying the award; and

(2) a statement setting forth the act or distinguished service and recommending official recognition of it was made by his superior through official channels within three years from the date of that act or service. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 390.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6248.....	34 U. S. C. 360.	Feb. 4, 1919, ch. 14, § 7, 40 Stat. 1056; renumbered § 9 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.

The words "Except as provided in section 6246 of this title" are substituted for the words "That except as otherwise prescribed herein" to identify the only exception. The words "may be awarded to a person" are substituted for the words "shall be issued to any person" for uniformity. The words "specific", "or report distinctly", and "at the time of" are omitted as surplusage. The words "bar, emblem, or insignia" are substituted for the words "or bar or other suitable emblem or insignia" for uniformity. The words "from the date of that act or service" are substituted for the word "thereafter".

## § 6249. Limitation of honorable service.

No medal, cross, or bar, or associated emblem or insignia may be awarded or presented to any person or to his representative if his service after he distinguished himself has not been honorable. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 390.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6249.....	34 U. S. C. 362; 34 U. S. C. 364a (last 31 words of 3d sentence).	Feb. 4, 1919, ch. 14, § 8 (1st proviso), 40 Stat. 1057; renumbered § 10 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745. July 2, 1926, ch. 721, § 12 (last 31 words of 3d sentence), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549.

The word "associated" is substituted for the word "other" to relate the medal or cross to its emblem or insignia. The word "entire" is omitted as surplusage.

## § 6250. Posthumous awards.

If a person who distinguishes himself dies before an award to which he is entitled is made, the award may be made and the medal, cross, or bar, or associated emblem or insignia may be presented, within five years from the date of the act or service justifying the award, to his representative as designated by the President. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 390.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6250.....	34 U. S. C. 363; 34 U. S. C. 364a (3d sentence, less last 31 words).	Feb. 4, 1919, ch. 14, § 8 (less 1st and 2d provisos), 40 Stat. 1057; renumbered § 10 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745. July 2, 1926, ch. 721, § 12 (3d sentence, less last 31 words), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549.

The word "associated" is substituted for the word "other" to relate the medal or cross to its emblem or insignia.

## § 6251. Delegation of power to award.

The President may delegate, under such conditions as he prescribes, to flag and general officers who are commanders-in-chief or commanding on important independent duty, his authority to award the Navy cross, the distinguished-service medal, the silver star medal, or the Navy and Marine Corps Medal. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 391.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6251.....	34 U. S. C. 364 (less 10th, and last 47 words).	Feb. 4, 1919, ch. 14, § 9 (less applicability to regulations), 40 Stat. 1057; renumbered § 11 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745.

The term "flag officers" is used generically in 34 U. S. C. 364. Officers of the Marine Corps who meet the duty requirements, if in the equivalent grades, are, therefore, within its terms and the authority to make the awards has been delegated to such officers.

## § 6252. Regulations.

The President may prescribe regulations for the administration of the preceding sections of this chapter. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 391.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6252.....	34 U. S. C. 364 (10th, and last 47 words); 34 U. S. C. 364a (1st 9 words of 1st sentence).	Feb. 4, 1919, ch. 14, § 9 (as applicable to regulations), 40 Stat. 1057; renumbered § 11 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745. July 2, 1926, ch. 721, § 12 (1st 9 words of 1st sentence), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549.

The words "further", "from time to time any and all rules", "orders which he shall deem necessary", and "to execute full purpose and intention thereof" are omitted as surplusage.

## § 6253. Replacement.

The Secretary of the Navy may replace without charge any medal of honor, Navy cross, distinguished-service medal, silver star medal, or Navy and Marine Corps Medal, or any associated bar, emblem, or insignia awarded under this chapter that is lost or destroyed or becomes unfit for use without fault or neglect on the part of the person to whom it was awarded. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 391.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6253.....	34 U. S. C. 359 (proviso).	Feb. 4, 1919, ch. 14, § 6 (proviso), 40 Stat. 1056; renumbered § 8 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.

The words "Secretary of the Navy may replace" are substituted for the words "Provided, That such replacement shall be made only in those cases where".

§ 6254. Availability of appropriations.

The Secretary of the Navy may spend from appropriations for the pay of the Navy or the Marine Corps, as appropriate, amounts necessary to provide and replace medals of honor, Navy crosses, distinguished-service medals, silver star medals, and Navy and Marine Corps Medals, and associated bars, emblems, and insignia. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 391.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6254.....	34 U. S. C. 359 (less proviso).	Feb. 4, 1919, ch. 14 § 6 (less proviso), 40 Stat. 1056; renumbered § 8 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.

The words "the appropriations for the pay of the Navy or the Marine Corps, as appropriate", are substituted for the words "the appropriation 'Pay, subsistence, and transportation of naval personnel'", to identify by a general description, rather than by the specific appropriation title, the appropriation authorized to be used. Specific appropriation titles vary from one appropriation act to the next. The permanent authority contained in 34 U. S. C. 359 for the Secretary of the Navy to use appropriations available for the pay of the Navy and the Marine Corps is not affected by a change in the titles of those appropriations nor is it affected by a specific authorization in an appropriation act to use, during the life of the act, a different type of appropriation.

§ 6255. Commemorative or special medals: facsimiles and ribbons.

Under regulations prescribed by the Secretary of the Navy, members of the naval service may wear, in place of commemorative or special medals awarded to them, miniature facsimiles of such medals and ribbons symbolic of the awards. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 391.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6255.....	34 U. S. C. 358a.	Apr. 25, 1935, ch. 82, 49 Stat. 162.

The words "members of the naval service may" are substituted for the words "That authority is hereby granted to personnel of the Navy and Marine Corps" for clarity.

Chapter 569.—DISCHARGE OF ENLISTED MEMBERS

Sec.

- 6291. Honorable discharges.
- 6292. Minors enlisted upon false statement of age.
- 6293. Minors enlisted without consent of parent or guardian.
- 6294. Women in the Regular Navy and Regular Marine Corps: termination of enlistment.
- 6295. Regular Navy: early discharge.
- 6296. Furlough without pay.
- 6297. Disposition of uniform; clothing allowance; emergency funds.
- 6298. Authority to live at a receiving station after honorable discharge.

§ 6291. Honorable discharges.

Honorable discharges, in the form prescribed by the Secretary of the Navy, may be granted to enlisted members of the naval service. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 391.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6291.....	34 U. S. C. 192; 34 U. S. C. 193.	R. S. 1426; June 11, 1896, J. Res. 62, 29 Stat. 476. R. S. 1427.

The words "members of the naval service" are substituted for the words "persons in the Navy" in 34 U. S. C. 192, as this section is so interpreted.

§ 6292. Minors enlisted upon false statement of age.

(a) The Secretary of the Navy, under regulations prescribed by him, may discharge or release from the naval service, with pay and allowances and form of discharge certificate appropriate for his service after enlistment, any enlisted member who, as the result of a false statement of age on his application for enlistment, was enlisted while under the minimum statutory or administrative age limit. A member so discharged or released is entitled to transportation in kind and subsistence from the place of discharge to his home.

(b) Appropriations available for pay and allowances, subsistence, and transportation of enlisted members of the naval service are available for payments under this section. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 391.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
6292 (a)....	34 U. S. C. 900a.	Sept. 24, 1945, ch. 385, § 1, 59 Stat. 536.
6292 (b)....	34 U. S. C. 900a (note).	Sept. 24, 1945, ch. 385, § 3, 59 Stat. 537.

The word "member" is substituted for the word "person" and the words "naval service" are substituted for the words "Navy, Marine Corps, and the Reserve components thereof". The words "form of" are added for clarity. Reference to the date "September 24, 1945" is omitted as unnecessary. The words "is entitled to" are substituted for the words "shall be furnished" for uniformity. The decision of the Comptroller General of December 23, 1949 (B-91297), has not been overlooked. That decision, without passing on a case in which the point was involved, indicated that the transportation entitlement in 34 U. S. C. 900a might be impliedly repealed by the Career Compensation Act of 1949. The editors of the United States Code Annotated, apparently on the basis of this decision, have omitted 34 U. S. C. A. 900a from the 1954 pocket part. A conclusion that the section is repealed, however, defeats the specific purpose of the provision, which, as indicated in the legislative hearings, was to insure that underage discharges would be transported home and not simply released at the place of discharge.

§ 6293. Minors enlisted without consent of parent or guardian.

(a) Upon application by a parent or guardian of any enlisted member of the naval service made to