TITLE 10 - ARMED FORCES
Subtitle B - Army
PART II - PERSONNEL
CHAPTER 357 - DECORATIONS AND AWARDS

§ 3741. Medal of honor: award

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who while a member of the Army, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

(1) while engaged in an action against an enemy of the United States;
(2) while engaged in military operations involving conflict with an opposing foreign force; or
(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.


Historical and Revision Notes

The words “That the provisions of existing law relating to the award of medals of honor to officers, noncommissioned officers, and privates of the Army be, and they hereby are, amended so that”, in the Act of July 9, 1918, ch. 143 (8th par. under “Ordnance Department”), 40 Stat. 870, are not contained in 10:1403. They are also omitted from the revised section as surplusage. The word “member” is substituted for the words “officer or enlisted man”. The word “only” is omitted as surplusage. The word “award” is inserted for clarity, since the President determines the recipient of the medal in addition to presenting it.

Amendments

1963—Pub. L. 88–77 enlarged authority to award medal of honor, which was limited to those cases in which persons distinguished themselves in action involving actual conflict with an enemy, to permit its award for distinguished service while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

Review Regarding Award of Medal of Honor to Jewish American World War I Veterans


“(a) Review Required.—The Secretary of the Army and the Secretary of the Navy shall review the service of each Jewish American World War I veteran described in subsection (b) to determine whether such veteran should be posthumously awarded the Medal of Honor.

“(b) Covered Jewish American War Veterans.—The Jewish American World War I veterans whose service is to be reviewed under subsection (a) are any Jewish American World War I veterans awarded the Distinguished Service Cross or the Navy Cross for heroism during World War I and whose name and supporting material for upgrade of the award are submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act [Dec. 31, 2011].

“(c) Recommendation Based on Review.—If the Secretary concerned determines, based upon the review under subsection (a) that the award of the Medal of Honor to a veteran is warranted, the Secretary shall submit to the Secretary of Defense a recommendation that the Medal of Honor be awarded posthumously to the veteran.
“(d) World War I Defined.—In this section, the term ‘World War I’ means the period beginning on April 6, 1917, and ending on November 11, 1918.”

**Review Regarding Award of Medal of Honor to Certain Jewish American and Hispanic American War Veterans**


“(a) Review Required.—The Secretary of each military department shall review the service records of each Jewish American war veteran or Hispanic American war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

“(b) Covered Jewish American War Veterans and Hispanic American War Veterans.—The Jewish American war veterans and Hispanic American war veterans whose service records are to be reviewed under subsection (a) are the following:

“(1) Any Jewish American war veteran or Hispanic American war veteran who was awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross before the date of the enactment of this Act [Dec. 28, 2001].

“(2) Any other Jewish American war veteran or Hispanic American war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

“(c) Consultations.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

“(d) Recommendation Based on Review.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran or Hispanic American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

“(e) Authority To Award Medal of Honor.—A Medal of Honor may be awarded to a Jewish American war veteran or Hispanic American war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

“(f) Waiver of Time Limitations.—An award of the Medal of Honor may be made under subsection (e) without regard to—

“(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

“(2) any regulation or other administrative restriction on—

“(A) the time for awarding the Medal of Honor; or

“(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

“(g) Definition.—For purposes of this section, the term ‘Jewish American war veteran’ means any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.”

**Review Regarding Upgrading of Distinguished-Service Crosses and Navy Crosses Awarded to Asian-Americans and Native American Pacific Islanders for World War II Service**


“(a) Review Required.—(1) The Secretary of the Army shall review the records relating to each award of the Distinguished-Service Cross, and the Secretary of the Navy shall review the records relating to each award of the Navy Cross, that was awarded to an Asian-American or a Native American Pacific Islander with respect to service as a member of the Armed Forces during World War II. The purpose of the review shall be to determine whether any such award should be upgraded to the Medal of Honor.

“(2) If the Secretary concerned determines, based upon the review under paragraph (1), that such an upgrade is appropriate in the case of any person, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that person.

“(b) Waiver of Time Limitations.—A Medal of Honor may be awarded to a person referred to in subsection (a) in accordance with a recommendation of the Secretary concerned under that subsection without regard to—

“(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and
“(2) any regulation or other administrative restriction on—

“(A) the time for awarding the Medal of Honor; or

“(B) the awarding of the Medal of Honor for service for which a Distinguished-Service Cross or Navy Cross has been awarded.

“(c) Definition.—For purposes of this section, the term ‘Native American Pacific Islander’ means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).”