

foreign correctional facility to present a decoration to a person who is incarcerated due to conviction of a serious violent felony.

(b) DEFINITIONS.—In this section:

(1) The term “decoration” means any decoration or award that may be presented or awarded to a member of the armed forces.

(2) The term “serious violent felony” has the meaning given that term in section 3559(c)(2)(F) of title 18.

(Added Pub. L. 105-261, div. A, title V, §537(a), Oct. 17, 1998, 112 Stat. 2019.)

§ 1133. Bronze Star: limitation on persons eligible to receive

The decoration known as the “Bronze Star” may only be awarded to a member of a military force who—

(1) at the time of the events for which the decoration is to be awarded, was serving in a geographic area in which special pay is authorized under section 310 or paragraph (1) or (3) of section 351(a) of title 37; or

(2) receives special pay under section 310 or paragraph (1) or (3) of section 351(a) of title 37 as a result of those events.

(Added Pub. L. 106-398, §1 [[div. A], title V, §541(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-114; amended Pub. L. 111-383, div. A, title V, §571(a), Jan. 7, 2011, 124 Stat. 4222.)

Editorial Notes

AMENDMENTS

2011—Pub. L. 111-383 amended section generally. Prior to amendment, text read as follows: “The decoration known as the ‘Bronze Star’ may only be awarded to a member of the armed forces who is in receipt of special pay under section 310 of title 37 at the time of the events for which the decoration is to be awarded or who receives such pay as a result of those events.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title V, §571(c), Jan. 7, 2011, 124 Stat. 4223, provided that: “The amendment made by subsection (a) [amending this section] applies to the award of the Bronze Star after October 30, 2000.”

§ 1134. Medal of honor: award to individual interred in Tomb of the Unknowns as representative of casualties of a war

The medal of honor awarded posthumously to a deceased member of the armed forces who, as an unidentified casualty of a particular war or other armed conflict, is interred in the Tomb of the Unknowns at Arlington National Cemetery, Virginia, is awarded to the member as the representative of the members of the armed forces who died in such war or other armed conflict and whose remains have not been identified, and not to the individual personally.

(Added Pub. L. 108-375, div. A, title V, §561(a), Oct. 28, 2004, 118 Stat. 1917.)

§ 1134a. Medal of honor: Army, Navy, Air Force, and Coast Guard Medal of Honor Roll

(a) ESTABLISHMENT.—There shall be in the Department of the Army, the Department of the

Navy, the Department of the Air Force, and the Department in which the Coast Guard is operating a roll designated as the “Army, Navy, Air Force, and Coast Guard Medal of Honor Roll”.

(b) ENROLLMENT.—The Secretary concerned shall enter and record on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll the name of each person who has served on active duty in the armed forces and who has been awarded a medal of honor pursuant to section 7271, 8291, or 9271 of this title or section 2732 of title 14.

(c) ISSUANCE OF ENROLLMENT CERTIFICATE.—Each living person whose name is entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll shall be issued a certificate of enrollment on the roll.

(d) ENTITLEMENT TO SPECIAL PENSION; NOTICE TO SECRETARY OF VETERANS AFFAIRS.—The Secretary concerned shall deliver to the Secretary of Veterans Affairs a certified copy of each certificate of enrollment issued under subsection (c). The copy of the certificate shall authorize the Secretary of Veterans Affairs to pay the special pension provided by section 1562 of title 38 to the person named in the certificate.

(Added Pub. L. 113-66, div. A, title V, §563(a)(1), Dec. 26, 2013, 127 Stat. 767; amended Pub. L. 115-232, div. A, title VIII, §809(a), Aug. 13, 2018, 132 Stat. 1840; Pub. L. 118-31, div. A, title XVIII, §1801(a)(15), Dec. 22, 2023, 137 Stat. 684.)

Editorial Notes

AMENDMENTS

2023—Subsec. (b). Pub. L. 118-31 substituted “section 2732 of title 14” for “section 491 of title 14”.

2018—Subsec. (b). Pub. L. 115-232 substituted “section 7271, 8291, or 9271” for “section 3741, 6241, or 8741”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE

Pub. L. 113-66, div. A, title V, §563(d), Dec. 26, 2013, 127 Stat. 768, provided that: “The amendments made by this section [enacting this section, amending section 1562 of Title 38, Veterans’ Benefits, and repealing sections 1560 and 1561 of Title 38] shall apply with respect to Medals of Honor awarded on or after the date of the enactment of this Act [Dec. 26, 2013].”

§ 1135. Replacement of military decorations

(a) REPLACEMENT.—In addition to other authorities available to the Secretary concerned to replace a military decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

(b) PROMPT REPLACEMENT REQUIRED.—When a request for the replacement of a military decoration is received under this section or section 7277, 7281, 8303, 9277, or 9281 of this title, the Secretary concerned shall ensure that—

(1) all actions to be taken with respect to the request, including verification of the service record of the recipient of the military decoration, are completed within one year; and

(2) the replacement military decoration is mailed to the person requesting the replacement military decoration within 90 days after verification of the service record.

(c) **MILITARY DECORATION DEFINED.**—In this section, the term “decoration” means any decoration or award (other than the medal of honor) that may be presented or awarded by the President or the Secretary concerned to a member of the armed forces.

(Added Pub. L. 110-417, [div. A], title V, § 571(a), Oct. 14, 2008, 122 Stat. 4471; amended Pub. L. 113-66, div. A, title V, § 564, Dec. 26, 2013, 127 Stat. 768; Pub. L. 115-232, div. A, title VIII, § 809(a), Aug. 13, 2018, 132 Stat. 1840.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-232 substituted “section 7277, 7281, 8303, 9277, or 9281” for “section 3747, 3751, 6253, 8747, or 8751” in introductory provisions.

2013—Subsecs. (b), (c). Pub. L. 113-66 added subsec. (b) and redesignated former subsec. (b) as (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 1136. Honorable service requirement for award of military decorations

No military decoration, including a medal, cross, or bar, or an associated emblem or insignia, may be awarded or presented to any person, or to a representative of the person, if the service of the person after the person distinguished himself or herself has not been honorable.

(Added Pub. L. 116-92, div. A, title V, § 582(a)(1), Dec. 20, 2019, 133 Stat. 1411.)

CHAPTER 58—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED

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1155.	Statement of benefits.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. A, title X, § 1081(a)(26), Jan. 1, 2021, 134 Stat. 3872, added item 1142 and struck out former item 1142 “Preseparation counseling; transmittal of medical records to Department of Veterans Affairs”.

2018—Pub. L. 115-232, div. A, title V, §§ 522(b), 553(a)(2), Aug. 13, 2018, 132 Stat. 1756, 1772, added item 1155 and struck out item 1143a “Employment assistance”.

2013—Pub. L. 112-239, div. A, title V, § 541(b)(2), Jan. 2, 2013, 126 Stat. 1735, added item 1154.

2006—Pub. L. 109-364, div. A, title V, § 561(b), Oct. 17, 2006, 120 Stat. 2220, added item 1151.

1999—Pub. L. 106-65, div. A, title XVII, § 1707(a)(2), Oct. 5, 1999, 113 Stat. 823, struck out item 1151 “Assistance to separated members to obtain certification and employment as teachers or employment as teachers’ aides”.

1994—Pub. L. 103-337, div. A, title V, § 542(a)(10), title XI, § 1132(a)(2), Oct. 5, 1994, 108 Stat. 2768, 2873, struck out “: Department of Defense” after “assistance” in item 1143 and after “service” in item 1143a and substituted “eligible members and former members” for “separated members” in item 1152.

1993—Pub. L. 103-160, div. A, title XIII, § 1332(e), Nov. 30, 1993, 107 Stat. 1797, added items 1152 and 1153.

1992—Pub. L. 102-484, div. D, title XLIV, §§ 4441(a)(2), 4462(a)(2), Oct. 23, 1992, 106 Stat. 2730, 2740, added items 1143a and 1151.

§ 1141. Involuntary separation defined

A member of the armed forces shall be considered to be involuntarily separated for purposes of this chapter if the member was on active duty or full-time National Guard duty on September 30, 1990, or after November 29, 1993, or, with respect to a member of the Coast Guard, if the member was on active duty in the Coast Guard after September 30, 1994, and—

(1) in the case of a regular officer (other than a retired officer), the officer is involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned;

(2) in the case of a reserve officer who is on the active-duty list or, if not on the active-duty list, is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the officer is involuntarily discharged or released from active duty or full-time National Guard (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status) under other than adverse conditions, as characterized by the Secretary concerned;

(3) in the case of a regular enlisted member serving on active duty, the member is (A) denied reenlistment, or (B) involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned;