

1960—Pub. L. 86-582 designated existing provisions as subsec. (a), inserted “or subsection (b)” after “title”, and added subsec. (b).

#### 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.

#### [§ 8299. Repealed. Pub. L. 116-92, div. A, title V, § 582(b)(2)(A), Dec. 20, 2019, 133 Stat. 1412]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 390, § 6249; renumbered § 8299, Pub. L. 115-232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836, related to limitation of honorable service.

A prior section 8299, acts Aug. 10, 1956, ch. 1041, 70A Stat. 511; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(10), title IV, § 401(1), 71 Stat. 387, 390; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(21), 72 Stat. 1565; Sept. 30, 1966, Pub. L. 89-609, § 1(29), 80 Stat. 854; Nov. 8, 1967, Pub. L. 90-130, § 1(27)(A), 81 Stat. 382, provided that promotion-list officers be promoted to regular grades of captain, major, and lieutenant colonel, after specified length of service or without regard to length of service in view of actual or anticipated vacancies if Secretary of Air Force so directs, or be eliminated from active list under section 8303 of this title and a promotion-list officer who has twice been considered and not recommended for promotion to any one regular grade not be again considered for promotion under this section, prior to repeal by Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981. See sections 631 and 632 of this title.

#### § 8300. 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, 70A Stat. 390, § 6250; renumbered § 8300, Pub. L. 115-232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

##### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6250 .....	34 U.S.C. 363.	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.
	34 U.S.C. 364a (3d sentence, less last 31 words).	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.

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 8300, acts Aug. 10, 1956, ch. 1041, 70A Stat. 513; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(11), 71 Stat. 388; July 12, 1960, Pub. L. 86-616, § 6(2), 74 Stat. 391; Nov. 8, 1967, Pub. L. 90-130, § 1(27)(B), 81 Stat. 382, provided for selection board procedure when pro-

motion-list officers in regular grade of first lieutenant, captain, or major are to be considered for promotion under section 8299 of this title, prior to repeal by Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981. See section 611 et seq. of this title.

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6250 of this title as this section.

#### 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.

#### § 8301. 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, 70A Stat. 391, § 6251; renumbered § 8301, Pub. L. 115-232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

##### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 8301, acts Aug. 10, 1956, ch. 1041, 70A Stat. 513; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(12), 71 Stat. 388; Nov. 8, 1967, Pub. L. 90-130, § 1(27)(C), 81 Stat. 382, provided for, in addition to method prescribed in section 8300 of this title, promotion to captain, major, or lieutenant colonel of officers with special qualifications, whenever there are vacancies on Air Force promotion list in regular grade of captain, major, or lieutenant colonel and Secretary of Air Force considers that there are or will be too few officers in any of those grades with special qualifications, prior to repeal by Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981.

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6251 of this title as this section.

#### 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.

**§ 8302. Regulations**

The President may prescribe regulations for the administration of the preceding sections of this chapter.

(Aug. 10, 1956, ch. 1041, 70A Stat. 391, § 6252; renumbered § 8302, Pub. L. 115–232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 8302, act Aug. 10, 1956, ch. 1041, 70A Stat. 513, related to promotion to captain, major, or lieutenant colonel of commissioned medical, dental, or veterinary officers in Regular Air Force upon examination of professional fitness and effect upon failure of promotion, prior to repeal by Pub. L. 96–513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981. See sections 631 and 632 of this title.

## AMENDMENTS

2018—Pub. L. 115–232 renumbered section 6252 of this title as this section.

**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.

**§ 8303. 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 stolen, 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, 70A Stat. 391, § 6253; Pub. L. 107–107, div. A, title V, § 553(b)(2), Dec. 28, 2001, 115 Stat. 1116; renumbered § 8303, Pub. L. 115–232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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”.

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 8303, acts Aug. 10, 1956, ch. 1041, 70A Stat. 514; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(13), 71 Stat. 388; July 12, 1960, Pub. L. 86–616, § 6(3), 74 Stat. 391; June 28, 1962, Pub. L. 87–509, § 4(a), 76 Stat. 121; Nov. 8, 1967, Pub. L. 90–130, § 1(27)(D), 81 Stat. 382, related to effect of failure of a promotion-list officer considered for promotion to grade of captain, major, or lieutenant colonel under section 8299 of this title to be recommended for promotion, which officer was to be known as a “deferred officer”, prior to repeal by Pub. L. 96–513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880, effective Sept. 15, 1981. See sections 631 and 632 of this title.

## AMENDMENTS

2018—Pub. L. 115–232 renumbered section 6253 of this title as this section.

2001—Pub. L. 107–107 substituted “stolen, lost, or destroyed” for “lost or destroyed”.

**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.

**§ 8304. 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, 70A Stat. 391, § 6254; renumbered § 8304, Pub. L. 115–232, div. A, title VIII, § 807(b)(13), Aug. 13, 2018, 132 Stat. 1836.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 8304, act Aug. 10, 1956, ch. 1041, 70A Stat. 515, related to promotion of Air Force nurses or