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APPROVED
OCT 24 1974

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 17 1974

Postal
10/25
To Archives
10/25

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill - H.R. 15148 - Southeast Asia
Military Decorations
Sponsors - Rep. Hebert (D) Louisiana and
Rep. Bray (R) Indiana

Last Day for Action

Purpose

Extends the time limits for making recommendations and awards of certain military decorations pertaining to hostilities in Southeast Asia.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval

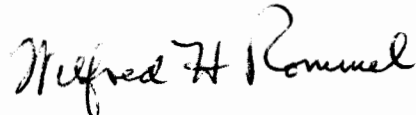
Discussion

Under current law, recommendations for major military decorations must, depending on the particular decoration, be initiated within two or three years after the meritorious action, and the award must be made within three or five years. These time limits may now operate to deny appropriate recognition to some participants in the Vietnam conflict, as the information necessary to substantiate their awards has not been available until recently due to enemy action, taking of prisoners of war, destruction of records, etc.



Under the enrolled bill, the period for submitting a recommendation would be extended for one year following enactment, and the period for making an award would be extended for two years following enactment. Such extension would apply only for awards proposed for actions that occurred between July 1, 1958, and March 28, 1973, these dates being based on the periods for which the Armed Forces Expeditionary Medal and its successor, the Vietnam Service Medal, are awarded.

H.R. 15148, as proposed by the Department of Defense, was amended by the House Armed Services Committee to limit its scope to actions in direct support of hostilities in Southeast Asia, but the Department has no objection to the amendment. Similar legislation was enacted after World War II and the Korean conflict.



Assistant Director for
Legislative Reference

Enclosures

Rec'd. from Om B - 10/17/74

11:20 a.m. -

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—

Bill shut not rec'd. yet.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 17 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill - H.R. 15148 - Southeast Asia
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Under current law, recommendations for major military decorations must, depending on the particular decoration, be initiated within two or three years after the meritorious action, and the award must be made within three or five years. These time limits may now operate to deny appropriate recognition to some participants in the Vietnam conflict, as the information necessary to substantiate their awards has not been available until recently due to enemy action, taking of prisoners of war, destruction of records, etc.

Warren H. ...
10-17-74

B

THE WHITE HOUSE

ACTION

WASHINGTON

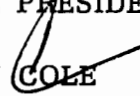
Last Day - October 29

October 23, 1974

MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN  COLE

SUBJECT:

Enrolled Bill H.R. 15148
Southeast Asia Military
Decorations

Attached for your consideration is House bill, H.R. 15148, sponsored by Representatives Hebert and Bray, which extends the time limits for making recommendations and awards of certain military decorations pertaining to hostilities in Southeast Asia.

Roy Ash recommends approval and provides you with additional background information in his enrolled bill report (Tab A).

The NSC (Janka), the Counsel's office (Chapman) and Bill Timmons all recommend approval.

RECOMMENDATION

That you sign House bill H.R. 15148 (Tab B).

DEPARTMENT OF THE AIR FORCE
WASHINGTON 20330



OFFICE OF THE SECRETARY

16 OCT 1974

Dear Mr. Director:

Reference is made to your request for the views of the Department of Defense with respect to the enrolled enactment of H.R. 15148, 93rd Congress, an Act "To extend the time limit for the award of certain military decorations." The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The purpose of the enrolled enactment is to extend the time limit for recommending and awarding certain decorations for acts, achievements, or service performed during the period of hostilities in Southeast Asia.

Time limitations have been imposed by Congress on the medal of honor; the Army's distinguished service cross and distinguished service medal; the Navy's distinguished service medal, Navy cross, silver star medal and Navy and Marine Corps medal; the Air Force's distinguished service medal and Air Force cross, and the Coast Guard's distinguished service medal, distinguished flying cross, and Coast Guard medal (10 USC 3744, 6248, 8744; 14 USC 496). For these Army and Air Force decorations, a recommendation must be initiated within two years after the distinguished service and the award made within three years after the date of the act justifying the award. For the Navy, Marine Corps and Coast Guard, the recommendation must be initiated within three years from the date of the act or service and the award made within five years. In the case of all services, provision is made for an exception to the time limitation for award, but only if the recommendation has been lost or, through inadvertence, not acted upon.

The time limitations specified in sections 3744, 6248, and 8744 of title 10 and section 496 of title 14 do not apply to such awards as the Army and Air Force silver star, legion of merit, soldier's medal, Air Force distinguished flying cross, airman's medal, bronze star medal, air medal, service commendation medals, and purple heart. However, in the interest of consistency

and administration, the military departments have established time limitations for these cited decorations which are based on limitations in the above cited sections of title 10 and title 14. This procedure has been consistently followed.

As a result of these time limitations, many individuals who participated in the Vietnam conflict may have been denied appropriate recognition of their heroism, self-sacrifice or exceptional accomplishments. In some instances prolonged delays have been encountered in receiving necessary substantiating information from individuals who were prisoners of war or from those who were evacuated from the combat zone due to wounds, injuries or illness. In other instances, records were destroyed either by enemy action or to prevent their falling into the hands of the enemy. Approval of the enrolled enactment will prevent these cases from lapsing by providing for a period of two years from the date of enactment for awarding decorations for acts, achievements, or service performed between July 1, 1958 and March 28, 1973, if written recommendation for the award is made not later than one year after the date of enactment.

Similar legislation was enacted in 1950 concerning awards for World War II (64 Stat 103) and in 1956 concerning awards for the Korean Conflict (70 Stat 933).

Department of Defense Legislative Proposal 93-75, which was cleared by your office on January 29, 1974, provided for a two year period from the date of enactment for recognizing acts, achievements or service performed during the period of hostilities in Southeast Asia, even though such acts, achievements or service were not performed in direct support of military operations in Southeast Asia. The bill was amended by the House of Representatives to restrict the recognition to acts, achievements or service performed in direct support of military operations in Southeast Asia. While the original legislative proposal was intended to provide enough latitude to recognize personnel who were not in direct support of military operations but who might have been overlooked due to the turmoil of the Southeast Asia conflict, the primary purpose of the legislation is to permit recognition of prisoners of war and others directly involved in the conflict. It is expected that there would be a very few, if any, military members who were overlooked, and those few could easily be accommodated

through individual relief bills. Accordingly, the Department of the Air Force, on behalf of the Department of Defense, recommends the approval and signature by the President of the enrolled enactment of H.R. 15148.

The enactment of this proposal will result in no increase in budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures established by the Secretary of Defense.

Sincerely,

A handwritten signature in black ink that reads "David P. Taylor" followed by a stylized "67".

DAVID P. TAYLOR
Assistant Secretary of the Air Force
Manpower and Reserve Affairs

Honorable Roy L. Ash
Director
Office of Management and Budget

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 672

Date: October 17, 1974

Time: 2:30 p.m.

FOR ACTION: NSC/S
✓ Phil Buchen
Bill Timmonscc (for information): Warren K. Hendriks
Jerry Jones
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Monday, October 21, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 15148 - Southeast Asia
Military Decorations

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No objection**H.C.***PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE
WASHINGTON

10/17/74

TO: WARREN HENDRIKS

RDL

Robert D. Linder

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 672

Date: October 17, 1974

Time: 2:30 p.m.

FOR ACTION: *MSC/S - Janka*
 Phil Buchen
 Bill Timmons

cc (for information): Warren K. Hendriks
 Jerry Jones
 Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Monday, October 21, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 15148 - Southeast Asia
Military Decorations

ACTION REQUESTED:

| | |
|---|--|
| <input type="checkbox"/> For Necessary Action | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President

THE WHITE HOUSE

WASHINGTON

October 18, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS *WET*

SUBJECT: Action Memorandum - Log No. 672
Enrolled Bill H. R. 15148 - Southeast
Asia Military Decorations

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 672

Date: October 17, 1974

Time: 2:30 p.m.

FOR ACTION: NSC/S
 Phil Buchen
 Bill Timmons

cc (for information): Warren K. Hendriks
 Jerry Jones
 Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Monday, October 21, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 15148 - Southeast Asia
Military Decorations

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
 For the President

EXTENDING THE TIME LIMIT FOR THE AWARD OF CERTAIN MILITARY DECORATIONS

SEPTEMBER 19, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. FISHER, from the Committee on Armed Services,
submitted the following

REPORT

[To accompany H.R. 15148]

The Committee on Armed Services to whom was referred the bill (H.R. 15148) to extend the time limit for the award of certain military decorations, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On line 11 of the bill, after the word "performed," insert the phrase "in direct support of military operations in Southeast Asia".

EXPLANATION OF THE AMENDMENT

The Committee amendment adds language to the bill which limits the bill's scope to actions in direct support of the hostilities in Southeast Asia. The purpose of the bill is to allow appropriate recognition to deserving individuals for distinguished service in the conflict in Southeast Asia, but for which substantiating information has only recently become available. The amendment expressly limits the authority of this legislation to service performed in, or in support of, the hostilities in Southeast Asia, as is its intended purpose.

The amendment is meant to specify more accurately the intended coverage of the bill without affecting its purpose so that recommendations, other than those countenanced by this bill, are not submitted under its authority. It should be noted that the phrase "Southeast Asia" in this amendment is meant to include military operations in areas included within Laos, Cambodia, Thailand, North and South Vietnam, and that portion of Korea with which the U.S.S. *Pueblo* was involved, in 1968 and thereafter, in the conduct of its military mission.

Although the purpose of this amendment is to more specifically define the scope of the legislation, its language is not meant to be in-

terpreted in a restrictive manner so that only acts which occurred in Southeast Asia are countenanced in this bill, for many acts in direct support of the Southeast Asian effort occurred outside of that geographic area.

PURPOSE OF THE BILL

This legislation is intended to extend the statutory time limit within which the recommendation for, and actual award of, certain military decorations must occur for acts, achievements or service performed during the hostilities in Southeast Asia, and without which, these certain acts or achievements cannot be appropriately recognized.

Time limits for the award of major military decorations are set by statute. The recommendations for the award must be initiated within two or three years after the meritorious act, and actually awarded within three or five years (depending on the type of decoration) from the date of the act or service. (See 10 USC 3744, 6248, 8744, and 14 USC 496). Exceptions are allowed to these time requirements only if the recommendation has been lost or inadvertently not acted upon. These statutory limits, which apply only to major decorations, have been administratively applied to all decorations by the Department of Defense. These time limitations are now denying appropriate recognition to personnel who participated in the hostilities in Southeast Asia, as the necessary substantiating information for the awards has been unavailable until recently since it was in the sole possession of prisoners of war, or those indisposed due to wounds or illness. Delays have also resulted from the destruction of records by the enemy or in anticipation of the enemy's presence.

This bill will extend for one year from the date of enactment, the period within which the written recommendation for the decoration must be submitted. The period for the actual award of the decoration is extended to two years from the date of enactment. The period from which awards could be recommended under this legislation would be for actions that occurred between July 1, 1958 and March 28, 1973. The time period was chosen as it encompasses the time period for which the Armed Forces Expeditionary Medal for service in Vietnam, and the Vietnam Service Medal are authorized.

Similar legislation was enacted after World War II (64 Stat. 103) and the Korean Conflict (70 Stat. 933).

FISCAL DATA

This legislation will not result in an increase in the budgetary requirements of the Department of Defense.

DEPARTMENTAL POSITION

The Department of Defense supports this legislation and the Office of Management and Budget interposes no objection, as indicated by the correspondence below.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 31, 1974.

HON. CARL B. ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation "To extend the time limit for the award of certain military decorations."

This proposal is a part of the Department of Defense Legislative Program for the 93d Congress, and the Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Air Force has been designated to act on behalf of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to extend the time limit for recommending and awarding certain decorations for acts, achievements, or service performed during the period of hostilities in Southeast Asia.

Time limitations have been imposed by Congress on the medal of honor; the Army's distinguished service cross and distinguished service medal; the Navy's distinguished service medal. Navy cross, silver star medal and Navy and Marine Corps medal; the Air Force's distinguished service medal and Air Force cross, and the Coast Guard's distinguished service medal, distinguished flying cross, and Coast Guard medal (10 U.S.C. 3744, 6248, 8744; 14 U.S.C. 496). For these Army and Air Force decorations a recommendation must be initiated within two years after the distinguished service and the award made within three years after the date of the act justifying the award. For the Navy, Marine Corps and Coast Guard, the recommendation must be initiated within three years from the date of the act or service and the award made within five years. In the case of all services, provision is made for an exception to the time limitation for award, but only if the recommendation has been lost or, through inadvertence, not acted upon.

The time limitations specified in sections 3744, 6246, and 8744 of title 10 and section 496 of title 14 do not apply to such awards as the Army and Air Force silver star, Legion of Merit, Soldier's Medal, Air Force distinguished flying cross, Airman's Medal, Bronze Star Medal, Air Medal, service commendation medals, and Purple Heart. However, in the interest of consistency and administration, the military departments have established time limitations for these cited decorations which are based on limitations in the above-cited sections of title 10 and 14. This procedure has been consistently followed.

As a result of these time limitations, many individuals who participated in the Vietnam Conflict may have been denied appropriate

recognition of their heroism, self-sacrifice or exceptional accomplishments. In some instances prolonged delays have been encountered in receiving necessary substantiating information from individuals who were prisoners of war or from those who were evacuated from the combat zone due to wounds, injuries or illness. In other instances, records were destroyed either by enemy action or to prevent their falling into the hands of the enemy. Enactment of this proposed legislation will prevent these cases from lapsing by providing for a period of two years from the date of enactment for awarding decorations for acts, achievements, or service performed between July 1, 1958 and March 28, 1973, if written recommendation for the award is made not later than one year after the date of enactment.

The Armed Forces Expeditionary Medal may be awarded to personnel who participated in the Vietnam operation between July 1, 1958 and July 3, 1965. The Vietnam Service Medal is awarded for such participation between July 4, 1965 and March 28, 1973. Accordingly, the draft legislation specifies July 1, 1958 through March 28, 1973 as the qualifying period.

Similar legislation was enacted in 1950 concerning awards for World War II (64 Stat 103) and in 1956 concerning awards for the Korean Conflict (70 Stat. 933).

In summary, this legislation would provide authority over a limited period for the granting of awards to deserving individuals, which could not be granted under existing law. The Department of the Air Force on behalf of the Department of Defense recommends that the legislation as described above be enacted.

COST AND BUDGET DATA

Enactment of the proposed legislation would have no significant budgetary impact inasmuch as the procedures for processing recommendations for decorations are already established and most of the medals which will be required are already in stock.

Sincerely,

JAMES P. GOODE,
*Acting Assistant Secretary,
Manpower and Reserve Affairs.*

COMMITTEE POSITION

The Committee on Armed Services on September 17, 1974, a quorum being present, unanimously endorsed enactment of the bill.

H.R. 1367

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, there is printed below in parallel columns the text of provisions of existing law which would be repealed or amended by the various provisions of the bill as reported.

EXISTING LAW

SECTION 3744 OF TITLE 10, UNITED STATES CODE

§ 3744. Medal of honor; distinguished-service cross; distinguished-service medal: limitations on award

- (a) No more than one medal of honor, distinguished-service cross, or distinguished-service medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal or cross, the President may award a suitable bar or other device to be worn as he directs.
- (b) Except as provided in subsection (d), no medal of honor, distinguished-service cross, distinguished-service medal, or device in place thereof, may be awarded to a person unless—
- (1) the award is made within three years after the date of the act justifying the award;
 - (2) a statement setting forth the distinguished service and recommending official recognition of it was made within two years after the distinguished service; and
 - (3) it appears from records of the Department of the Army that the person is entitled to the award.

THE BILL AS REPORTED

H.R. 1367

(c) No medal of honor, distinguished-service cross, distinguished-service medal, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable. Aug. 10, 1956, c. 1041, 70A Stat. 216.

(d) If the Secretary of the Army determines that—

(1) a statement setting forth the distinguished service and recommending official recognition of it was made and supported by sufficient evidence within two years after the distinguished service; and

(2) no award was made, because, the statement was lost or through inadvertence the recommendation, was not acted on;

a medal of honor, distinguished-service cross, distinguished-service medal, or device in place thereof, as the case may be, may be awarded to the person concerned within two years after the date of that determination. As amended July 5, 1960, Pub.L. 86-582, § 1(1), 74 Stat. 320.

* * * * *

SECTION 6248 OF TITLE 10, UNITED STATES CODE

§ 6248. Limitations of time

(a) Except as provided in section 6246 of this title or subsection (b), 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.

(b) If the Secretary of the Navy determines that—

(1) a statement setting forth the act or distinguished service and recommending official recognition of it was made by the person's superior through official channels within three years from the date of that act or service and was supported by sufficient evidence within that time; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted on;

a medal of honor, Navy cross, distinguished-service medal, silver star medal, Navy and Marine Corps Medal, or bar, emblem, or insignia in place thereof, as the case may be, may be awarded to the person within two years after the date of that determination. As amended July 5, 1960, Pub. L. 86-582, § 1(2), 74 Stat. 320.

* * * * *

SECTION 8744 OF TITLE 10, UNITED STATES CODE

§ 8744. Medal of honor; Air Force cross; distinguished-service medal: limitations on award

(a) No more than one medal of honor, Air Force cross, or distinguished-service medal may be awarded to a per-

H.R. 15148 as Amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, a decoration or device in lieu of decoration which, prior to the date of enactment of this Act, has been authorized by Congress to be awarded to any person for an

act, achievement, or service performed while on active duty in the Armed Forces of the United States, or while serving with such forces, may be awarded at any time not later than two years after the date of enactment of this Act for any such act or service performed *in direct support of military operations in Southeast Asia* between July 1, 1958, and March 28, 1973, inclusive, if written recommendation for the award of the decoration, or device in lieu of decoration, is made not later than one year subsequent to the date of enactment of this Act.

son. However, for each succeeding act that would otherwise justify the award of such a medal or cross, the President may award a suitable bar or other device to be worn as he directs.

(b) Except as provided in subsection (d), no medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, may be awarded to a person unless—

(1) the award is made within three years after the date of the act justifying the award;

(2) a statement setting forth the distinguished service and recommending official recognition of it was made within two years after the distinguished service; and

(3) it appears from records of the Department of the Air Force that the person is entitled to the award.

(c) No medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable.

(d) If the Secretary of the Air Force determines that—

(1) a statement setting forth the distinguished service and recommending official recognition of it was made and supported by sufficient evidence within two years after the distinguished service; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted on;

a medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, as the case may be, may be awarded to the person concerned within two years after the date of that determination. As amended July 5, 1960,

H.R. 1367

Pub.L. 86-582, § 1(3), 74 Stat. 320; July 6, 1960, P.L. 86-593, § 1(2), 74 Stat. 331.

* * * * *

SECTION 496 OF TITLE 14, UNITED STATES CODE

§ 496. Time limit on award; report concerning deed

(a) No medal of honor, distinguished service medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof may be awarded to a person unless—

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

(2) a statement setting forth the deed 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 deed or termination of the service.

(b) If the Secretary determines that—

(1) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by the person's superior through official channels within three years from the date of that deed or termination of the service and was supported by sufficient evidence within that time; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted upon; a medal of honor, distinguished service medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof, as the case may be, may be awarded to the person within two years after the date of that determination.

H.R. 1367

SUMMARY

PURPOSE OF THE BILL

To extend the time limits within which the recommendation and award of certain decorations must occur, in order to allow appropriate recognition for those acts, achievements or service arising from or in support of the hostilities in Southeast Asia, for which substantiating information was heretofore unavailable due to its being in the possession of our prisoners of war or those indisposed due to wounds or illness.

FISCAL DATA

The enactment of this legislation will not result in an increase in the budgetary requirements of the Department of Defense.

DEPARTMENTAL POSITION

The Department of Defense supports this legislation and the Office of Management and Budget interposes no objection.

COMMITTEE POSITION

The Committee on Armed Services on September 17, 1974, a quorum being present, unanimously endorsed enactment of the bill.



EXPLANATION OF THE BILL
The bill amends the Department of Defense to extend the time limits within which the recommendation and award of certain decorations must occur, in order to allow appropriate recognition for those acts, achievements or service arising from or in support of the hostilities in Southeast Asia, for which substantiating information was heretofore unavailable due to its being in the possession of our prisoners of war or those indisposed due to wounds or illness.

EXTENDING THE LIMIT FOR THE AWARD OF CERTAIN MILITARY DECORATIONS

OCTOBER 9, 1974.—Ordered to be printed

Mr. STENNIS, from the Committee on Armed Services,
submitted the following

REPORT

[To accompany H.R. 15148]

The Committee on Armed Services, to which was referred the bill (H.R. 15148) to extend the time limit for the award of certain military decorations, having considered the same, reports favorably thereon without an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

This legislation is intended to extend the statutory time limit within which the recommendation for, and actual award of, certain military decorations must occur for acts, achievements or service performed during the hostilities in Southeast Asia, and without which, these certain acts or achievements cannot be appropriately recognized.

Time limits for the award of major military decorations are set by statute. The recommendations for the award must be initiated within two or three years after the meritorious act, and actually awarded within three or five years (depending on the type of decoration) from the date of the act or service. (See 10 USC 3744, 6248, 8744, and 14 USC 496). Exceptions are allowed to these time requirements only if the recommendation has been lost or inadvertently not acted upon. These statutory limits, which apply only to major decorations, have been administratively applied to all decorations by the Department of Defense. These time limitations are now denying appropriate recognition to personnel who participated in the hostilities in Southeast Asia, as the necessary substantiating information for the awards has been unavailable until recently since it was in the sole possession of prisoners of war, or those indisposed due to wounds

or illness. Delays have also resulted from the destruction of records by the enemy or in anticipation of the enemy's presence.

This bill will extend for one year from the date of enactment, the period within which the written recommendation for the decoration must be submitted. The period for the actual award of the decoration is extended to two years from the date of enactment. The period from which awards could be recommended under this legislation would be for actions that occurred between July 1, 1958 and March 28, 1973. The time period was chosen as it encompasses the time period for which the Armed Forces Expeditionary Medal for service in Vietnam, and the Vietnam Service Medal are authorized.

Similar legislation was enacted after World War II (64 Stat. 103) and the Korean Conflict (70 Stat. 933).

COMMITTEE EXPLANATION

The bill expressly limits the authority of this legislation to service performed in, or in support of, the hostilities in Southeast Asia. The phrase "Southeast Asia" is meant to include military operations in areas included within Laos, Cambodia, Thailand, North and South Vietnam, and that portion of Korea with which the U.S.S. *Pueblo* was involved in 1968 and thereafter in the conduct of its military mission. The language in the bill is not meant to be interpreted in a restrictive manner so that only acts which occurred in Southeast Asia are countenanced in this bill, for many acts in direct support of the Southeast Asian effort occurred outside of that geographic area.

FISCAL DATA

This legislation will not result in an increase in the budgetary requirements of the Department of Defense.

DEPARTMENTAL POSITION

The Department of Defense supports this legislation and the Office of Management and Budget interposes no objection, as indicated by the correspondence below.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 31, 1974.

HON. GERALD R. FORD,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To extend the time limit for the award of certain military decorations."

This proposal is a part of the Department of Defense Legislative Program for the 93d Congress, and the Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Air Force

has been designated to act on behalf of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to extend the time limit for recommending and awarding certain decorations for acts, achievements, or service performed during the period of hostilities in Southeast Asia.

Time limitations have been imposed by Congress on the medal of honor; the Army's distinguished service cross and distinguished service medal; the Navy's distinguished service medal, Navy cross, silver star medal and Navy and Marine Corps medal; the Air Force's distinguished service medal and Air Force cross, and the Coast Guard's distinguished service medal, distinguished flying cross, and Coast Guard medal (10 U.S.C. 3744, 6248, 8744; 14 U.S.C. 496). For these Army and Air Force decorations a recommendation must be initiated within two years after the distinguished service and the award made within three years after the date of the act justifying the award. For the Navy, Marine Corps and Coast Guard, the recommendation must be initiated within three years from the date of the act or service and the award made within five years. In the case of all services, provision is made for an exception to the time limitation for award, but only if the recommendation has been lost or, through inadvertence, not acted upon.

The time limitations specified in sections 3744, 6246, and 8744 of title 10 and section 496 of title 14 do not apply to such awards as the Army and Air Force silver star, Legion of Merit, Soldier's Medal, Air Force distinguished flying cross, Airman's Medal, Bronze Star Medal, Air Medal, service commendation medals, and Purple Heart. However, in the interest of consistency and administration, the military departments have established time limitations for these cited decorations which are based on limitations in the above-cited sections of title 10 and 14. This procedure has been consistently followed.

As a result of these time limitations, many individuals who participated in the Vietnam Conflict may have been denied appropriate recognition of their heroism, self-sacrifice or exceptional accomplishments. In some instances prolonged delays have been encountered in receiving necessary substantiating information from individuals who were prisoners of war or from those who were evacuated from the combat zone due to wounds, injuries or illness. In other instances, records were destroyed either by enemy action or to prevent their falling into the hands of the enemy. Enactment of this proposed legislation will prevent these cases from lapsing by providing for a period of two years from the date of enactment for awarding decorations for acts, achievements, or service performed between July 1, 1958 and March 28, 1973, if written recommendation for the award is made not later than one year after the date of enactment.

The Armed Forces Expeditionary Medal may be awarded to personnel who participated in the Vietnam operation between July 1, 1958 and July 3, 1965. The Vietnam Service Medal is awarded for such participation between July 4, 1965 and March 28, 1973. Accord-

ingly, the draft legislation specifies July 1, 1958 through March 28, 1963 as the qualifying period.

Similar legislation was enacted in 1950 concerning awards for World War II (64 Stat. 103) and in 1956 concerning awards for the Korean Conflict (70 Stat. 933).

In summary, this legislation would provide authority over a limited period for the granting of awards to deserving individuals, which could not be granted under existing law. The Department of the Air Force on behalf of the Department of Defense recommends that the legislation as described above be enacted.

COST AND BUDGET DATA

Enactment of the proposed legislation would have no significant budgetary impact inasmuch as the procedures for processing recommendations for decorations are already established and most of the medals which will be required are already in stock.

Sincerely,

JAMES P. GOODE,
*Acting Assistant Secretary,
Manpower and Reserve Affairs.*

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Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To extend the time limit for the award of certain military decorations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, a decoration or device in lieu of decoration which, prior to the date of enactment of this Act, has been authorized by Congress to be awarded to any person for an act, achievement, or service performed while on active duty in the Armed Forces of the United States, or while serving with such forces, may be awarded at any time not later than two years after the date of enactment of this Act for any such act or service performed in direct support of military operations in Southeast Asia between July 1, 1958, and March 28, 1973, inclusive, if written recommendation for the award of the decoration, or device in lieu of decoration, is made not later than one year subsequent to the date of enactment of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

October 17, 1974

Dear Mr. Director:

The following bills were received at the White House on October 17th:

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| S.J. Res. 236 | S. 2840 | H.R. 7768 | H.R. 14225 |
| S.J. Res. 250 | S. 3007 | H.R. 7780 | H.R. 14597 |
| S.J. Res. 251 ✓ | S. 3234 | H.R. 11221 | H.R. 15148 ✓ |
| S. 355 ✓ | S. 3473 | H.R. 11251 | H.R. 15427 |
| S. 605 ✓ | S. 3698 | H.R. 11452 | H.R. 15540 |
| S. 628 | S. 3792 | H.R. 11830 | H.R. 15643 |
| S. 1411 | S. 3838 ✓ | H.R. 12035 | H.R. 16857 ✓ |
| S. 1412 | S. 3979 ✓ | H.R. 12281 | H.R. 17027 |
| S. 1769 ✓ | H.R. 6624 | H.R. 13561 | |
| S. 2348 ✓ | H.R. 6642 | H.R. 13631 | |

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.