SEC. ___. AUTHORITY TO AWARD OR PRESENT A DECORATION FOLLOWING A CONGRESSIONALLY REQUESTED REVIEW.

(a) IN GENERAL.—Section 1130 of title 10, United States Code, is amended—

(1) in the section heading, by inserting "**and award or presentation**" after "**for review**";

(2) in subsection (a), by striking "shall" each place it appears and inserting "may";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

"(d)(1) A decoration may be awarded or presented following submission of a favorable recommendation for the award or presentation under subsection (b).

"(2) An award or presentation under paragraph (1) may not occur before the expiration of a 60-day period for congressional review beginning on the date of submission of the favorable recommendation under subsection (b) regarding the award or presentation.

"(3) The authority to make an award or presentation under this subsection shall apply notwithstanding any limitation described in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 10, United States Code, is amended by striking the item relating to section 1130 and inserting the following new item:

"1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and award or presentation.".

[The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would amend section 1130 of title 10, United States Code (U.S.C.), to add authority to award or present a decoration following (1) submission to the Committee on Armed Services of the Senate (SASC) and the Committee on Armed Services of the House of

Representatives (HASC) and to the requesting Member of Congress of a favorable determination and a detailed discussion of the rationale supporting the determination, and (2) a 60-day period for congressional review of that determination. This would allow for timely award or presentation of decorations pursuant to section 1130 of such title while providing SASC and HASC with ample oversight authority following submission of favorable notifications pursuant to subsection (b) of that section.

Currently, a Medal of Honor, Distinguished Service Cross, Navy Cross, Air Force Cross, or Distinguished Service Medal may not be awarded or presented following submission of a favorable determination pursuant to section 1130(b) of title 10, U.S.C., until by-name legislation waiving the five-year statutory time limit on award (10 U.S.C. 3744, 6248, or 8744) is enacted. This results in extensive delays in awarding decorations to deserving veterans who are often elderly and sometimes in poor health. Further exasperating this issue is the practice of only including time waiver legislation for military medals in the annual National Defense Authorization Act (NDAA), which results in some award recommendations being held in abeyance by the Department of Defense for up to a year pending NDAA enactment. This process, although effective, is not efficient and further delays recognition of deserving veterans, many of whom have already waited numerous years to be appropriately recognized.

Including authority to award and present decorations 60 days following submission of a favorable recommendation pursuant to section 1130(b) of title 10, U.S.C., is a practical solution that eliminates the excessive delays in awarding or presenting decorations to deserving veterans, while still providing SASC and HASC with ample oversight on decoration recommendations resulting from favorable determinations pursuant to that section.

Budgetary Implications: This proposal has no significant budgetary impact. Resources impacted are incidental in nature and amount and are included within the Fiscal Year (FY) 2021 President's Budget.

Changes to Existing Law: This proposal would make the following changes to section 1130 of title 10, United States Code:

§1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review <u>and award or presentation</u>

(a) Upon request of a Member of Congress, the Secretary concerned ~~shall~~ <u>may</u> review a proposal for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary ~~shall~~ <u>may</u> make a determination as to the merits of approving the award or presentation of the decoration.

(b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress a detailed discussion of the rationale

supporting the determination. If the determination includes a favorable recommendation for the award of the Medal of Honor, the Secretary of Defense, instead of the Secretary concerned, shall make the submission under this subsection.

(c) Determinations under this section regarding the award or presentation of a decoration shall be made in accordance with the same procedures that apply to the approval or disapproval of the award or presentation of a decoration when a recommendation for such award or presentation is submitted in a timely manner as prescribed by law or regulation.

(d)(1) A decoration may be awarded or presented following submission of a favorable recommendation for the award or presentation under subsection (b).

(2) An award or presentation under paragraph (1) may not occur before the expiration of a 60-day period for congressional review beginning on the date of the favorable submission under subsection (b) regarding the award or presentation.

(3) The authority to make an award or presentation under this subsection shall apply notwithstanding any limitation described in subsection (a).

~~(d)~~(e) In this section:

(1) The term “Member of Congress” means-

(A) a Senator; or

(B) a Representative in, or a Delegate or Resident Commissioner to, Congress.

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