

corresponding decorations and appurtenances on the scale of one-half. With the exception of the National Security Medal (§578.16), miniatures are not presented or sold by the Army but may be purchased from civilian dealers. There is no miniature of the Medal of Honor or the Legion of Merit, degree of Commander.

[21 FR 7672, Oct. 6, 1956, as amended at 22 FR 9693, Dec. 4, 1957]

§ 578.19 Foreign individual awards.

(a) *Constitutional restriction.* No person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title of any kind whatsoever from any king, prince, or foreign state. (Const., Art I, Sec. 9.) This includes decorations, awards, and gifts tendered by any official of a foreign government.

(b) *Definitions.* (1) *Accept* or *Acceptance* as used in this section means assumption of ownership and permanent possession of a military award or similar object awarded by a foreign government or official for which congressional approval has been granted.

(2) *Receive* or *Receipt* as used in this section means the act of coming into temporary custody of a military award or similar object awarded by a foreign government or official for which congressional approval is required.

(c) *General policy.* The provisions for receipt and/or acceptance, or prohibition thereof, outlined in this section apply to all members of the Armed Forces on active duty, all members of the Reserve components, and all civilian employees of the Army. This policy should be observed also when the award or gift is tendered to a member of the immediate family of any of the foregoing personnel.

(d) *Participation in ceremonies.* Except as prohibited by paragraph (h) of this section, an individual may participate in a ceremony and receive the tender of a foreign award or gift. The receipt of the award or gift will not constitute acceptance of the award by the recipient. Immediately following the ceremony, the individual will forward the award or gift with all appurtenances thereto, and all official papers including diploma and citation, to The Adjutant General.

A brief statement should accompany the award explaining the act or service for which the award was made, date and place of presentation, and name and title of official who made the presentation.

(e) *Congressional authorization.* Except for such awards as may be specifically authorized by the Congress. The Adjutant General will forward each foreign award or gift to the Secretary of State to be held in escrow pending approval of its acceptance by the Congress. Each military and civilian recipient of foreign awards, upon discharge or permanent retirement or other permanent separation from active Federal service, should notify The Adjutant General in order that action may be taken with reference to his award or gifts. The Secretary of State is required by law to transmit the names of retired personnel to the second session of each alternate Congress (5 U.S.C. 115a). Upon approval by the Congress, the award or gift will be forwarded to the individual concerned.

(f) *Acceptance of foreign awards.* An award by a friendly foreign nation may be accepted without the requirement for securing approval by the Congress only as indicated below:

(1) By the next of kin if the award is conferred posthumously upon a former member of the Armed Forces of the United States.

(2) By the next of kin if the recipient dies before approval of acceptance can be obtained.

(3) If the award was conferred or earned while the recipient was serving as a bona fide member of the Armed Forces of the nation conferring the award and if the award is one authorized to be conferred generally upon members of that nation's forces. Such foreign awards must meet the following applicable requirements:

(i) A decoration must be awarded prior to the recipient's entrance into active service in the Armed Forces of the United States.

(ii) A badge must have been qualified for by the recipient under criteria established by the country concerned for award of the badge.

(iii) A service medal must have been earned under usual criteria established by the country concerned.

§ 578.20

32 CFR Ch. V (7-1-99 Edition)

(g) *Foreign service medals.* Service medals awarded by foreign governments for service performed while a member of the Armed Forces of the United States may not be accepted or worn except the Philippine Service Ribbons, the United Nations Service Medal, and others which may be specifically authorized.

(h) *Military Assistance Program.* (1) As an exception to the general policy and procedures set forth in the foregoing paragraphs, the following prohibition shall apply to members of the Armed Forces and civilian employees performing duties in connection with the Military Assistance Program. Specifically, this prohibition includes personnel assigned or attached to, or otherwise performing duty with, Military Assistance Advisory Groups, Military Advisory Groups, Military Aid Groups, or missions having Military Assistance Program functions. Such personnel, regardless of assignment, may not accept the tender of any decoration, award, or gift from foreign governments for duty of this nature. In addition, personnel performing military assistance advisory, programming, budgeting, and/or logistic functions in any headquarters, office, agency, or organization may not accept the tender of any decoration, award, or gift from foreign governments in recognition of such duties. Accordingly, participation in ceremonies involving any such tender is not authorized. In order to avoid embarrassment, the appropriate foreign officials should be acquainted with this prohibition. If presentation is made in spite of such representation, the decoration, award, or gift will be forwarded with a full explanation of the circumstances to The Adjutant General for disposal. This restriction also applies to personnel performing United Nations Truce supervisory activities.

(2) When an award or gift is proffered to a member of the Armed Forces or a civilian employee performing any duty in connection with the Military Assistance Program in recognition of actual combat services against an armed enemy of the United States, or in recognition of heroism involving the saving of life, the foregoing prohibition is inapplicable, and the provisions of

paragraph (e) of this section will be followed.

[26 FR 6435, July 18, 1961]

§ 578.20 Supply of medals and appurtenances.

(a) Items issued by Department of the Army:

- (1) Decorations,
- (2) Service medals,
- (3) Service ribbons,
- (4) Palms,
- (5) Rosettes,
- (6) Clasps,
- (7) Arrowheads,
- (8) Service Stars,
- (9) Good Conduct Medals,
- (10) Oak-Leaf Clusters,
- (11) Letter "V" devices,
- (12) Certificates for decorations,
- (13) Lapel buttons for decorations,
- (14) Lapel buttons, miscellaneous,
- (15) 10-year devices,
- (16) Berlin airlift devices,
- (17) Containers for decorations.

(b) Items not issued or sold by Department of the Army:

- (1) Miniature medals and appurtenances,
- (2) Miniature service ribbons,
- (3) Miniature devices,
- (4) Lapel buttons for service medals,
- (5) Lapel buttons, miscellaneous.

[26 FR 6436, July 18, 1961]

§ 578.21 Original issue or replacement.

(a) *General.* All United States Army medals are presented without cost to the awardee. Replacement medals are likewise issued without cost to an awardee in active Federal military service when his written request includes a statement that the original medal was lost, destroyed, or rendered unfit for use without fault or neglect on his part. Replacement of medals for individuals not on active duty or for eligible next of kin, provided the original issue had been made to them, may be made at cost price. No money should be mailed until instructions are received from The Adjutant General or the Commanding Officer, U.S. Army Records Center, 9700 Page Boulevard, St. Louis, Mo., 63132. Requests should be directed as follows: