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# The Purple Heart: Background and Issues for Congress

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# Summary

The Purple Heart is one of the oldest and most recognized American military medals, awarded to servicemembers who were killed or wounded by enemy action. The conflicts of the last decade have greatly increased the number of Purple Hearts awarded to servicemembers.

Events over the past few years have spurred debate on the eligibility criteria for the Purple Heart. Shootings on U.S. soil and medical conditions such as traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) have prompted changes to the eligibility requirements for the Purple Heart. Some critics believe that these changes may lessen the value of the medal and the sacrifices of past recipients on the battlefield. In the past, efforts to modify the Purple Heart's eligibility requirements were contentious, and veterans groups were very vocal concerning eligibility changes.

While medal requirements are often left to the military and executive branch to decide, Congress is showing increased interest and involvement in Purple Heart eligibility, utilizing its constitutional power "To Make Rules for the Government and Regulation of the land and naval Forces" (U.S. Constitution, Article I, Section 8, clause 14). The Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291) included language that expands eligibility for the Purple Heart.

Previous debates have raised several questions about the Purple Heart. In some respects, how an event is defined can determine eligibility: Is a servicemember the victim of a crime or a terrorist attack? Conversely, arguing that killed or wounded servicemembers "should" be eligible for the Purple Heart can redefine an event: Is the servicemember an advisor to a foreign military or a combatant? Are PTSD and other mental health conditions adequate injuries to warrant the Purple Heart? These are questions that Congress might consider if it chooses to act on this issue.

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# Introduction

Requirements for military awards and decorations can change over time. New events and changes in military, political, or social conditions can generate debate over who is eligible for various military awards. These changes tend to be controversial, especially with veterans groups. Congress has considered several pieces of legislation that would change who would be eligible to receive the Purple Heart, and under what conditions.

The wars in Iraq and Afghanistan have greatly increased the number of servicemembers receiving the Purple Heart award[1] as well as the potential conditions under which they receive the award. Increasingly acknowledged conditions, such as traumatic brain injuries (TBI) and post-traumatic stress disorder (PTSD), as well as accidents and other events while deployed, bring up new questions as to when a servicemember deserves a Purple Heart. The July 17, 2015, shooting of servicemembers at a Marine recruiting office and a naval reserve center in Chattanooga, TN, again prompted questions about applying the Purple Heart to terrorist attacks versus criminal acts.

Veterans groups often voice their views when Congress or the President proposes making changes to expand eligibility for the Purple Heart. These groups argue, for example, that a servicemember who acquires PTSD may not always deserve the same recognition as a servicemember killed or wounded in direct combat,[2] while others contend that these medical conditions can debilitate servicemembers just as much as physical injuries and can have lasting effects on servicemembers' lives. Determining which actions and events make a servicemember qualified for receiving a Purple Heart, and whether expanding eligibility does a disservice to those who have already earned the award, are contentious elements of this debate.

Although Congress has traditionally left many military award requirements to the executive branch, the Constitution does allow Congress to act in this area, and events have prompted changes regarding eligibility for the Purple Heart.[3] On December 19, 2014, Congress passed The Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act (NDAA) for Fiscal Year 2015. Section 571 of the NDAA for FY2015 expanded eligibility by redefining what should be considered an attack by a "foreign terrorist organization" for purposes of determining eligibility for the Purple Heart. As a result, servicemembers wounded and killed in the 2009 shootings in Little Rock, AR, and at Fort Hood, TX, were awarded Purple Hearts in 2015.

Congressional offices often receive questions about Purple Heart eligibility from constituents, especially when eligibility rules change. The number of these questions is likely to increase as servicemembers return from conflicts around the world and if eligibility requirements are again changed. This report will examine the history of the Purple Heart and changes in eligibility over time as well as current issues facing Congress.

[1] According to estimates by the Military Order of the Purple Heart as of April 1, 2015, there are approximately 35,431 Purple Heart recipients from the war in Iraq and 21,910 from Afghanistan including Operation New Dawn, and other casualties. See *Military Order of the Purple Heart*, "Purple Heart Recipients," on PDF p. 7 at http://www.purpleheart.org/DownLoads/Bank/MOPHInformationalBrochures/MOPHToday.pdf.

[2] Gene Beresin, "Why Are We Denying Purple Hearts to Veterans with PTSD?" Huffington Post (updated) May 3, 2015, at http://www.huffingtonpost.com/gene-beresin/why-are-we-denying-purple_b_6786318.html.

[3] U.S. Constitution, Art. I, §8, clause 14.

# Original Conception

In 1782, George Washington created the Badge of Military Merit to reward "any singularly meritorious action" displayed by a soldier, noncommissioned officer, or officer in the Continental Army.[4] This award was intended to encourage gallantry and fidelity among soldiers, and would later become known as the Purple Heart.

The Badge of Military Merit was designed as a purple heart of cloth edged with a narrow lace.[5] Records are incomplete and researchers debate how many soldiers received this award. According to Military Order of the Purple Heart, three soldiers from Connecticut were the first to receive the Badge of Military Merit during the American Revolutionary War. All three were noncommissioned officers and the only recipients who received the award from General Washington. The soldiers were Sergeant William Brown, 5th Connecticut Regiment of the Connecticut Line on May 3, 1783; Sergeant Elijah Churchill, 2nd Continental Light Dragoons on May 3, 1783; and Sergeant Daniel Bissell, 2nd Connecticut Regiment of the Connecticut Line, on June 10, 1783.[6] However, the Badge of Military Merit fell into disuse shortly after its conception.

# History of the Purple Heart

The Badge of Military Merit was not seriously considered again until General Douglas MacArthur (then Army Chief of Staff) revived the award on February 22, 1932, the 200th anniversary of George Washington's birth.[7]

This award, renamed the "Purple Heart," was redesigned to its modern appearance: a purple heart-shaped medal with bronze border and George Washington's coat of arms between two green spray leaves. See **Figure 1**. General MacArthur also redefined the eligibility requirements to those who received Meritorious Service Citation certificates from World War I or those authorized to wear wound chevrons by Army Regulation (AR) 600-8-22, *Military Awards*.[8] It was at this point that the Purple Heart became focused on soldiers killed and wounded in combat, rather than "any singularly meritorious act."

In 1942, President Roosevelt extended the Purple Heart award, which to this point was exclusively an Army award, to Navy, Marine Corps, and Coast Guard members serving in World War II.[9] In 1952, President Truman retroactively awarded Purple Hearts to personnel in the Navy, Marine Corps, and Coast Guard that qualified after April 5, 1917, thus including World War I veterans of all services.[10]

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[4] John C Fitzpatrick, *The Writings of George Washington from the Original Manuscript Sources 1745-1799*, vol. 24 (U.S. Government Publishing Office), p. 488.

[5] Ibid.

[6] Military Order of the Purple Heart, "Updated History of the Purple Heart," on p. 9 at http://www.purpleheart.org/DownLoads/Bank/MOPHInformationalBrochures/HistoryOfThePurpleHeart.pdf; and Fred. L. Borch, *For Military Merit Recipients of the Purple Heart*, Annapolis, MD: Naval Institute Press, 2010: pp. 16-19.

[7] Ibid, General Douglas MacArthur, War Department, General Orders No. 3, February 22, 1932.

[8] Army Regulation (AR) 600-8-22, *Military Awards*, revised 25 June 2015, at https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/r600_8_22.pdf.

[9] Executive Order 9277, "Award of the Purple Heart to Persons Serving with the Navy, Marine Corps, or Coast Guard of the United States," 7 *Federal Register* 10125, December 5, 1942; and President Franklin D. Roosevelt Papers, The American President Project, at http://www.presidency.ucsb.edu/ws/index.php?pid=60972.

[10] Executive Order 10409, "Award of the Purple Heart to Persons Serving with the Navy, Marine Corps, or Coast

From 1962 until 1998, eligibility for the Purple Hearts was changed on several occasions. President Kennedy authorized Purple Hearts to all servicemembers, and civilians serving with the Armed Forces, who were engaged in armed conflict against an opposing military or hostile foreign force.[11] This expansion was written to permit U.S. servicemembers, and the civilians that accompanied them, who were killed or wounded in Vietnam to receive the Purple Heart, as many of those servicemembers were officially considered advisors to the Republic of Vietnam, rather than combatants.[12]

Purple Heart eligibility was expanded again by President Reagan to include military personnel and government civilians killed or wounded in international terrorist attacks after March 28, 1973, or those serving in peacekeeping operations outside of the United States.[13] This expansion was in response to increased terrorist attacks against U.S. servicemembers abroad, namely the Marine Corps Barracks bombing in Beirut, Lebanon, in 1983.[14]

The NDAA for Fiscal Year 1996 expanded eligibility to prisoners of war injured or wounded in captivity prior to 1962, a group of servicemembers previously not covered for Purple Heart eligibility by President Kennedy's executive order.[15] In 1997, President Clinton signed the NDAA for Fiscal Year 1998, which limited future awards of the Purple Heart to military personnel.[16] It has since remained a military-only award.

The Department of Defense does not maintain a record of the number of Purple Heart recipients. However, some military historians estimated more than 1 million Purple Hearts have been awarded mostly to soldiers since 1932.[17] Likewise, the National Purple Heart Hall of Honor estimates 1.8 million Purple Hearts have been awarded since the medal was established by the Army in 1932.[18]

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Guard of the United States," 17 *Federal Register* 10397, November 14, 1952; and President Harry S. Truman Papers, The American Presidency Project at http://www.presidency.ucsb.edu/ws/index.php?pid=76555.

[11] Executive Order 11016, "Authorizing Award of the Purple Heart," 27 *Federal Register* 4139, April 25, 1962; and Executive Orders, National Archives at https://www.archives.gov/federal-register/codification/executive-order/11016.html.

[12] William B. Theyer, "The Oldest Military Decoration, the Purple Heart, is Proof Positive that One Has 'Seen the Elephant,'" *Supplement*, October 1991, p. 58.

[13] Executive Order 12464, "Award of the Purple Heart," 49 *Federal Register* 7099, February 27, 1984; and President Ronald Reagan Papers, The American Presidency Project at http://www.presidency.ucsb.edu/ws/?pid=39559.

[14] Madeline Sapienza, *Peacetime Awards of the Purple Heart in the Post-Vietnam Period*, U.S. Army Center for Military History, Washington, DC, July 1987.

[15] 110 Stat. 186, P.L. 104-106, National Defense Authorization Act for Fiscal Year 1996, February 10, 1996.

[16] 111 Stat. 1756, P.L. 105-85, National Defense Authorization Act for Fiscal Year 1998, November 18, 1997. Some sources report that this change was prompted by complaints from groups that were upset when President Clinton posthumously awarded a Purple Heart to Commerce Secretary Ron Brown, who was killed in a plane crash while on a government mission to Croatia in 1996. Rick Maze, "Civilian Victims of Attacks to be Awarded Special Medal," *Air Force Times*, October 8, 2001: 28.

[17] Fred L. Borch, *For Military Merit: Recipients of the Purple Heart*, (Annapolis, MD: Naval Institute Press, 2010), p.15. Author notes that the Purple Heart was an Army-only award from 1932-1942, and therefore more soldiers received the Purple Heart more than all sailors, airmen, Marines, and Coast Guardsmen combined.

[18] The National Purple Heart Hall of Honor, Frequently Asked Questions (FAQs), "How many Purple Hearts have been awarded?" at https://www.thepurpleheart.com/questions/.

# Current Eligibility

Currently, the Purple Heart is authorized for any member of the U.S. Armed Forces who has been wounded or died from wounds sustained under one of the following conditions:[19]

> (1) In accordance with E.O. 11016, subject to the provisions of Sections 1129, 1129a, and 1131 of Title 10, U.S.C., and P.L. 104-106, the Secretary of a Military Department, will, in the name of the President of the United States, award the PH, with suitable ribbons and appurtenances, to any Service member under the jurisdiction of that Department who, after April 5, 1917, has been wounded, killed, or who has died or may hereafter die of wounds received under any of the following circumstances:
>
> (a) In action against an opposing armed force of a foreign country in which U.S. Armed Forces are or have been engaged.
>
> (b) In any action with an opposing armed force of a foreign country in which the Military Services are or have been engaged.
>
> (c) While serving with friendly foreign forces engaged in armed conflict against an opposing armed force in which the United States is not a belligerent party.
>
> (d) As a result of an act of any such enemy or opposing armed forces.
>
> (e) As the result of an act of any hostile foreign force.
>
> (f) After March 28, 1973, as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack for purposes of award of the PH by the Secretary of the Military Department concerned, or jointly by the Secretaries of the Military Departments concerned if members from more than one Military Department are wounded in the attack. The Secretary of the Military Department concerned shall notify the Under Secretary for Personnel and Readiness USD(P&R) prior to awarding the PH for an international terrorist attack that occurs in the United States or its territories.
>
> (g) After March 28, 1973, as a result of military operations while serving outside the territory of the United States as part of a peacekeeping force.
>
> (h) On or after December 7, 1941, pursuant to Section 1129 of Title 10, U.S.C., a service member who is killed or wounded in action as the result of action by friendly weapon fire while directly engaged in combat, other than as a result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.
>
> (i) Before April 25, 1962, pursuant to Section 521 of P.L. 104-106 which held as a prisoner of war (POW), or while being taken captive in the same manner as a former POW who is wounded on or after that date while held as a POW. A person will be considered to be a former POW if the person is eligible for the POW Medal under Section 1128 of Title 10, U.S.C.[20]

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[19] Department of Defense, *Manual of Military Decorations and Awards: DoD-wide Performance and Valor Decorations*, Manual 1348.33, Volume 3, December 21, 2016, at http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/134833v3_dodm_2016.pdf, on pp. 24-25.

[20] Prisoners of War after December 7, 1941: a servicemember who has been killed (executed) or who has died (due to living conditions or treatment by the enemy) and maintained honorable character while a prisoner of war, unless evidence shows that the servicemember's death was not a result of enemy action (such as suicide); and DOD Manual 1348.33, Volume 2, *Manual of Military Decorations and Awards: DoD Service Awards – Campaign, Expeditionary, and Service Medals*, December 21, 2016, at http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/134833v2_dodm_2016.pdf.

(j) On or after December 7, 1941, to a Service member who is killed or dies while in captivity as a prisoner of war (POW) under circumstances establishing eligibility for the POW medal pursuant to section 1128 of Title 10, U.S.C., and Volume 2 of DoD Manual 1348.33, *Manual of Military Decorations and Awards*, unless compelling evidence is presented that shows that the member's death was not the result of enemy action.

(k) After September 11, 2001, pursuant to section 1129a of Title 10, U.S.C., to a Service member on active duty who is killed or wounded in an attack by a foreign terrorist organizations in circumstances where the death or wound is the result of an attack targeted on the member due to such member's status as a member of the armed forces.

1. An attack by an individual or entity shall be considered to be a foreign terrorist attack if the individual or entity was in communication with the foreign terrorist organization before the attack and the attack was inspired or motivated by the foreign terrorist organization.
2. An award is not authorized if the death or wound was the result of the willful misconduct of the Service member.
3. To assist in making a PH determination pursuant to section 1129a of Title 10, U.S.C., the Military Department Secretary concerned may request an intelligence assessment from the Defense Intelligence Agencies' Defense Combating Terrorism Center (DCTC). The DCTC assessment of potential foreign terrorist attacks by an individual or entity will assess whether the individual or entity was in communication with the foreign terrorist organization before the attack, and if the attack was inspired or motivated by the foreign terrorist organization. The assessment shall include supporting citations and rationale.

(2) A wound for which the award is made must have been of such severity that it required treatment, not just examination, by a military medical officer.

(a) Treatment must be noted in the Servicemember's medical record.

(b) Award may be made of wounds treated by a medical professional other than a medical officer provided a medical officer issues a statement in the Service member's medical record that the extent of the wounds were such that the wounds would have required treatment from a medical officer if one had one been available to treat the wounds.[21]

(3) After May 17, 1998, pursuant to Section 1131 of Title 10, U.S.C., the PH may only be awarded to a person who is a Service member at the time the person is killed or wounded under circumstances otherwise qualifying that person for award of the PH. Before this date, the Secretary of the Military Department concerned was authorized to award the PH to U.S. civilian nationals who were serving under competent authority in any capacity with the armed forces of that department.[22]

For deceased servicemembers, the Purple Heart may be given to the representatives of the deceased as the individual Service Secretary considers appropriate.

Servicemembers can be awarded multiple Purple Hearts for separate incidents. The servicemember receives the Purple Heart medal for the first award. Subsequent awards are

[21] Jim Garamone, "DOD Issues Purple Heart Standards for Brain Injury," Army.mil, April 28, 2011, at https://www.army.mil/article/60078/dod_issues_purple_heart_standards_for_brain_injury; Department of Defense, Department of Defense, *Manual of Military Decorations and Awards: DoD-wide Performance and Valor Decorations*, Manual 1348.33, Volume 3, December 21, 2016, see 3.7. Purple Heart (PH) on pp. 23-26 at http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/134833v3_dodm_2016.pdf.

[22] Ibid.

indicated with oak leaf clusters or 5/16 inch service stars, depending on the rules of the recipient's service.[23] Purple Hearts may not be awarded to foreign military personnel.

# Issues for Congress

Although the decision to award medals and other military decorations traditionally rests with the executive branch, Congress has been expanding its role in this area in recent decades, exercising its constitutional power "To Make Rules for the Government and Regulation of the land and naval forces."[24] Previously, Congress took the lead and adjusted Purple Heart eligibility in both the NDAA for FY1996 and the NDAA for FY1998. See **Appendix A**. In response to some recent mass shootings, Congress passed a provision in the NDAA for FY2015 that expanded the Purple Heart's eligibility requirements.

## Domestic Terrorism and the FY2015 NDAA (P.L. 113-291)

### Little Rock, Arkansas, and Fort Hood, Texas, 2009

On June 1, 2009, a man who was allegedly angry over the killing of Muslims in Iraq and Afghanistan opened fire on two U.S. Army soldiers near a recruiting station in Little Rock, AR, killing one and wounding the other.[25] On November 5, 2009, an Army major opened fire at Ft. Hood, TX, killing 13 and wounding 29, many of them servicemembers. Both men were charged with murder and other crimes.[26]

Federal and local law enforcement authorities initially considered these acts to be crimes, and the Defense Department reports the Fort Hood shooting as "workplace violence," not acts perpetrated by an enemy or hostile force, which made them ineligible for the Purple Heart.[27] However, some believed these acts should be viewed as acts of war or domestic terrorism because they involved Muslim perpetrators angered over U.S. actions in Iraq and Afghanistan.[28]

Section 571 of the NDAA for FY2015 (P.L. 113-291) expanded the eligibility for the Purple Heart by redefining what should be considered an attack by a "foreign terrorist organization" for purposes of determining eligibility for the Purple Heart. The law states that an event should be considered an attack by a foreign terrorist organization if the perpetrator of the attack "was in communication with the foreign terrorist organization before the attack" and "the attack was inspired or motivated by the foreign terrorist organization."

Still, some are opposed to awarding the Purple Heart for terrorist acts that were initially deemed "workplace violence" by the Department of Defense (DOD) or a criminal act, and not earned on a battlefield.[29] This act arguably sets a precedent for the future and could make Purple Heart

[23] See an example at "Medal #6 Purple Heart with Oak Leaf Clusters," Audie L. Murphy Memorial Website, at http://www.audiemurphy.com/decorations006.htm. Note: Murphy was the most decorated U.S. soldier during WWII.

[24] U.S. Constitution, Art. I, §8, clause 14.

[25] Steve Barnes and James Dao, "Gunman Kills Soldier outside Recruiting Station," *The New York Times*, June 2, 2009, at http://www.nytimes.com/2009/06/02/us/02recruit.html?_r=1.

[26] Ibid.

[27] Department of Defense, "DOD Releases Final Fort Hood Review," [Archived] Press Release No: 749-10, August 20, 2010, at http://archive.defense.gov/Releases/Release.aspx?ReleaseID=13816.

[28] Sig Christenson, "Some Labeling Hasan Terrorist," *San Antonio Express-News*, August 13, 2012, at http://www.mysanantonio.com/news/local_news/article/Some-labeling-Hasan-terrorist-3783225.php.

[29] Secretary of Defense Memorandum, "Final Recommendations of the Ft. Hood Follow-on Review," August 18, 2010,

eligibility more subjective, allowing public sentiment to determine what events are worthy of a Purple Heart.

On April 10, 2015, then-Army Secretary John McHugh and Army Lieutenant General Sean MacFarland, 3rd Corps and Fort Hood commanding general, presented Purple Hearts to the families of the 10 servicemembers killed and to the 26 servicemembers wounded during the attack.[30] Defense of Freedom Medals were also awarded to DOD civilians killed and wounded during the attack. In a memorandum, Secretary McHugh directed the Army to "expedite certain other benefits for which soldiers receiving the Purple Heart are traditionally eligible."[31]

In addition to the victims of the Fort Hood shooting, the two victims of the June 2009, shooting at a recruiting station in Little Rock, Arkansas, received Purple Hearts on July 1, 2015. Army Private William Andrew "Andy" Long was killed and Army Private Quinton Ezeagwula was wounded in that attack by Abdulhakim Muhammad, who was convicted and sentenced to life in prison without the possibility of parole.[32]

## NDAA for FY2016 (H.R. 1735)

Encouraged by the expanded eligibility provision in the NDAA for FY2015, legislation was introduced during the 114th Congress to award Purple Hearts to other military victims of domestic terrorism.[33] Section 583 of the House-passed version of H.R. 1735, the NDAA for FY2016, would have awarded the Purple Heart to servicemembers who were victims of the April 19, 1995, Oklahoma City, Oklahoma bombing. Supporters for awarding the Purple Heart to the victims of the Oklahoma City bombing refer to the FY2015 NDAA as precedent. However, critics contend that the bombing was an act of domestic terrorism and does not meet the current eligibility requirements of the assailant being inspired by or motivated by an international terrorist organization. The final version of the FY2016 NDAA (P.L. 114-92) did not include this provision.

## Chattanooga Shooting on July 16, 2015

On July 16, 2015, Muhammad Youssef Abdulazeez shot at a Marine Corps recruiting center and Naval Reserve Center in Chattanooga, TN. This incident again raised congressional interest regarding the eligibility for the Purple Heart for servicemembers killed and wounded during an attack inspired by or motivated by international terrorist organizations. Four marines were killed, and one injured during the rampage, and the lone sailor later died from his injuries.[34] The FBI

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at http://archive.defense.gov/news/d20100820FortHoodFollowon.pdf; and *Protecting the Force: Lessons From Fort Hood*, DOD Independent Review Related to Fort Hood, January 2010, see Finding 2.6 on pp. 15-16 (PDF pp.19-20), at https://www.defense.gov/Portals/1/Documents/pubs/DOD-ProtectingTheForce-Web_Security_HR_13Jan10.pdf.

[30] Heather Graham-Ashley, "Fort Hood Shooting Victims, Families Receive Medals," DOD News, April 11, 2015, at https://www.defense.gov/News/Article/Article/604443/fort-hood-shooting-victims-families-receive-medals/.

[31] Army Public Affairs, "McHugh orders benefits be provided to Purple Heart recipients," April 16, 2015, at https://www.armytimes.com/news/your-army/2015/04/16/army-extends-benefits-to-hood-shooting-victims/; and Michelle Tan, "Army Extends Benefits to Hood Shooting Victims," *Army Times*, April 16, 2015, at https://www.armytimes.com/news/your-army/2015/04/16/army-extends-benefits-to-hood-shooting-victims/.

[32] Claudia Lauer, "Army Recruiters Shot in Little Rock to Receive Purple Heart," *Military Times*, April 16, 2015, at https://www.militarytimes.com/news/your-military/2015/04/17/army-recruiters-shot-in-little-rock-to-receive-purple-heart/.

[33] CRS Report R44120, *FY2016 National Defense Authorization Act: Selected Military Personnel Issues*, coordinated by Don J. Jansen. See section "Award of the Purple Heart to members of the Armed Forces who were victims of the Oklahoma City, OK, bombing."

[34] Killed were the following Marines: Sgt. Carson Holmquist, Gunnery Sgt. Thomas J. Sullivan, Lance Cpl. Squire K.

investigation later concluded that Abdulazeez was "motivated by foreign terrorist organization propaganda," but that it was difficult to determine which terrorist group may have inspired him.[35]

On December 16, 2015, then-Secretary of the Navy Ray Mabus announced that the Purple Heart would be awarded to five servicemembers killed and one wounded in the July 2015 shootings at two naval centers in Chattanooga, Tennessee. Secretary Mabus stated that "following an extensive investigation, the FBI and NCIS have determined that this attack was inspired by a foreign terrorist group, the final criteria required for the awarding of the Purple Heart to this Sailor and these Marines."[36]

On January 14, 2016, then-Navy Vice Admiral Robin Braun presented the Purple Heart to the family of Logistics Specialist 2nd Class Randall Smith at the Navy Operational Support Center Chattanooga.[37] Brigadier General Terry V. Williams presented the Purple Heart on January 26, 2016, to Sergeant DeMonte R. Cheeley, who survived the attack, at a ceremony in Chattanooga.[38]

On April 20, 2016, Lieutenant General Rex McMillian, then-head of Marine Corps Forces Reserve, presented Purple Hearts to the families of Gunnery Sergeant Thomas Sullivan, Staff Sergeant David Wyatt, Sergeant Carson Holmquist and Lance Corporal Squire "Skip" Wells during an in a ceremony at the Hunter Museum of American Art in Chattanooga.[39]

## Attack on Paris-Bound Train, August 21, 2015

U.S. Airman 1st Class Spencer Stone was onboard a train from Amsterdam to Paris with two friends, Anthony Sadler and Alek Skarlatos, when they subdued a heavily armed gunman who attempted to fire an AK-47 at the passengers. Stone was stabbed in the face and neck by the gunman as the trio restrained him before he could discharge his weapon. The vacationing Americans were hailed as heroes and awarded the French Legion of Honor on August 24, 2015. On September 14, 2015, Air Force Secretary Deborah Lee James announced that Stone would receive the Purple Heart along with the Airman's Medal, the Air Force's highest noncombat award.[40] At the Pentagon on September 17, 2015, then-Defense Secretary Ash Carter presented Stone the Purple Heart and Airman's Medal. During the ceremony, Carter presented the Soldier's

Wells, and Staff Sgt. David A. Wyatt; and Navy Petty Officer 2nd Class Randall Smith. Marine Sgt. DeMonte Cheeley was injured but survived the attack.

[35] Kristina Sgueglia, "Chattanooga shootings 'inspired' by terrorists, FBI chief says," CNN, December 16, 2015, at http://www.cnn.com/2015/12/16/us/chattanooga-shooting-terrorist-inspiration/.

[36] U.S. Navy, Office of the Chief of Information, "SECNAV Awards Purple Heart to Chattanooga Sailor and Marines," Story Number: NNS151216-15, December 16, 2015, at http://www.navy.mil/submit/display.asp?story_id=92467.

[37] Navy Operational Support Center Chattanooga, "Purple Heart Ceremony Honors Logistics Specialist 2nd Class Randall Smith," Story Number: NNS160115-07, January 15, 2016, at http://www.navy.mil/submit/display.asp?story_id=92724.

[38] Jeffrey Schogol, "Marine wounded in Chattanooga attack receives Purple Heart," *Marine Times*, January 26, 2016, at https://www.marinecorpstimes.com/story/military/2016/01/26/marine-wounded-chattanooga-attack-receives-purple-heart/79365006/.

[39] Matthew L. Schehl, "Families of Marines killed in Chattanooga attack receive Purple Hearts," *Marine Times*, April 20, 2016, at https://www.marinecorpstimes.com/story/military/2016/04/20/families-marines-killed-chattanooga-attack-receive-purple-hearts/83286802/.

[40] Stephen Losey, "Airman Spencer Stone, hero in foiled French terror plot, to receive Purple Heart," *Air Force Times*, September 14, 2015, at https://www.airforcetimes.com/news/your-air-force/2015/09/14/airman-spencer-stone-hero-in-foiled-french-terror-plot-to-receive-purple-heart/.

Medal to Oregon National Guard Specialist Alek Skarlatos, and civilian Anthony Sadler received the Secretary of Defense Medal for Valor.[41]

### Orlando Shooting on June 12, 2016

On June 12, 2016, a security guard, Omar Mateen, killed 49 people and wounded 53 others in an attack inside Pulse, a gay nightclub in Orlando, Florida. Army Reserve Captain Antonio D. Brown[42] was one of the 49 people killed and may be eligible for the Purple Heart depending on the outcome of the FBI investigation. According to the FBI, Mateen had pledged allegiance to the Islamic State group after his attack in a call to 911.[43] The investigation was ongoing with the arrest of the gunman's wife, Noor Salman, in January 2017.[44] On December 6, 2017, a judge ordered her to stand trial in March 2018 in Orlando, where she was charged with providing material support to a terror organization and obstruction of justice.[45] On March 30, 2018, a jury found Noor Salman not guilty. She was acquitted of obstruction of justice and also of aiding and abetting her husband, Omar Mateen, in providing material support to a foreign terror organization, the Islamic State group.[46] At this time, it is unclear if the Army will make a decision regarding Captain Brown's eligibility for the Purple Heart.

## Private Corrado Piccoli Purple Heart Preservation Act of 2016

On September 28, 2016, H.R. 6234 was introduced to amend Title 18, U.S.C., to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces. This legislation would have made selling the medal punishable by fines and up to six months in prison. H.R. 6234 would have placed the Purple Heart into a new protected category, keeping it away from not just con artists but also memorabilia collectors.[47] The measure was named for Private Corrado Piccoli, a World War II infantryman killed in action in 1944, whose Purple Heart was found for sale at an antique store in 2009.[48] This bill was referred to the House Judiciary

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[41] David Vergun, "Carter Honors 3 who Stopped Gunman on Paris-Bound Train," Army News Service, September 17, 2015, at https://www.defense.gov/News/Article/Article/617702/carter-honors-3-who-stopped-gunman-on-paris-bound-train/.

[42] DOD News, "Statement by Secretary of Defense Ash Carter on the Death of Army Reserve Captain Antonio Brown," Press Release No: NR-216-16, June 14, 2016, at https://www.defense.gov/News/News-Releases/News-Release-View/Article/799493/statement-by-secretary-of-defense-ash-carter-on-the-death-of-army-reserve-capta/.

[43] FBI Tampa, "Investigative Update Regarding Pulse Nightclub Shooting," June 20, 2016, at https://www.fbi.gov/contact-us/field-offices/tampa/news/press-releases/investigative-update-regarding-pulse-nightclub-shooting; and Tara Copp, "DOD: Soldier slain in Orlando attack might qualify for Purple Heart," *Stars and Stripes*, June 16, 2016, at https://www.stripes.com/news/dod-soldier-slain-in-orlando-attack-might-qualify-for-purple-heart-1.415017#.WeET5FGQxEY.

[44] Department of Justice, U.S Attorney's Office Middle District of Florida, "Wife Of Pulse Nightclub Shooter Charged With Aiding And Abetting Her Husband And Obstruction Of Justice," news release, January 17, 2017, at https://www.justice.gov/usao-mdfl/pr/wife-pulse-nightclub-shooter-charged-aiding-and-abetting-his-attack-and-obstruction.

[45] Krista Torralva, "Pulse shooter's widow will stand trial in Orlando, federal judge decides," *Orlando Sentinel*, December 6, 2017, at http://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-pulse-noor-salman-denied-change-of-venue-20171206-story.html.

[46] Krista Torralva and Gal Tziperman Lotan, "Noor Salman verdict: Omar Mateen's widow not guilty of all charges in Pulse massacre," *Orlando Sentinel*, March 30, 2018, at http://www.orlandosentinel.com/news/pulse-orlando-nightclub-shooting/os-noor-salman-pulse-trial-verdict-not-guilty-20180327-story.html.

[47] Leo Shane III, "Selling Purple Hearts would be illegal if this bill becomes law," *Military Times*, October 3, 2016, at https://www.militarytimes.com/pay-benefits/military-benefits/2016/10/03/selling-purple-hearts-would-be-illegal-if-this-bill-becomes-law/.

[48] Ibid.

Subcommittee on Crime, Terrorism, Homeland Security, and Investigations but saw no further action in the 114th Congress. It would later be reintroduced in the 115th Congress.

## 115th Congress Legislation

On January 13, 2017, H.R. 544, the Private Corrado Piccoli Purple Heart Preservation Act of 2017, was introduced; a related bill, S. 765, was introduced in the Senate on March 29, 2017. For bill summaries of all current legislation see **Table 1** below.

**Table 1. Purple Heart Legislation in the 115th Congress (2017-2018)**

| Bill Number and Date Introduced | Title | Latest Action |
|---|---|---|
| H.R. 544 on 1/13/2017 | Private Corrado Piccoli Purple Heart Preservation Act | 2/8/2017—Referred to House Committee on the Judiciary, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. |
| H.R. 1379 on 3/7/2017 | To amend Title 38, United States Code, to provide for the entitlement to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs for members of the Armed Forces awarded the Purple Heart. | 3/9/2017—Referred to House Committee on Veterans' Affairs, Subcommittee on Economic Opportunity. |
| H.R. 1683 on 3/22/2017 | National Purple Heart Hall of Honor Commemorative Coin Act | 3/22/2017—Referred to House Committee on Financial Services. |
| H.R. 2704 on 5/25/2017 | Purple Heart Heroes Act of 2017 | 7/17/2017—Referred to House Committee on Armed Services, Subcommittee on Military Personnel. |
| H.Res. 335 on 5/17/2017 | Supporting the goals and ideals of National Purple Heart Recognition Day. | 6/16/2017—Referred to House Committee on Armed Services, Subcommittee on Military Personnel. |
| H.R. 5467 on 4/11/2018 | Purple Heart and Disabled Veterans Equal Access Act of 2018 | 4/12/2018—Referred to House Committee on Armed Services, Subcommittee on Military Personnel. |
| H.R. 5515 on 04/13/2018 | National Defense Authorization Act for Fiscal Year 2019<br>Sec. 629. Extension of certain morale, welfare, and recreation privileges to certain veterans and their caregivers.<br>(a) Short title.—This section may be cited as the "Purple Heart and Disabled Veterans Equal Access Act of 2018." | 06/18/2018—Passed/agreed to in Senate with an amendment by Yea-Nay Vote. 85-10. Record Vote Number: 128.<br>6/19/2018—Message on Senate action sent to the House. |
| S. 765 on 3/29/2017 | Private Corrado Piccoli Purple Heart Preservation Act | 8/23/2017—Referred to House Committee on the Judiciary, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. |

| Bill Number and Date Introduced | Title | Latest Action |
|---|---|---|
| S. 882 on 4/6/2017 | A bill to amend Title 38, United States Code, to provide for the entitlement to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs for members of the Armed Forces awarded the Purple Heart, and for other purposes. | 6/15/2017—Read twice and referred to Senate Committee on Veterans' Affairs. Hearings held. |
| S.Res. 241 on 8/1/2017 | A resolution supporting the goals and ideals of National Purple Heart Recognition Day. | 8/1/2017—Passed/agreed to in Senate. Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent. |

**Source:** Congress.gov

## Traumatic Brain Injuries, Post-Traumatic Stress Disorder, and the Purple Heart

The large number of veterans with invisible wounds[49] returning from Iraq and Afghanistan has the Department of Defense (DOD) reevaluating Purple Heart eligibility for traumatic brain injuries (TBI) and mental conditions such as post-traumatic stress disorder (PTSD).[50] DOD considers some TBIs eligible for the Purple Heart, as many of those injuries can be diagnosed using brain scans and other objective medical tests.[51] However, there is continued debate on the inclusion of mental conditions, such as PTSD, as part of the appropriate criteria for the Purple Heart. Congress, as well as various executive agencies and departments, is funding and conducting studies regarding PTSD.[52] The National Alliance on Mental Illness, a national grassroots advocacy group representing families and people affected by mental illness, is advocating that the Purple Heart be awarded for psychological wounds including PTSD to eliminate stigma and encourage servicemembers to seek care.[53]

[49] "Invisible wounds" a term used to describe psychological and cognitive injuries. See Terri Tanielian and Lisa H. Jaycox, editors, *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery*, Rand Corporation, 2008, at http://www.rand.org/content/dam/rand/pubs/monographs/2008/RAND_MG720.sum.pdf.

[50] The National Institutes of Health (NIH) classifies PTSD as an anxiety disorder that often occurs after experiencing a traumatic event, such as disaster, assault, abuse, prison, or war. The cause of PTSD is unknown, although psychological, genetic, social, and physical factors are involved. There are also no tests to diagnose PTSD; doctors make the diagnosis based on a medical professional's judgment of the symptoms. It is unclear why a traumatic event causes PTSD in some people and not in others. NIH Post-Traumatic Stress Disorder site at https://www.nimh.nih.gov/health/publications/post-traumatic-stress-disorder-ptsd/index.shtml. See also "Information about the Purple Heart and Mild Traumatic Brain Injury (MTBI)" at https://www.hrc.army.mil/content/Purple%20Heart.

[51] Jim Garamone, "DOD Issues Purple Heart Standards for Brain Injury," American Forces Press Service, April 28, 2011, at https://www.army.mil/article/60078, and "Army Clarifies Award of Purple Heart for Concussion," American Forces Press Service, May 2, 2011, at http://www.army.mil/article/55850/.

[52] CRS Report R40941, *Health Care for Veterans: Traumatic Brain Injury*, by Erin Bagalman.

[53] National Alliance on Mental Illness, *Parity for Patriots: The Mental Health Needs of Military Personnel, Veterans, and their Families*, Arlington, VA, June 2012, p. 7, at http://www.nami.org/getattachment/About-NAMI/Publications/Reports/ParityforPatriots.pdf.

At this time, DOD does not consider servicemembers with PTSD eligible for the Purple Heart. Army Regulation 600-8-22 allows "concussion injuries caused as a result of enemy generated explosions" but specifically disqualifies post-traumatic stress disorders.[54] Army guidance emphasizes "the degree to which the enemy caused the injury" when determining eligibility and places PTSD in a column of noneligible injuries.[55] The Marine Corps defines PTSD as a "severe combat stress injury" and says that combat stress injuries are "not directly caused by the enemy's intentional use of an outside force or agent," and thus do not qualify.[56]

However, servicemembers are divided on this issue. Some servicemembers believe that mental injuries such as PTSD should be eligible for the Purple Heart, while others believe that it would dishonor those who have received Purple Hearts for physical injuries.[57] Proponents argue that some veterans are less likely to seek help for their mental-health injuries because of the stigma associated with PTSD, and that stigma could be lessened by recognizing their injuries as real.[58] Opponents, including some veterans from the Military Order of the Purple Heart and Veterans of Foreign Wars, are resistant to accepting PTSD as grounds for eligibility. A representative of The Military Order of the Purple Heart stated, "We believe strongly in and support the criteria that the wound or death should be sustained in combat at the hands of the enemies of the United States."[59] In addition, the national spokesman for the Veterans of Foreign Wars, Joseph E. Davis, said, "Medals aren't awarded for illness or disease, but for 'achievement and valor.'"[60]

[54] Department of the Army, Army Regulation 600-8-22, *Military Awards*, June 25, 2015, See *h*. Examples of injuries or wounds which clearly do not justify award of the Purple Heart (10) Post traumatic stress disorders on p. 23 (PDF p. 39 of 306 pages), at http://www.apd.army.mil/epubs/DR_pubs/DR_a/pdf/web/r600_8_22.pdf.

[55] Ibid.

[56] Manpower Management Division, Manpower and Reserve Affairs, Headquarters Marine Corps, Purple Heart *Medal-Revised Criteria for Mild Traumatic Brain Injury and Updated Coordinating Instructions*, MARADMIN 245/11, April 15, 2011, at http://www.marines.mil/News/Messages/Messages-Display/Article/888214/purple-heart-medal-revised-criteria-for-mild-traumatic-brain-injury-and-updated/.

[57] Jacqueline Kilmas, "Fort Hood's Mentally Wounded Veterans Don't Qualify for Purple Hearts 2009 Shooting," *Washington Times*, April 9, 2015, at http://www.washingtontimes.com/news/2015/apr/9/ft-hoods-mentally-wounded-veterans-dont-qualify-fo/.

[58] Nathan Fletcher, "Veterans with Mental-Health Injuries Deserve Purple Hearts, too," *Washington Post*, May 29, 2017, at https://www.washingtonpost.com/opinions/veterans-with-mental-health-injuries-deserve-purple-hearts-too/2017/05/29/b1210a3e-4250-11e7-9869-bac8b446820a_story.html?utm_term=.b922f44d91db.

[59] Ibid.

[60] Barrie Barber, "Purple Hearts for PTSD Debated," *Dayton Daily News*, June 17, 2012, at http://www.daytondailynews.com/news/news/local/purple-hearts-for-ptsd-debated-3/nPgwh/.

**Figure 1. The Purple Heart Medal**

Obverse (Front)

Reverse (Back)

**Source:** The Institute of Heraldry, Personal Decorations: Purple Heart at http://www.tioh.hqda.pentagon.mil/Catalog/ViewImage.aspx?id=10275.

# Appendix A. Timeline of Purple Heart Eligibility

August 7, 1782: George Washington creates the Badge of Military Merit. Awarded to several Continental soldiers but it quickly falls from use.

February 22, 1932: Army Chief of Staff General Douglas MacArthur revives the Badge of Military Merit as an Army award, renamed "the Purple Heart," and retroactively awarded to wounded WWI veterans.

December 3, 1942: Executive Order 9277—President Franklin Roosevelt expands Purple Heart eligibility to include U.S. Navy, Marine Corps, and Coast Guard. Retroactively awards Purple Hearts to December 6, 1941.

November 12, 1952: Executive Order 10409—President Truman retroactively awards Purple Hearts to U.S. Navy, Marine Corps, and Coast Guard veterans after April 5, 1917.

April 25, 1962: Executive Order 11016—President Kennedy extends eligibility to civilians serving with military forces.

February 23, 1984: Executive Order 12464—President Reagan awards Purple Hearts to those killed and wounded in terrorist attacks after March 28, 1973, or on peacekeeping missions outside the United States.

February 10, 1996: National Defense Authorization Act for Fiscal Year 1996 (Section 521, P.L. 104-106) includes "prisoners of war wounded before April 25, 1962, while held as a prisoner of war (or while being taken captive) in the same manner as a former prisoner of war who is wounded on or after that date while held as a prisoner of war (or while being taken captive)."

November 18, 1997: National Defense Authorization Act for Fiscal Year 1998 (Section 571, P.L. 105-85) limits future Purple Heart awards to members of the Armed Forces.

October 17, 2006: National Defense Authorization Act for Fiscal Year 2007 (Section 556, P.L. 109-364) includes prisoners of war captured after December 7, 1941.

April 30, 2008: Purple Heart Family Equity Act of 2007 (P.L. 110-207) revises the congressional charter of the Military Order of the Purple Heart to authorize associate membership for the spouse and siblings of a recipient of the Purple Heart medal.

December 19, 2014: National Defense Authorization Act for Fiscal Year 2015 (Section 571, P.L. 113-291) expands eligibility for the Purple Heart by redefining what should be considered an attack by a foreign terrorist organization, and awards Purple Heart medals to servicemembers wounded or killed during the 2009 shootings at Ft. Hood, Texas, and Little Rock, Arkansas.

# Appendix B. Staffer Instructions for Medal Requests

Members of Congress are able to directly request that a Service Secretary consider awarding military decorations to individuals or groups. Upon receiving a request from a Member's office, the Service Secretary concerned will review the proposal for the award or presentation of a decoration (or the upgrading of a decoration).

Based on that review, the Secretary shall determine the merits of approving the award or presentation of the decoration and other necessary determinations. The Secretary shall submit a notice to the requesting Member, the Senate Armed Services Committee, and the House Armed Services Committee with one of the following results:

> (1) The award or presentation of the decoration does not warrant approval on the merits. A statement explaining the Secretary's reason will be included.
>
> (2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law is recommended.
>
> (3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.
>
> (4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed in law is not recommended. A statement explaining the Secretary's reason will be included.

**Source:** Compiled from the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104-106, §526), February 10, 1996.

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