

# ASSEMBLY RESOLUTION No. 188

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

**Sponsored by:**

**Assemblyman BRIAN BERGEN**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Assemblymen McClellan and Simonsen**

**SYNOPSIS**

Urges Congress to extend time limitation for upgrading certain military honors.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/8/2020)**

1   **AN ASSEMBLY RESOLUTION** respectfully urging Congress to extend  
2       the time limitation for upgrading certain military honors.  
3  
4   **WHEREAS**, A Medal of Honor, Distinguished Service Cross, or  
5       Distinguished Service Medal must be awarded within five years of a  
6       service member’s actions justifying the award; and  
7   **WHEREAS**, After an initial recommendation and award, the Department  
8       of Defense may determine that a previously awarded action may  
9       deserve an upgrade to a higher honor; and  
10   **WHEREAS**, The five-year limitation and the inability of the President to  
11       statutorily waive the limitation under certain circumstances, absent  
12       congressional authorization, makes it difficult to upgrade a service  
13       member’s award after the five-year limitation; and  
14   **WHEREAS**, The late Sergeant First Class Alwyn Cashe, along with  
15       others, is an example of a valiant soldier whose acts of valor were  
16       later determined to merit a higher honor, but the honored action is  
17       more than five years old; and  
18   **WHEREAS**, On October 17, 2005, in Samarra, Iraq, during Operation  
19       Iraqi Freedom, Sergeant First Class Cashe in Company A, 1st  
20       Battalion, 15th Infantry Regiment, 3rd Infantry Division, with no  
21       regard for his own safety or wellbeing, repeatedly entered a burning  
22       Bradley Fighting Vehicle to evacuate his fellow soldiers after it  
23       struck an improvised explosive device; and  
24   **WHEREAS**, While under small arms fire, Sergeant First Class Cashe  
25       made three separate trips to the burning vehicle; and  
26   **WHEREAS**, On the second evacuation of soldiers, Sergeant First Class  
27       Cashe’s own fuel-soaked uniform caught on fire, yet he returned to  
28       the burning vehicle for a third evacuation; and  
29   **WHEREAS**, Sergeant First Class Cashe, injured more seriously of all  
30       involved, with second and third-degree burns over 72 percent of his  
31       body, still led recovery efforts and refused medical evacuation until  
32       his men were evacuated to safety and treatment; and  
33   **WHEREAS**, Sergeant First Class Cashe’s actions saved the lives of six  
34       of his soldiers; and  
35   **WHEREAS**, Sergeant First Class Cashe died from his wounds on  
36       November 8, 2005 at Brooks Army Medical Center in San Antonio,  
37       Texas; and  
38   **WHEREAS**, Sergeant First Class Cashe was posthumously awarded the  
39       Silver Star for his heroism, the third-highest military combat honor;  
40       and  
41   **WHEREAS**, Over the past few years, there has been a bipartisan effort in  
42       Congress to have Sergeant First Class Cashe’s Silver Star upgraded  
43       to the Medal of Honor; and  
44   **WHEREAS**, Recently, the Secretary of Defense, Mark T. Esper, in a  
45       letter to congressional lawmakers, asserted “after giving the  
46       nomination careful consideration, I agree SFC Cashe’s actions merit  
47       award of the Medal of Honor”; and

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1 **WHEREAS**, Before the President and the Department of Defense can  
2 take action to upgrade the military honor, Congress must waive or  
3 extend the five-year time limit; and

4 **WHEREAS**, Given the leadership, devotion to duty, and sheer bravery of  
5 Sergeant First Class Cashe and other soldiers impacted by the time  
6 limit, it is fitting and proper to extend the five-year time limit on  
7 upgrading certain military honors; now, therefore,

8  
9 **BE IT RESOLVED** by the General Assembly of the State of New  
10 Jersey:

11  
12 1. This House respectfully urges the United States Congress to  
13 extend the time limitation for upgrading certain military honors to  
14 recognize Sergeant First Class Alwyn Cashe and other valiant  
15 soldiers whose acts were later determined to merit a higher honor  
16 after the designated period.

17  
18 2. Copies of this resolution, as filed with the Secretary of State,  
19 shall be transmitted by the Clerk of the General Assembly to the  
20 President of the United States Senate, the Majority and Minority  
21 Leaders of the United States Senate, the Speaker of the United States  
22 House of Representatives, the Majority and Minority Leaders of the  
23 United States House of Representatives, and each member of the  
24 United States Congress elected from this State.

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27 STATEMENT

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29 This resolution respectfully urges Congress to extend the time  
30 limitation for upgrading certain military honors. A Medal of Honor,  
31 Distinguished Service Cross, or Distinguished Service Medal must  
32 be awarded within five years of a service member's actions justifying  
33 the award. However, after an initial recommendation and award, the  
34 Department of Defense may determine that a previously awarded  
35 action may deserve an upgrade to a higher honor. The five-year  
36 limitation and the inability of the President to waive the limitation  
37 under certain circumstances, absent congressional authorization,  
38 makes it difficult to upgrade a service member's award after the five-  
39 year limitation.

40 Over the past few years, there has been a bipartisan effort in  
41 Congress to have the late Sergeant First Class Alwyn Cashe's Silver  
42 Star upgraded to the Medal of Honor. Sergeant First Class Cashe,  
43 along with others, is an example of a valiant soldier whose acts were  
44 later determined to merit a higher honor; however, the honored action  
45 is more than five years old.

46 On October 17, 2005, during Operation Iraqi Freedom, Sergeant  
47 First Class Cashe, with no regard for his own safety or wellbeing,  
48 repeatedly entered a burning Bradley Fighting Vehicle to evacuate

1 his fellow soldiers after it struck an improvised explosive device.  
2 Sergeant First Class Cashe's actions saved the lives of six of his  
3 soldiers.

4 While evacuating his fellow soldiers, Sergeant First Class Cashe  
5 suffered second and third-degree burns over 72 percent of his body.  
6 On November 8, 2005, Sergeant First Class Cashe died from his  
7 wounds and was later posthumously awarded the Silver Star for his  
8 heroism, the third-highest military combat honor.

9 Recently, the Secretary of Defense, Mark T. Esper, in a letter to  
10 congressional lawmakers, asserted, "after giving the nomination  
11 careful consideration, I agree SFC Cashe's actions merit award of the  
12 Medal of Honor." However, before the President and the Department  
13 of Defense can take action to upgrade the military honor, Congress  
14 must waive or extend the five-year time limit. Given the leadership,  
15 devotion to duty, and sheer bravery of Sergeant First Class Cashe and  
16 other soldiers impacted by the time limit, this House should  
17 respectfully urge Congress to extend the five-year time limit on  
18 upgrading certain military honors.