# 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)**

**AN ASSEMBLY RESOLUTION** respectfully urging Congress to extend the time limitation for upgrading certain military honors.

**WHEREAS,** A Medal of Honor, Distinguished Service Cross, or Distinguished Service Medal must be awarded within five years of a service member's actions justifying the award; and

**WHEREAS,** After an initial recommendation and award, the Department of Defense may determine that a previously awarded action may deserve an upgrade to a higher honor; and

**WHEREAS,** The five-year limitation and the inability of the President to statutorily waive the limitation under certain circumstances, absent congressional authorization, makes it difficult to upgrade a service member's award after the five-year limitation; and

**WHEREAS,** The late Sergeant First Class Alwyn Cashe, along with others, is an example of a valiant solider whose acts of valor were later determined to merit a higher honor, but the honored action is more than five years old; and

**WHEREAS,** On October 17, 2005, in Samarra, Iraq, during Operation Iraqi Freedom, Sergeant First Class Cashe in Company A, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, with no regard for his own safety or wellbeing, repeatedly entered a burning Bradley Fighting Vehicle to evacuate his fellow soldiers after it struck an improvised explosive device; and

**WHEREAS,** While under small arms fire, Sergeant First Class Cashe made three separate trips to the burning vehicle; and

**WHEREAS,** On the second evacuation of soldiers, Sergeant First Class Cashe's own fuel-soaked uniform caught on fire, yet he returned to the burning vehicle for a third evacuation; and

**WHEREAS,** Sergeant First Class Cashe, injured more seriously of all involved, with second and third-degree burns over 72 percent of his body, still led recovery efforts and refused medical evacuation until his men were evacuated to safety and treatment; and

**WHEREAS,** Sergeant First Class Cashe's actions saved the lives of six of his soldiers; and

**WHEREAS,** Sergeant First Class Cashe died from his wounds on November 8, 2005 at Brooks Army Medical Center in San Antonio, Texas; and

**WHEREAS,** Sergeant First Class Cashe was posthumously awarded the Silver Star for his heroism, the third-highest military combat honor; and

**WHEREAS,** Over the past few years, there has been a bipartisan effort in Congress to have Sergeant First Class Cashe's Silver Star upgraded to the Medal of Honor; and

**WHEREAS,** Recently, the Secretary of Defense, Mark T. Esper, in a letter to congressional lawmakers, asserted "after giving the nomination careful consideration, I agree SFC Cashe's actions merit award of the Medal of Honor"; and

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

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

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

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

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

STATEMENT

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

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

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

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

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

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