

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
		July 9, 1918, ch. 143 (less words between 1st and 2d semicolons of 15th par. under "Ordnance Department"), 40 Stat. 871.

In subsection (a), the words "may be awarded to a person" are substituted for the words "shall be issued to any one person" to conform to the other subsections of the revised section.

In subsection (b), the word "thereof" is substituted for the words "of either of said medal or of said cross". The words "Except as otherwise prescribed in this section", "at the time of", "specific", "official", and "has so distinguished himself as" are omitted as surplusage.

In subsection (c), 10:1409 (words after 3d semicolon) is omitted as executed. The words "hereinbefore authorized" are omitted as surplusage.

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66, § 561(a), substituted "distinguished-service cross" for "medal of honor, distinguished-service cross".

Subsec. (b)(1). Pub. L. 113-66, § 562(a)(1)(A), substituted "five years" for "three years".

Subsec. (b)(2). Pub. L. 113-66, § 562(a)(1)(B), substituted "three years" for "two years".

Subsec. (d)(1). Pub. L. 113-66, § 562(a)(2), substituted "three years" for "two years".

1960—Subsec. (b). Pub. L. 86-582, § 1(1)(A), substituted "Except as provided in subsection (d), no" for "No."

Subsec. (d). Pub. L. 86-582, § 1(1)(B), added subsec. (d).

§ 3745. Medal of honor; distinguished-service cross; distinguished-service medal; delegation of power to award

The President may delegate his authority to award the medal of honor, distinguished-service cross, and distinguished-service medal, to a commanding general of a separate army or higher unit in the field.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3745	10:1410.	July 9, 1918, ch. 143 (16th par., less words after semicolon, under "Ordnance Department"), 40 Stat. 872.

The words "under such conditions, regulations, and limitations as he shall prescribe" are omitted as surplusage. The words "his authority" are substituted for the words "the power conferred upon him by sections 1403, 1406-1408, 1409-1412, 1416, 1420, 1422, 1423, and 1424 of this title".

§ 3746. Silver star: award

The President may award a silver star of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Army, is cited for gallantry in action that does not warrant a medal of honor or distinguished-service cross—

- (1) while engaged in an action against an enemy of the United States;
- (2) while engaged in military operations involving conflict with an opposing foreign force; or
- (3) while serving with friendly foreign forces engaged in an armed conflict against an oppos-

ing armed force in which the United States is not a belligerent party.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216; Pub. L. 88-77, § 1(3), July 25, 1963, 77 Stat. 93.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3746	10:1412.	July 9, 1918, ch. 143 (words after 2d semicolon of 12th par. under "Ordnance Department"); restated Jan. 24, 1920, ch. 55, § 1 (last sentence); restated Dec. 15, 1942, ch. 736, 56 Stat. 1052.

The words "may award" are inserted to conform to other sections of this chapter. The words "if the person earned" are inserted for clarity. The words "commanded by" are omitted as surplusage.

AMENDMENTS

1963—Pub. L. 88-77 substituted provisions permitting the issuance of a silver star for gallantry while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party, and requiring it to be of appropriate design, for provisions which authorized the issuance of the silver star for gallantry in action and which required that the silver star be three-sixteenths of an inch in diameter, the citation thereof be published in orders issued from the headquarters of a force that is the appropriate command of a general officer, and that it be worn as directed by the President.

EXECUTIVE ORDER NO. 9419

Ex. Ord. No. 9419, Feb. 4, 1944, 9 F.R. 1495, which authorized award of Bronze Star Medal, was superseded by Ex. Ord. No. 11046, Aug. 24, 1962, 27 F.R. 8575, as amended, set out below.

EX. ORD. NO. 11046. BRONZE STAR MEDAL

Ex. Ord. No. 11046, Aug. 24, 1962, 27 F.R. 8575, as amended by Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247; Ex. Ord. No. 13286, § 70, Feb. 28, 2003, 68 F.R. 10630, provided:

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Bronze Star Medal, with accompanying ribbons and appurtenances, which was first established by Executive Order No. 9419 of February 4, 1944, may be awarded by the Secretary of a military department or the Secretary of Homeland Security with regard to the Coast Guard when not operating as a service in the Navy, or by such military commanders, or other appropriate officers as the Secretary concerned may designate, to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, after December 6, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service not involving participation in aerial flight—

- (a) while engaged in an action against an enemy of the United States;
- (b) while engaged in military operations involving conflict with an opposing foreign force; or
- (c) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

2. The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Defense, and shall be awarded under such reg-

ulations as the Secretary concerned may prescribe. Such regulations shall, so far as practicable, be uniform, and those of the military departments shall be subject to the approval of the Secretary of Defense.

3. No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations.

4. The Bronze Star Medal or device may be awarded posthumously and, when so awarded, may be presented to such representative of the deceased as may be deemed appropriate by the Secretary of the department concerned.

5. This order shall supersede Executive Order No. 9419 of February 4, 1944, entitled "Bronze Star Medal". However, existing regulations prescribed under that order shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations prescribed under this order by the Secretary of the department concerned.

§ 3747. Medal of honor; distinguished-service cross; distinguished-service medal; silver star; replacement

Any medal of honor, distinguished-service cross, distinguished-service medal, or silver star, or any bar, ribbon, rosette, or other device issued for wear with or in place of any of them, that is stolen, lost, or destroyed, or becomes unfit for use, without fault or neglect of the person to whom it was awarded, shall be replaced without charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 216; Pub. L. 107-107, div. A, title V, §553(a)(2), Dec. 28, 2001, 115 Stat. 1116.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3747	10:1416.	July 9, 1918, ch. 143 (14th par. under "Ordnance Department"), 40 Stat. 871.

The words "issued for wear with or in place of any of them" are inserted for clarity. The words "presented under the provisions of this title" and "such medal, cross, bar, ribbon, rosette, or device" are omitted as surplusage.

AMENDMENTS

2001—Pub. L. 107-107 substituted "stolen, lost, or destroyed" for "lost or destroyed".

§ 3748. Medal of honor; distinguished-service cross; distinguished-service medal; silver star; availability of appropriations

The Secretary of the Army may spend, from any appropriation for contingent expenses of the Department of the Army, amounts necessary to provide medals and devices under sections 3741, 3742, 3743, 3744, 3746, 3747, and 3752 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3748	10:1424.	July 9, 1918, ch. 143 (13th par. under "Ordnance Department"), 40 Stat. 871.

The word "amounts" is substituted for the words "so much as may be". The word "provide" is substituted

for the words "defray the cost of". The words "medals and devices under" are substituted for the words "medals of honor, distinguished-service crosses, distinguished-service medals, bars, rosettes, and other devices provided for in". The words "from time to time" are omitted as surplusage.

§ 3749. Distinguished flying cross; award; limitations

(a) The President may award a distinguished flying cross of appropriate design with accompanying ribbon to any person who, while serving in any capacity with the Army, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight.

(b) Not more than one distinguished flying cross may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a cross, the President may award a suitable bar or other device to be worn as he directs.

(c) No distinguished flying cross, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable.

(Aug. 10, 1956, ch. 1041, 70A Stat. 217.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3749(a)	10:1429 (less 2d and last sentences).	July 2, 1926, ch. 721, § 12 (less 1st 49 words of last sentence), 44 Stat. 789; July 30, 1937, § 4, 50 Stat. 549.
3749(b)	10:1429 (2d sentence).	
3749(c)	10:1429 (last sentence, less 1st 49 words).	

Although 10:1429 refers to persons serving "with the Air Corps of the Army", and the functions of the Army Air Corps have been transferred to the Air Force under section 208(b) of the National Security Act of 1947 (5 U.S.C. 626c(b)), members of the Army continue to participate in aerial flights and are eligible for the award of the distinguished flying cross.

In subsection (a), the words "Under such rules and regulations as he may prescribe" are omitted, since the President has inherent authority to issue regulations appropriate to exercising his functions. The words "but not in the name of Congress" are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The word "award" is substituted for the word "present" to cover the determination of the recipients as well as the actual presentation of the medal. The words "since the 6th day of April, 1917, has distinguished, or who, after July 2, 1926" and 10:1429 (proviso of 1st sentence) are omitted as executed.

§ 3750. Soldier's Medal; award; limitations

(a)(1) The President may award a decoration called the "Soldier's Medal", of appropriate design with accompanying ribbon, to any person who, while serving in any capacity with the Army, distinguishes himself by heroism not involving actual conflict with an enemy.

(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.

(b) Not more than one Soldier's Medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal, the President may award a suitable bar or other device to be worn as he directs.