

The language is parallel to that found in title 34, U.S.C., 1946 ed., §355, providing for awards to personnel of the Navy. 81st Congress, House Report No. 557.

EX. ORD. NO. 12824. ESTABLISHING THE HOMELAND SECURITY DISTINGUISHED SERVICE MEDAL

Ex. Ord. No. 12824, Dec. 7, 1992, 57 F.R. 58121, as amended by Ex. Ord. No. 13286, §29, Feb. 28, 2003, 68 F.R. 10625; Ex. Ord. No. 13569, §1, Apr. 5, 2011, 76 F.R. 19891, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

SECTION 1. There is hereby established a Homeland Security Distinguished Service Medal, with accompanying ribbons and appurtenances, for award by the Secretary of Homeland Security to any member of the Armed Forces of the United States who has provided exceptionally meritorious service in a duty of great responsibility while assigned in the Department of Homeland Security, or in other activities under the responsibility of the Secretary of Homeland Security, either national or international, as may be assigned by the Secretary.

SEC. 2. The Homeland Security Distinguished Service Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of Homeland Security and shall be awarded under such regulations as the Secretary shall prescribe. These regulations shall place the Homeland Security Distinguished Service Medal in an order of precedence immediately before the Coast Guard Distinguished Service Medal.

SEC. 3. No more than one Homeland Security Distinguished Service Medal shall be awarded to any one person, but for each succeeding exceptionally meritorious period of service justifying such an award, a suitable device may be awarded to be worn with that Medal as prescribed by appropriate regulations of the Department of Homeland Security.

SEC. 4. The Homeland Security Distinguished Service 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 Homeland Security.

§ 492a. Silver star medal

The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard 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 international terrorist organization; or
- (3) 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.

(Added Pub. L. 111–281, title II, § 224(b)(2), Oct. 15, 2010, 124 Stat. 2922.)

PRIOR PROVISIONS

A prior section 492a was renumbered section 492b of this title.

§ 492b. Distinguished flying cross

The President may present, but not in the name of Congress, a distinguished flying cross of appropriate design, with accompanying ribbon,

to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight.

(Added Aug. 10, 1956, ch. 1041, §12(a), 70A Stat. 624, §492a; renumbered §492b, Pub. L. 111–281, title II, § 224(b)(1), Oct. 15, 2010, 124 Stat. 2922.)

AMENDMENTS

2010—Pub. L. 111–281 renumbered section 492a of this title as this section.

§ 493. Coast Guard medal

The President may present, but not in the name of Congress, a medal to be known as the Coast Guard medal, of appropriate design, with accompanying ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by heroism not involving actual conflict with an enemy.

(Aug. 4, 1949, ch. 393, 63 Stat. 535.)

HISTORICAL AND REVISION NOTES

This section establishes a new medal to be known as the Coast Guard Medal, which is intended to be a parallel award to the Navy and Marine Corps Medal of the Navy, to be awarded under the same circumstances as that medal is awarded to personnel of the Navy (see title 34, U.S.C., 1946 ed., §356b). 81st Congress, House Report No. 557.

§ 494. Insignia for additional awards

No more than one Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or one Coast Guard medal shall be issued to any one person; but for each succeeding deed or service sufficient to justify the awarding of a Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, or Coast Guard medal, the President may award a suitable emblem or insignia to be worn with the decoration and a corresponding rosette or other device.

(Aug. 4, 1949, ch. 393, 63 Stat. 535; Aug. 10, 1956, ch. 1041, §13, 70A Stat. 624; Pub. L. 111–281, title II, § 224(c)(1), Oct. 15, 2010, 124 Stat. 2922; Pub. L. 113–281, title II, § 213, Dec. 18, 2014, 128 Stat. 3029.)

HISTORICAL AND REVISION NOTES

This section is supplemental to the preceding sections dealing with the award of medals and regulates the award of additional medals of the same kind. It follows the established practice in all the armed forces (see title 34, U.S.C., 1946 ed., §358). 81st Congress, House Report No. 557.

AMENDMENTS

2014—Pub. L. 113–281 struck out “medal of honor,” before “Coast Guard cross,” in two places.

2010—Pub. L. 111–281 substituted “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” for “distinguished service medal, distinguished flying cross,” in two places.

1956—Act Aug. 10, 1956, included the distinguished flying cross.

[§ 495. Repealed. Pub. L. 87–526, §1(3), July 10, 1962, 76 Stat. 141]

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 535, related to additional pay for holders of medals.

ADDITIONAL REPEAL

Section was additionally repealed by Pub. L. 87-649, § 14d(5), Sept. 7, 1962, 76 Stat. 502, eff. Nov. 1, 1962.

§ 496. Time limit on award; report concerning deed

(a) No medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof may be awarded to a person unless—

(1) the award is made within five years after the date of the deed or service justifying the award;

(2) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by his superior through official channels within three years from the date of that deed or termination of the service.

(b) If the Secretary determines that—

(1) a statement setting forth the deed or distinguished service and recommending official recognition of it was made by the person's superior through official channels within three years from the date of that deed or termination of the service and was supported by sufficient evidence within that time; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted upon; a medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross, Coast Guard medal, or bar, emblem, or insignia in lieu thereof, as the case may be, may be awarded to the person within two years after the date of that determination.

(Aug. 4, 1949, ch. 393, 63 Stat. 536; Pub. L. 87-526, § 1(5), July 10, 1962, 76 Stat. 141; Pub. L. 111-281, title II, § 224(c)(2), Oct. 15, 2010, 124 Stat. 2922.)

HISTORICAL AND REVISION NOTES

This section establishes a time limit on the making of awards. It follows the established practice in all the armed forces (see title 10, U.S.C., 1946 ed., § 1409 and title 34, U.S.C., 1946 ed., § 360). 81st Congress, House Report No. 557.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-281, § 224(c)(2)(A), substituted "Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross," for "distinguished service medal, distinguished flying cross," in introductory provisions.

Subsec. (b)(2). Pub. L. 111-281, § 224(c)(2)(B), substituted "Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross," for "distinguished service medal, distinguished flying cross,".

1962—Pub. L. 87-526 incorporated existing provisions in subsec. (a), included the distinguished flying cross and bar in lieu of any award in the enumeration of medals, and extended the time limit for recommending award of a medal after performance of the deed justifying the award from one to three years and added subsec. (b).

§ 497. Honorable subsequent service as condition to award

No medal of honor, Coast Guard cross, distinguished service medal, silver star medal, distin-

guished flying cross, Coast Guard medal, or emblem, or insignia in lieu thereof shall be awarded or presented to any individual, or to the representative of any individual, whose entire service subsequent to the time he distinguished himself shall not in the opinion of the Commandant have been honorable.

(Aug. 4, 1949, ch. 393, 63 Stat. 536; Aug. 10, 1956, ch. 1041, § 13, 70A Stat. 624; Pub. L. 111-281, title II, § 224(c)(3), Oct. 15, 2010, 124 Stat. 2922.)

HISTORICAL AND REVISION NOTES

This section makes honorable service subsequent to the act for which award is made, a condition precedent to granting the award. The Navy has the same statutory condition (see title 34, U.S.C., 1946 ed., § 362). 81st Congress, House Report No. 557.

AMENDMENTS

2010—Pub. L. 111-281 substituted "Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross," for "distinguished service medal, distinguished flying cross,".

1956—Act Aug. 10, 1956, included the distinguished flying cross.

§ 498. Posthumous awards

In case an individual who distinguishes himself dies before the making of any award to which he may be entitled, as authorized in this chapter, the award may be made and presented within five years from the date of the act or service justifying the award to such next of kin as may have been designated by the individual, or in the absence of such designation, or if the designated person is not alive at the time of the award, or the relationship between such person and the serviceman shall have been terminated before his death, then to such representative as the President designates. In the event of a posthumous award when the award will be made to the parents of the deceased and the parents have been divorced or separated, a duplicate award may be made to each parent.

(Aug. 4, 1949, ch. 393, 63 Stat. 536.)

HISTORICAL AND REVISION NOTES

This section sets forth the conditions under which posthumous awards can be made. It is substantially the same as conditions for the Navy, but has the added provision for duplicate awards in case the parents are divorced or separated (see title 34, U.S.C., 1946 ed., § 363). 81st Congress, House Report No. 557.

§ 499. Delegation of powers to make awards; rules and regulations

The President may delegate to the Secretary, under such conditions, regulations, and limitations as he prescribes, the powers conferred upon him to make the awards designated in this chapter, and the President may make any and all rules, regulations, and orders which he deems necessary in the conferring of such awards.

(Aug. 4, 1949, ch. 393, 63 Stat. 536.)

HISTORICAL AND REVISION NOTES

This section provides for the delegation of powers to make awards to the Secretary. The Navy statute provides for such delegation to force commanders (see title 34, U.S.C., 1946 ed., § 364). 81st Congress, House Report No. 557.