

of the United States, or was from a vessel owned or operated by the United States regardless of where the rescue took place; and if the rescue took place within waters of the United States the award could be made to an alien.

The existing law relating to the Treasury Department Life-Saving Medal contained in title 14, U.S.C., 1946, ed., §§192–196, has long needed revision. The existing law is composed of a series of statutes enacted separately between 1874 and 1897, and the result has not been entirely unsatisfactory. The original statute, enacted in 1874 (title 14, U.S.C., 1946 ed., §193), provided for Life-saving medals of the first and second class to be bestowed “upon any persons who shall hereafter endanger their own lives in saving, or endeavoring to save lives from the perils of the sea, within the United States, or upon any American vessel”. The medal of the first class was confined to cases of “extreme and heroic daring” and the medal of the second class was to be awarded “in cases not sufficiently distinguished to deserve the medal of the first class” Then in 1878 another act was passed (title 14, U.S.C., 1946 ed., §194) authorizing the bestowal of the medal of the second class “upon persons making such signal exertions in rescuing and succoring the shipwrecked, and saving persons from drowning” as, in the opinion of the Secretary of the Treasury, merited recognition. These two sections were construed by the Attorney General to be limited to the rescue of persons who were subjected to the perils of the sea in any waters of the United States in the vicinity of any lifeboat station, life-saving station, or house of refuge. And the person upon whom the medal could be bestowed was limited to members of life-saving crews. (1895) Op. Att. Gen. 124. Thereupon, in 1897, an act was passed which provided that the two earlier acts should “be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons making signal exertions in rescuing and succoring the shipwrecked and saving persons from drowning in waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of the Life-Saving Service or whether or not such exertions were made in the vicinity of a life-saving station”. (Title 14, U.S.C., 1946 ed., §196.) This act was designed to give a more liberal application to the two earlier acts, and all three were to be read as one. (1900) 23 Op. Atty. Gen. 78. However, difficult questions of interpretation have arisen because of the different jurisdictional language in the three acts. For example, title 14, U.S.C., 1946 ed., §193, refers to rescues “within the United States”, while title 14, U.S.C., 1946 ed., §196, refers to rescues “in the waters over which the United States has jurisdiction”. The need for clarification is obvious. Subsection (a) authorizes the awarding of the medal to any person, including Coast Guard personnel, who rescues or endeavors to rescue any person from drowning, shipwreck, or peril of the water. If the rescue or attempted rescue is at the risk of one’s own life and evidences extreme and heroic daring, the medal shall be of gold, and if the rescue or attempted rescue is not sufficiently distinguished to deserve the gold medal, but evidences the exertion of such signal exertion as to merit recognition, the medal shall be of silver. Thus, the acts for which the medals are to be awarded are defined simply and without any geographical or jurisdictional limitations. The difficulty with the existing law is the attempt to define the required deed together with those limitations. Subsection (a) does not change existing law insofar as the type of act necessary for the medals is concerned; it merely simplifies and clarifies existing law.

Subsection (b) contains the jurisdictional limitations on the awarding of the medal and broadens, to a considerable extent, the provisions of existing law. It is the intent of this subsection to authorize the awarding of a medal in all cases where the United States has a legitimate interest in recognizing meritorious acts, such as where a United States citizen performs the act, or where a United States citizen is rescued, or where United States waters or United States vessels or air-

craft are involved. Accordingly, rescues by United States citizens anywhere in the world will be recognized. Any person, including persons not citizens of the United States, may receive medals if the rescue or attempted rescue takes place in waters within the United States or subject to its jurisdiction or, in cases of rescues outside such waters, if either the rescuer or the person rescued is from a United States vessel or aircraft, or the person rescued is a United States citizen. Thus, every case in which the United States government has an interest is provided for. A United States citizen who performs a heroic act sufficient to justify a medal in state waters, or in foreign waters, could not receive one under existing law, but could receive such award under this proposed revision. The awarding of medals should not turn on technical jurisdictional grounds; it should turn rather on the interest of the United States to recognize noble and heroic acts.

Subsection (c) dealing with the awarding of bars for additional acts, clarifies, but does not change title 14, U.S.C., 1946 ed., §195, except that authority is granted to award medals posthumously. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116–283, §8505(a)(36)(B) substituted “individual” for “person” in two places in introductory provisions.

Subsec. (b). Pub. L. 116–283, §8505(a)(36)(A), substituted “an individual” for “a person”.

Subsec. (c). Pub. L. 116–283, §8505(a)(36)(B), substituted “individual” for “person” in two places.

2018—Pub. L. 115–282 renumbered section 500 of this title as this section.

1976—Subsec. (a). Pub. L. 94–546 substituted “Secretary” for “Secretary of the Treasury”.

§ 2745. Replacement of medals

In those cases where a medal, or a bar, emblem, or insignia in lieu thereof, awarded pursuant to this chapter has been stolen, lost, destroyed, or rendered unfit for use without fault or neglect on the part of the individual to whom it was awarded, such medal, or bar, emblem, or insignia in lieu thereof, shall be replaced without charge, or, in the discretion of the Secretary, upon condition that the Government is reimbursed for the cost thereof.

(Aug. 4, 1949, ch. 393, 63 Stat. 537, §501; Pub. L. 107–107, div. A, title V, §553(d)(2), Dec. 28, 2001, 115 Stat. 1117; renumbered §2745, Pub. L. 115–282, title I, §116(b), Dec. 4, 2018, 132 Stat. 4226; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(a)(37), Jan. 1, 2021, 134 Stat. 4749.)

HISTORICAL AND REVISION NOTES

This section provides for the replacement of medals. It follows the established practice of the other armed forces, but makes an additional provision that the Secretary in his discretion may charge for the replacement medals in some circumstances. (See title 10, U.S.C., 1946 ed., §1416 and title 34, U.S.C., 1946 ed., §359.) 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 substituted “individual” for “person”.

2018—Pub. L. 115–282 renumbered section 501 of this title as this section.

2001—Pub. L. 107–107 inserted “stolen,” before “lost.”.

§ 2746. Award of other medals

Coast Guard personnel, notwithstanding the provisions of this chapter, may be awarded med-