

109TH CONGRESS
1ST SESSION

S. 1998

To amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2005

Mr. CONRAD (for himself, Mr. VITTER, Mr. SALAZAR, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. CHAMBLISS, Mr. THUNE, Mr. HAGEL, Mr. ISAKSON, Mr. LAUTENBERG, and Mrs. DOLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stolen Valor Act of
5 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Fraudulent claims surrounding the receipt
2 of the Medal of Honor, the distinguished-service
3 cross, the Navy cross, the Air Force cross, the Pur-
4 ple Heart, and other decorations and medals award-
5 ed by the President or the Armed Forces of the
6 United States damage the reputation and meaning
7 of such decorations and medals.

8 (2) Federal law enforcement officers have lim-
9 ited ability to prosecute fraudulent claims of receipt
10 of military decorations and medals.

11 (3) Legislative action is necessary to permit law
12 enforcement officers to protect the reputation and
13 meaning of military decorations and medals.

14 **SEC. 3. ENHANCED PROTECTION OF MEANING OF MILI-**
15 **TARY DECORATIONS AND MEDALS.**

16 (a) EXPANSION OF GENERAL CRIMINAL OFFENSE.—
17 Subsection (a) of section 704 of title 18, United States
18 Code, is amended by striking “manufactures, or sells” and
19 inserting “purchases, attempts to purchase, solicits for
20 purchase, mails, ships, imports, exports, produces blank
21 certificates of receipt for, manufactures, sells, attempts to
22 sell, advertises for sale, trades, barter, or exchanges for
23 anything of value”.

1 (b) ESTABLISHMENT OF CRIMINAL OFFENSE RELAT-
 2 ING TO FALSE CLAIMS ABOUT RECEIPT OF DECORATIONS
 3 AND MEDALS.—Such section 704 is further amended—

4 (1) by redesignating subsection (b) as sub-
 5 section (c);

6 (2) by inserting after subsection (a) the fol-
 7 lowing:

8 “(b) FALSE CLAIMS ABOUT RECEIPT OF MILITARY
 9 DECORATIONS OR MEDALS.—Whoever falsely represents
 10 himself or herself, verbally or in writing, to have been
 11 awarded any decoration or medal authorized by Congress
 12 for the Armed Forces of the United States, any of the
 13 service medals or badges awarded to the members of such
 14 forces, the ribbon, button, or rosette of any such badge,
 15 decoration, or medal, or any colorable imitation of such
 16 item shall be fined under this title, imprisoned not more
 17 than six months, or both.”; and

18 (3) in paragraph (1) of subsection (c), as redes-
 19 ignated by paragraph (1) of this subsection, by in-
 20 serting “or (b)” after “subsection (a)”.

21 (c) ENHANCED PENALTY FOR OFFENSES INVOLVING
 22 CERTAIN OTHER MEDALS.—Such section 704 is further
 23 amended by adding at the end the following:

24 “(d) ENHANCED PENALTY FOR OFFENSES INVOLV-
 25 ING CERTAIN OTHER MEDALS.—If a decoration or medal

1 involved in an offense described in subsection (a) or (b)
 2 is a distinguished-service cross awarded under section
 3 3742 of title 10, a Navy cross awarded under section 6242
 4 of title 10, an Air Force cross awarded under section 8742
 5 of section 10, a silver star awarded under section 3746,
 6 6244, or 8746 of title 10, a Purple Heart awarded under
 7 section 1129 of title 10, or any replacement or duplicate
 8 medal for such medal as authorized by law, in lieu of the
 9 punishment provided in the applicable subsection, the of-
 10 fender shall be fined under this title, imprisoned not more
 11 than 1 year, or both.”.

12 (d) CONFORMING AMENDMENTS.—Subsection (c) of
 13 such section 704, as so redesignated, is further amend-
 14 ed—

15 (1) by inserting “ENHANCED PENALTY FOR
 16 OFFENSES INVOLVING” before “CONGRESSIONAL
 17 MEDAL OF HONOR”; and

18 (2) by striking paragraph (2) and inserting the
 19 following:

20 “(2) CONGRESSIONAL MEDAL OF HONOR DE-
 21 FINED.—In this subsection, the term ‘Congressional
 22 Medal of Honor’ means—

23 “(A) a medal of honor awarded under sec-
 24 tion 3741, 6241, or 8741 of title 10 or section
 25 491 of title 14;

1 “(B) a duplicate medal of honor issued
2 under section 3754, 6256, or 8754 of title 10
3 or section 504 of title 14; or

4 “(C) a replacement of a medal of honor
5 provided under section 3747, 6253, or 8747 of
6 title 10 or section 501 of title 14.”.

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