

111TH CONGRESS
1ST SESSION

H. R. 2304

To amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2009

Mr. BOREN (for himself, Mr. BOUSTANY, Mr. TAYLOR, Mr. SKELTON, and Mr. CONAWAY) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces.

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 “Soldiers Targeted by
5 Offensive Profiteering Act of 2009 (STOP Act)”.

1 **SEC. 2. PROHIBITION ON THE UNAUTHORIZED USE OF**
2 **NAMES AND IMAGES OF MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) PROHIBITION.—Chapter 49 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 988. Unauthorized use of names and images of**
8 **members of the armed forces**

9 “(a) PROHIBITION.—Except with the permission of
10 the individual or individuals designated under subsection
11 (d), no person may knowingly use the name or image of
12 a protected individual in connection with any merchandise,
13 retail product, impersonation, solicitation, or commercial
14 activity in a manner reasonably calculated to connect the
15 protected individual with that individual’s service in the
16 armed forces.

17 “(b) AUTHORITY TO ENJOIN VIOLATIONS.—When-
18 ever it appears to the Attorney General that any person
19 is engaged or is about to engage in an act or practice
20 which constitutes or will constitute conduct prohibited by
21 subsection (a), the Attorney General may initiate a civil
22 proceeding in a district court of the United States to en-
23 join such act or practice. Such court shall proceed as soon
24 as practicable to the hearing and determination of such
25 action and may, at any time before final determination,
26 enter such restraining orders or prohibitions, or take such

1 other actions as is warranted, to prevent injury to the
2 United States or to any person or class of persons for
3 whose protection the action is brought.

4 “(c) PROTECTED INDIVIDUAL.—For purposes of this
5 section, a protected individual is any person who—

6 “(1) is a member of the armed forces; or

7 “(2) was a member of the armed forces at any
8 time after April 5, 1917, and, if not living, has a
9 surviving spouse, child, parent, grandparent, or sib-
10 ling.

11 “(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—

12 (1) The individual or individuals designated under this
13 subsection, with respect to a protected individual—

14 “(A) is the protected individual, if living; and

15 “(B) otherwise is the living survivor or sur-
16 vivors of the protected individual highest on the fol-
17 lowing list:

18 “(i) The surviving spouse.

19 “(ii) The children.

20 “(iii) The parents.

21 “(iv) The grandparents.

22 “(v) The siblings.

23 “(2) In the case of a protected individual for whom
24 more than one individual is designated under clause (ii),
25 (iii), (iv), or (v) of paragraph (1)(B), the prohibition under

1 subsection (a) shall apply unless permission is obtained
2 from each designated individual.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

“988. Unauthorized use of names and images of members of the armed forces.”.

