

year-old veteran who retired from the Navy as a lieutenant commander, was killed on that day. Bailiff Harry Dalton, a 53-year-old father of six, was shot in the face and left paralyzed from the shooting. He died 7 years later. Correctional Officer Mark Parker was only 19 years old at the time of the shooting. He survived the shooting but was paralyzed from the shoulders down and had to spend the rest of his life confined to a wheelchair.

I introduced the Local Courthouse Safety Act because the things this bill does are important to me and to most Americans. I know the families of Bailiff Dalton and Bailiff Wilkerson, who lost their lives as a result of the violence that day in the Orange County Courthouse, and remained friends with Officer Parker until he passed away a few years ago. I am deeply aware of the grief they've had to live with all of these years.

Since September of 2010, there has been about one shooting per month at a local courthouse. So even though the shooting in Orange County happened 30 years ago, courthouse shootings are still happening all over this country and innocent people are still dying.

Those who are exercising their constitutional right of seeking justice in our courtrooms should not have to fear for their safety, and neither should our law enforcement officers, judges, advocates, and court personnel. It is my hope that this bill will help to prevent horrific and senseless incidents of violence like this from happening in our local courthouses.

I want to thank my colleagues on the Judiciary Committee for recognizing that we need to take courthouse security seriously and for joining me in this bipartisan effort to help prevent violence in local courthouses across this country. We need to give sheriffs and local courthouses access to the training, equipment, and resources they need to improve security, so I urge support for the bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6185, the Local Courthouse Safety Act. This measure will provide critical assistance to State and local governments to provide courthouse security.

To begin with, many State and local courthouses face serious security challenges. Serious violence often occurs in these facilities, but many courthouses across the Nation still lack basic security protections such as metal detectors. H.R. 6185 responds to this critical problem by giving sheriffs, as well as State and local courthouses, access to training, equipment, and other resources to help them improve security.

H.R. 6185 accomplishes these goals by making use of existing resources. This legislation requires the General Services Administration to make available to State and local courts—at no cost, except for shipping, handling, and maintenance—surplus security equip-

ment that is used to detect weapons, such as metal detectors, wands, and baggage screening devices. To qualify to receive such security equipment, a State or local courthouse must have less security equipment than necessary to meet the security needs of that courthouse. Because these devices are surplus and not otherwise being utilized by any Federal agencies, it is a wise use of taxpayer money to allow this equipment to be put into service at the State and local level.

Another important aspect of the bill is that it expands the scope of the grants awarded by the State Justice Institute to include the improvement of the safety and security of State and local courts. As a result, H.R. 6185 strengthens the Institute's current authority to award grants to support education, training, and technical assistance projects to improve the administration of justice in the State courts. This measure addresses, in a meaningful way, the serious security challenges that State and local courthouses face.

Not surprisingly, H.R. 6185 enjoys a broad range of support, including the National Sheriffs' Association, the National Association for Court Management, the Conference of Chief Justices, the Conference of State Court Administrators, American Judges Association, the National Court Reporters Association, and the Center for Judicial and Executive Security.

I commend my colleague, the gentlelady from Florida (Mrs. ADAMS) for her work in developing the bill, and I urge my colleagues to support the legislation.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6185, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### STOLEN VALOR ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1775) to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

#### H.R. 1775

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Stolen Valor Act of 2012".*

#### SEC. 2. FRAUDULENT REPRESENTATIONS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.

(a) *IN GENERAL.*—Section 704 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "wears,"; and

(2) so that subsection (b) reads as follows:

"(b) FRAUDULENT REPRESENTATIONS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—Whoever, with intent to obtain money, property, or other tangible benefit, fraudulently holds oneself out to be a recipient of a decoration or medal described in subsection (c)(2) or (d) shall be fined under this title, imprisoned not more than one year, or both."

(b) *ADDITION OF CERTAIN OTHER MEDALS.*—Section 704(d) of title 18, United States Code, is amended—

(1) by striking "If a decoration" and inserting the following:

"(1) *IN GENERAL.*—If a decoration";

(2) by inserting "a combat badge," after "1129 of title 10,"; and

(3) by adding at the end the following:

"(2) *COMBAT BADGE DEFINED.*—In this subsection, the term 'combat badge' means a Combat Infantryman's Badge, Combat Action Badge, Combat Medical Badge, Combat Action Ribbon, or Combat Action Medal."

(c) *CONFORMING AMENDMENT.*—Section 704 of title 18, United States Code, is amended in each of subsections (c)(1) and (d) by striking "or (b)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1775, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1775, the Stolen Valor Act of 2011, was introduced by the gentleman from Nevada (Mr. HECK). I want to thank him for his dedication to protect the honor bestowed on our Nation's military heroes.

Mr. Speaker, H.R. 1775, the Stolen Valor Act of 2011, was introduced by the gentleman from Nevada (Mr. HECK). I thank him for his dedication to protect the honor bestowed on our nation's military heroes.

In 2006, a man who had created several false identities fraudulently claimed to be a seriously injured Marine captain who suffered from post traumatic stress disorder and a recipient of the Purple Heart and Silver Star.

His tangled web of lies earned him credibility among other veterans, law enforcement officials and politicians. He told these false stories and used them for his own benefit, disrespecting those who had honorably earned these awards for their service.

This is an example of a man who did not simply lie about receiving a military award. He lied to defraud others and benefit himself, discrediting those veterans who actually deserve recognition.

H.R. 1775 prevents similar fraud in the future and reaffirms Congress' respect and gratitude for our Armed Forces. It ensures that those who seek to exploit these medals for fraudulent gain are held accountable.

We have a long-standing commitment to protect the status of military decorations awarded to our military heroes who sacrifice greatly for us in service.

The first honorary badges of distinction for military service date back to George Washington's presidency. Washington stated that anyone with the "insolence to assume" a badge that he did not earn would be severely punished.

It has been a federal crime for nearly a century to wear, manufacture, sell or fraudulently produce military decorations or medals without authorization. In 2006, Congress enacted the Stolen Valor Act after a rise in number of fraudulent claims of receipt of military decorations, particularly the Medal of Honor.

This past June, the Supreme Court, in *U.S. v. Alvarez*, held that the Stolen Valor Act wrongly criminalized speech protected by the First Amendment. Simply put, lying about receiving a Medal of Honor, although it may be offensive, is in fact protected free speech.

The Court did acknowledge that false claims about military decorations, such as the Medal of Honor, demean the value of the award and may offend the true holders of these decorations.

H.R. 1775, the "Stolen Valor Act of 2011," clarifies the law to make it a crime to fraudulently hold oneself out to be a recipient of the Congressional Medal of Honor or other enumerated military decoration with the intent to obtain money, property or other tangible benefit.

The term "fraudulently" incorporates the necessary knowledge requirement. Black's Law Dictionary defines "fraud" as "a knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her injury." It clarifies that there must be specific intent to engage in the crime, namely that the fraud is committed for money, property or other tangible benefit.

The term "tangible benefit" is intended to cover those "valuable considerations" beyond money or property, such as offers of employment, which Justice Kennedy identified as appropriately prohibited benefits to a fraud.

H.R. 1775 clarifies the Stolen Valor Act to protect the right to free speech but also ensures that those whose speech is intended to defraud and do not enjoy First Amendment protection will be held responsible.

I again thank the gentleman from Nevada (Mr. HECK) for his leadership on this issue. And I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. HECK), the sponsor of this legislation.

Mr. HECK. I thank the gentleman for yielding.

Mr. Speaker, I rise today to urge my colleagues to join with me in protecting the honor and valor of our military heroes by passing H.R. 1775, the Stolen Valor Act of 2011.

On June 28, 2012, the U.S. Supreme Court struck down the Stolen Valor Act of 2005, concluding that the broad nature of the law infringed upon the guaranteed protection of free speech

provided by the First Amendment of our Constitution. The Court determined that the act "sought to control and suppress all false statements on this one subject without regard as to whether the lie was made for the purpose of material gain."

However, in concurring with the decision of the plurality, Justice Breyer stated that a "more finely tailored statute that shows the false statement caused specific harm or was at least material could significantly reduce the threat of First Amendment harm while permitting the statute to achieve its important protective objective."

Mr. Speaker, this is exactly what my legislation does. The Stolen Valor Act of 2011 resolves these constitutional issues by clearly defining that the objective of the law is to target and punish those who misrepresent their alleged service with the intent of profiting personally or financially. Defining the intent helps ensure that this law will pass constitutional scrutiny while at the same time achieving its primary objective, which is to preserve and protect the honor and integrity of military service and awards.

In 2006, every Member of both the House and Senate clearly understood the need for this legislation and demonstrated that by unanimously passing the prior Stolen Valor Act in each Chamber. Mr. Speaker, the need to protect the honor, service, and sacrifice of our veterans and military personnel is just as strong today as it was in 2006.

□ 1520

This House has the opportunity to once again show our servicemembers and veterans that we value the magnitude of their sacrifice while at the same time protecting the constitutional rights that they fought so hard to protect.

H.R. 1775 enjoys broad bipartisan support with 107 cosponsors and is supported by numerous veteran service organizations, including the Veterans of Foreign Wars, the Association of the U.S. Navy, the Fleet Reserve Association, the National Association for Uniformed Services, the National Guard Association of the United States, the Association of the United States Army, the Military Officers Association of America, the Military Order of the Purple Heart, and AMVETS.

I would like to thank Chairman SMITH and Ranking Member CONYERS for helping to move this important legislation that was reported unanimously out of the Judiciary Committee. I would also like to thank my colleague from Arkansas (Mr. GRIFFIN) for sponsoring this substitute amendment during committee consideration.

Mr. Speaker, it is only fitting that we pass this bill on the 11th anniversary of the attacks of 9/11 in recognition of the brave servicemen and women who have fought and died in the war to bring the perpetrators of these attacks to justice. I urge my colleagues to support H.R. 1775.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1775, the Stolen Valor Act. It has long been a tradition in the United States to recognize those in our armed services who stand out among their peers for service to our Nation by awarding them special military medals and declarations. Recipients of these special honors have often been wounded in the line of duty or have made the ultimate sacrifice.

Military medals and declarations constitute a tribute, as well as tangible manifestation of our Nation's deep and abiding recognition and appreciation to our servicemembers.

There are, however, those who falsely claim to be recipients of these special honors. Such malicious actions denigrate the integrity of those honors to those who have legitimately received them.

In response, a law was enacted with the laudable purpose of ensuring the integrity of military honors by punishing those who make such false representations.

Unfortunately, the scope of the law was recently found by the Supreme Court to be unconstitutional as an abridgement of the First Amendment's right to free speech because the First Amendment even protects despicable speech.

Justice Kennedy, however, writing for the court set out certain guidelines that Congress could follow in remedying the statute's constitutional flaw. He wrote:

Where false claims are made to effect a fraud or secure moneys or other valuable considerations, say offers of employment, it is well-established that the government may restrict speech without affronting the First Amendment.

So, as reported by the Judiciary Committee, this bill adheres to this suggested construct by amending the current law to prohibit individuals from fraudulently representing themselves as recipients of these honors in order to obtain money, property, or other tangible benefits. This will actually cover most of the incidences of false claims.

As a result, this measure will, in full compliance with the Constitution, ensure that no one will financially benefit or receive other tangible rewards from falsely representing that they have been awarded these honors and this will cover all of the despicable cases of false claims that the Constitution will allow.

H.R. 1775 will protect the honor and integrity of our Nation's military medals and decorations as well as respect the rights accorded to Americans under the First Amendment.

Accordingly, Mr. Speaker, I urge my colleagues to support the legislation, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I will yield as much time as he might

consume to the gentleman from Arkansas (Mr. GRIFFIN) who is an active member of the Judiciary Committee.

Mr. GRIFFIN. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of H.R. 1775, the Stolen Valor Act of 2011, and urge its passage.

I would like to thank Congressman JOE HECK for his leadership on this issue as well as Judiciary Committee Chairman SMITH, also Ranking Member CONYERS, for their bipartisan cooperation passing this bill out of committee.

As a proud cosponsor of the Stolen Valor Act, I offered a substitute amendment during committee consideration in response to the recent Supreme Court decision in *U.S. v. Alvarez*. The court instructed that, however despicable, a false claim about receiving a military award is protected by the First Amendment. The substitute amendment, which was adopted unanimously by the Judiciary Committee on August 1, 2012, incorporates the Supreme Court's opinion and recommendations in *Alvarez*.

The bill we consider today ensures that the Medal of Honor, Purple Heart, and other military awards will be protected from fraud and that those who make false claims of military service or awards will face criminal penalties. I believe that protecting the integrity and valor of American servicemembers who have distinguished themselves in defense of this Nation is critically important. We must ensure that the Medal of Honor and other military awards are protected from fraud, and the Stolen Valor Act helps in that effort.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1775, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### TRADEMARK ACT OF 1946 AMENDMENT RELATING TO REMEDIES FOR DILUTION

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6215) to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6215

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REMEDIES FOR DILUTION.

(a) IN GENERAL.—Section 43(c)(6) of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1125(c)(6)), is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) is brought by another person under the common law or a statute of a State; and  
“(B)(i) seeks to prevent dilution by blurring or dilution by tarnishment; or

“(ii) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any action commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6215, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, the purpose of the Federal Trademark Dilution Act of 1995 is to protect famous trademarks from uses that blur the distinctiveness of the trademark or tarnish or disparage it. Dilution does not rely upon the standard test of infringement, that is, likelihood of confusion, deception, or mistake. Rather, it applies when the unauthorized use of a famous trademark reduces the public's perception that the trademark signifies something unique, singular, or particular.

Dilution can result in the loss of the trademark's distinctiveness and possibly the owner's rights in it.

Congress enacted amendments to the original dilution statute in 2006. Last year, two law professors discovered a technical problem with one of the 2006 changes.

During Senate consideration of the House bill, the section that provides a Federal registration defense to a dilution action was reorganized. This produced an unexpected and unintended change to the law.

As originally drafted in the House, the provision was designed to encourage Federal registration of trademarks. This is a worthy policy goal that prevents State laws from interfering with

federally protected trademarks and ensures that registered trademarks are protected nationwide.

The House version promoted this goal and barred a State action for dilution against a federally registered trademark. However, the Senate reformatted the House text in such a way as to create a bar against State action for dilution as well as a State or Federal action based on a claim of actual or likely damage or harm to the distinctiveness or reputation of a trademark. This means the Federal registration defense is available to both State and Federal dilution claims.

□ 1530

Congress did not intend such an outcome. If all dilution claims, including Federal claims, are barred by registration, it becomes difficult to cancel a diluting trademark that is registered. This encourages illegitimate trademark holders to register diluting trademarks, which forces legitimate trademark holders to expend greater resources to monitor registrations, as well as other trademarks being used in commerce. That is why I introduced H.R. 6215 to amend the Federal Trademark Dilution Act.

This bill simply reformats the affected provision to clarify that Federal registration only constitutes a complete bar to a State claim based on dilution, or actual or likely damage or harm to the distinctiveness or reputation of a trademark. The change applies prospectively.

This bill ensures that the trademark community is protected from those who seek to use this loophole as a way to disparage legitimate trademarks and cost their owners time and money.

The only change to the bill, as reported, is a technical correction to a boilerplate reference regarding the date of enactment of the Trademark Act of 1946. The reported version inaccurately identifies the date of enactment as July 6, 1946. The correct date is July 5, 1946.

I urge my colleagues to support H.R. 6214, and I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6215, which is necessary to correct a technical error in the Trademark Dilution Revision Act of 2006 that inadvertently allowed the registration of a Federal trademark to be a complete bar to Federal trademark dilution claims.

The concept of dilution was initially a creature of State law. Massachusetts was the first State to enact a dilution statute in 1947. The purpose of the dilution law is to protect the value and uniqueness of the plaintiff's trademark without requiring evidence about the likelihood of confusion.

Over 50 years after the passage of the Massachusetts statute, the 1996 Federal Trademark Dilution Act provided nationwide injunctive relief “against a use that causes dilution of the distinctive quality of the famous mark.” In