

Union Calendar No.

112TH CONGRESS
2^D SESSION

H. R. 1775

[Report No. 112-]

To amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Mr. HECK (for himself, Mr. RYAN of Ohio, Mr. CONAWAY, Mr. CHAFFETZ, Mr. BRADY of Pennsylvania, Mr. SIMPSON, Mr. MILLER of Florida, Mr. HELLER, Mr. PLATTS, Mr. GARAMENDI, Mr. LAMBORN, Mr. BARTLETT, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. CRAWFORD, Mr. MCKEON, Mr. WEST, Mr. ROGERS of Michigan, Mr. STIVERS, Mr. GRIMM, Mr. HUNTER, Mr. ROONEY, Mr. THORNBERRY, Mr. DUNCAN of South Carolina, Mrs. HARTZLER, Mr. JOHNSON of Ohio, Mr. YOUNG of Florida, Mr. BURTON of Indiana, Mr. WALDEN, Mr. KINZINGER of Illinois, Mr. DUNCAN of Tennessee, and Mr. LONG) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER --, 2012

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

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 2011”.

6 **SEC. 2. ESTABLISHMENT OF CRIMINAL OFFENSE RELATING**
7 **TO CERTAIN MISREPRESENTATIONS ABOUT**
8 **MILITARY SERVICE.**

9 (a) MISREPRESENTATIONS ABOUT MILITARY SERV-
10 ICE.—Chapter 47 of title 18, United States Code, is
11 amended by adding at the end the following new section:

12 **“§ 1041. Certain misrepresentations about military**
13 **service.**

14 “(a) OFFENSE.—Whoever, with intent to obtain any-
15 thing of value, knowingly makes a misrepresentation re-
16 garding his or her military service, shall—

17 “(1) if the misrepresentation is that such indi-
18 vidual served in a combat zone, served in a special
19 operations force, or was awarded the Congressional
20 Medal of Honor, be fined under this title, impris-
21 oned not more than 1 year, or both; and

22 “(2) in any other case, be fined under this title,
23 imprisoned not more than 6 months, or both.

24 “(b) EXCEPTION FOR DENIAL OF SERVICE.—Sub-
25 section (a) does not apply to a misrepresentation that an

1 individual did not serve in the Armed Forces of the United
2 States.

3 “(e) DEFENSE.—It is a defense to a prosecution
4 under this section if the thing of value is de minimis.

5 “(d) DEFINITIONS.—In this section:

6 “(1) ARMED FORCES OF THE UNITED
7 STATES.—The term ‘Armed Forces of the United
8 States’ means the Army, Navy, Air Force, Marine
9 Corps, and Coast Guard, including the reserve com-
10 ponents named in section 10101 of title 10, United
11 States Code.

12 “(2) COMBAT ZONE.—The term ‘combat zone’
13 has the meaning given such term in section
14 112(e)(2) of the Internal Revenue Code of 1986.

15 “(3) CONGRESSIONAL MEDAL OF HONOR.—The
16 term ‘Congressional Medal of Honor’ has the mean-
17 ing given such term in section 704 of title 18,
18 United States Code.

19 “(4) MILITARY SERVICE.—The term ‘military
20 service’ means—

21 “(A) service in the Armed Forces of the
22 United States;

23 “(B) service in a combat zone as a member
24 of the Armed Forces of the United States;

1 “(C) attainment of a specific rank in the
2 Armed Forces of the United States; and

3 “(D) receipt of—

4 “(i) any decoration or medal author-
5 ized by Congress for the Armed Forces of
6 the United States;

7 “(ii) any of the service medals or
8 badges awarded to members of such forces;
9 or

10 “(iii) the ribbon, button, or rosette of
11 any such badge, decoration, or medal.

12 “(5) SPECIAL OPERATIONS FORCE.—The term
13 ‘special operations force’ has the meaning given such
14 term in section 167(i) of title 10, United States
15 Code.”.

16 (b) CONFORMING AMENDMENTS.—Section 704 of
17 title 18, United States Code, is amended—

18 (1) by striking subsection (b);

19 (2) by redesignating subsections (c) and (d) as
20 subsections (b) and (e), respectively;

21 (3) in subsection (b)(1), as redesignated by
22 paragraph (2), by striking “or (b)”; and

23 (4) in subsection (e), as redesignated by para-
24 graph (2), by striking “or (b)”.

1 **SEC. 3. CLERICAL AMENDMENT.**

2 The table of sections at the beginning of chapter 47
3 of title 18, United States Code, is amended by adding at
4 the end the following new item:

“1041. Certain misrepresentations about military service.”.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Stolen Valor Act of*
7 *2012”.*

8 **SEC. 2. FRAUDULENT REPRESENTATIONS ABOUT RECEIPT**
9 **OF MILITARY DECORATIONS OR MEDALS.**

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

12 *(1) in subsection (a), by striking “wears,”; and*
13 *(2) so that subsection (b) reads as follows:*

14 *“(b) FRAUDULENT REPRESENTATIONS ABOUT RE-*
15 *CEIPT OF MILITARY DECORATIONS OR MEDALS.—Whoever,*
16 *with intent to obtain money, property, or other tangible*
17 *benefit, fraudulently holds oneself out to be a recipient of*
18 *a decoration or medal described in subsection (c)(2) or (d)*
19 *shall be fined under this title, imprisoned not more than*
20 *one year, or both.”.*

21 *(b) ADDITION OF CERTAIN OTHER MEDALS.—Section*
22 *704(d) of title 18, United States Code, is amended—*

23 *(1) by striking “If a decoration” and inserting*
24 *the following:*

25 *“(1) IN GENERAL.—If a decoration”;*

1 (2) *by inserting “a combat badge,” after “1129*
2 *of title 10,”; and*

3 (3) *by adding at the end the following:*

4 “(2) *COMBAT BADGE DEFINED.—In this sub-*
5 *section, the term ‘combat badge’ means a Combat In-*
6 *fantryman’s Badge, Combat Action Badge, Combat*
7 *Medical Badge, Combat Action Ribbon, or Combat*
8 *Action Medal.”.*

9 (c) *CONFORMING AMENDMENT.—Section 704 of title*
10 *18, United States Code, is amended in each of subsections*
11 *(c)(1) and (d) by striking “or (b)”.*

Amend the title so as to read: “A bill to amend title 18, United States Code, with respect to fraudulent representations about having received military decorations or medals.”.