AMENDMENT TO H.R. 2810
OFFERED BY MR. HUNTER OF CALIFORNIA

At the appropriate place in title V, insert the following new section:

SEC. 5. LIMITATIONS ON AUTHORITY TO REVOKE CERTAIN MILITARY DECORATIONS AWARDED TO MEMBERS OF THE ARMED FORCES.

(a) ARMY.—

(1) LIMITATIONS.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3757. Military decorations: limitations on revocation

"(a) LIMITATIONS.—Except as provided in subsection (b), the President or the Secretary of the Army may not authorize the revocation of a military decoration after the actual award of the military decoration to a member of the armed forces under the jurisdiction of the Secretary.

"(b) EXCEPTIONS.—(1) Subsection (a) does not apply to the revocation of a military decoration if the revocation is ordered on account of —
“(A) the acquisition of new or additional information that calls into question the service for which the member was awarded the military decoration; or
“(B) the conviction of the member for a serious violent felony.
“(2) In applying the exception described in paragraph (1)(B), the President and the Secretary of the Army shall take into account, as an extenuating factor, whether the member has been diagnosed with Traumatic Brain Injury (TBI) or Post-Traumatic Stress Disorder (PTSD).
“(c) DEFINITIONS.—In this section:
“(1) The term ‘military decoration’ means the distinguished-service cross, distinguished-service medal, silver star, distinguished flying cross, or Soldier’s Medal. The term does not include the medal of honor.
“(2) The term ‘serious violent felony’ has the meaning given that term in section 3559(e)(2)(F) of title 18.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:
“3757. Military decorations: limitations on revocation.”.

(b) NAVY AND MARINE CORPS.—
(1) LIMITATIONS.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

§ 6259. Military decorations: limitations on revocation

(a) LIMITATIONS.—Except as provided in subsection (b), the President or the Secretary of the Navy may not authorize the revocation of a military decoration after the actual award of the military decoration to a member of the armed forces under the jurisdiction of the Secretary.

(b) EXCEPTIONS.—(1) Subsection (a) does not apply to the revocation of a military decoration if the revocation is ordered on account of—

(A) the acquisition of new or additional information that calls into question the service for which the member was awarded the military decoration; or

(B) the conviction of the member for a serious violent felony.

(2) In applying the exception described in paragraph (1)(B), the President and the Secretary of the Navy shall take into account, as an extenuating factor, whether the member has been diagnosed with Traumatic Brain Injury (TBI) or Post-Traumatic Stress Disorder (PTSD).

(c) DEFINITIONS.—In this section:
“(1) The term ‘military decoration’ means the Navy cross, distinguished-service medal, silver star medal, distinguished flying cross, or Navy and Marine Corps Medal. The term does not include the medal of honor.

“(2) The term ‘serious violent felony’ has the meaning given that term in section 3559(e)(2)(F) of title 18.”.

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

“6259. Military decorations: limitations on revocation.”.

e) AIR FORCE.—

(1) LIMITATIONS.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8757. Military decorations: limitations on revocation

“(a) LIMITATIONS.—Except as provided in subsection (b), the President or the Secretary of the Air Force may not authorize the revocation of a military decoration after the actual award of the military decoration to a member of the armed forces under the jurisdiction of the Secretary.
“(b) EXCEPTIONS.—(1) Subsection (a) does not apply to the revocation of a military decoration if the revocation is ordered on account of—

“(A) the acquisition of new or additional information that calls into question the service for which the member was awarded the military decoration; or

“(B) the conviction of the member for a serious violent felony.

“(2) In applying the exception described in paragraph (1)(B), the President and the Secretary of the Air Force shall take into account, as an extenuating factor, whether the member has been diagnosed with Traumatic Brain Injury (TBI) or Post-Traumatic Stress Disorder (PTSD).

“(c) DEFINITIONS.—In this section:

“(1) The term ‘military decoration’ means the Air Force cross, distinguished-service medal, silver star, distinguished flying cross, or Airman’s Medal. The term does not include the medal of honor.

“(2) The term ‘serious violent felony’ has the meaning given that term in section 3559(c)(2)(F) of title 18.”.

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

“8757. Military decorations: limitations on revocation.”.