

107TH CONGRESS
1ST SESSION

H. R. 2561

To increase the rate of special pension for recipients of the Medal of Honor, to authorize those recipients to be furnished an additional medal for display purposes, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2001

Mr. WELDON of Pennsylvania (for himself, Mr. MURTHA, Mr. SMITH of New Jersey, Mr. EVANS, Mr. SKELTON, Mr. GILMAN, Mr. MCHUGH, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To increase the rate of special pension for recipients of the Medal of Honor, to authorize those recipients to be furnished an additional medal for display purposes, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Living American Hero
3 Appreciation Act”.

4 **SEC. 2. INCREASE IN RATE OF SPECIAL PENSION FOR**
5 **MEDAL OF HONOR RECIPIENTS AND RETRO-**
6 **ACTIVITY OF PAYMENTS TO DATE OF ACTION.**

7 (a) INCREASE IN SPECIAL PENSION.—Section
8 1562(a) of title 38, United States Code, is amended by
9 striking “a special pension at the rate of” and all that
10 follows through the period at the end and inserting “a spe-
11 cial pension, beginning as of the first day of the first
12 month that begins after the date of the act for which that
13 person was awarded the Medal of Honor. The special pen-
14 sion shall be at the rate of \$1000, as increased from time
15 to time under section 5312(a) of this title.”.

16 (b) COST OF LIVING ADJUSTMENT.—Section 5312(a)
17 of such title is amended by inserting after “children,” the
18 following: “the rate of special pension paid under section
19 1562 of this title,”.

20 (c) LUMP SUM PAYMENT FOR EXISTING MEDAL OF
21 HONOR RECIPIENTS.—The Secretary of Veterans Affairs
22 shall, within 60 days after the date of the enactment of
23 this Act, make a lump sum payment to each person who
24 is, immediately before the date of the enactment of this
25 Act, in receipt of the pension payable under section 1562
26 of title 38, United States Code (as amended by subsection

1 (a)). Such payment shall be in the amount equal to the
 2 difference between—

3 (1) the total amount of special pension that the
 4 person in fact has received; and

5 (2) the total amount of special pension that the
 6 person would have received had the amendment
 7 made by subsection (a) been in effect as of the date
 8 of the act for which that person was awarded the
 9 Medal of Honor.

10 **SEC. 3. ADDITIONAL MEDAL OF HONOR FOR DISPLAY OR**
 11 **EXHIBIT PURPOSES UPON REQUEST.**

12 (a) ARMY.—(1) Chapter 357 of title 10, United
 13 States Code, is amended by adding at the end the fol-
 14 lowing new section:

15 **“§ 3754. Medal of honor: additional medal for display**
 16 **or exhibit purposes**

17 “An individual awarded a medal of honor shall, upon
 18 request of that individual, be furnished, without charge,
 19 another medal of honor of appropriate design, for pur-
 20 poses of display or exhibit by that individual in place of
 21 the medal of honor first awarded.”.

22 (2) The table of sections at the beginning of such
 23 chapter is amended by adding at the end the following
 24 new item:

“3754. Medal of honor: additional medal for display or exhibit purposes.”.

1 (b) NAVY.—(1) Chapter 567 of title 10, United
2 States Code, is amended by adding at the end the fol-
3 lowing new section:

4 **“§ 6256. Medal of honor: additional medal for display**
5 **or exhibit purposes**

6 “An individual awarded a medal of honor may, upon
7 request of that individual, be furnished, without charge,
8 another medal of honor of appropriate design, for pur-
9 poses of display or exhibit by that individual in place of
10 the medal of honor first awarded.”.

11 (2) The table of sections at the beginning of such
12 chapter is amended by adding at the end the following
13 new item:

“6256. Medal of honor: additional medal for display or exhibit purposes.”.

14 (c) AIR FORCE.—(1) Chapter 857 of title 10, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 8753. Medal of honor: additional medal for display**
18 **or exhibit purposes**

19 “An individual awarded a medal of honor may, upon
20 request of that individual, be furnished, without charge,
21 another medal of honor of appropriate design, for pur-
22 poses of display or exhibit by that individual in place of
23 the medal of honor first awarded.”.

1 (2) The table of sections at the beginning of such
 2 chapter is amended by adding at the end the following
 3 new item:

“8753. Medal of honor: additional medal for display or exhibit purposes.”.

4 (d) COAST GUARD.—(1) Chapter 13 of title 14,
 5 United States Code, is amended by adding at the end the
 6 following new section:

7 **“§ 504. Medal of honor: additional medal for display**
 8 **or exhibit purposes**

9 “An individual awarded a medal of honor may, upon
 10 request of that individual, be furnished, without charge,
 11 another medal of honor of appropriate design, for pur-
 12 poses of display or exhibit by that individual in place of
 13 the medal of honor first awarded.”.

14 (2) The table of sections at the beginning of such
 15 chapter is amended by adding at the end the following
 16 new item:

“504. Medal of honor: additional medal for display or exhibit purposes.”.

17 **SEC. 4. CRIMINAL PENALTY FOR UNAUTHORIZED PUR-**
 18 **CHASE OR POSSESSION OF MEDAL OF HONOR**
 19 **OR FOR FALSE PERSONATION AS A RECIPI-**
 20 **ENT OF MEDAL OF HONOR.**

21 (a) UNAUTHORIZED PURCHASE OR POSSESSION.—
 22 Section 704 of title 18, United States Code, is amended—

1 (1) in subsection (a) by striking “IN GEN-
 2 ERAL.—Whoever” and inserting “IN GENERAL.—
 3 Except as provided in subsection (b), whoever”; and

4 (2) by amending subsection (b) to read as fol-
 5 lows:

6 “(b) MEDAL OF HONOR.—

7 “(1) IN GENERAL.—Whoever knowingly wears,
 8 possesses, manufactures, purchases, or sells a Medal
 9 of Honor, or the ribbon, button, or rosette of a
 10 Medal of Honor, or any colorable imitation thereof,
 11 except when authorized under regulations made pur-
 12 suant to law, shall be fined under this title or im-
 13 prisoned not more than one year, or both.

14 “(2) DEFINITIONS.—As used in this subsection:

15 “(A) The term ‘Medal of Honor’ means—

16 “(i) a medal of honor awarded under
 17 section 3741, 6241, or 8741 of title 10 or
 18 section 491 of title 14;

19 “(ii) a medal of honor furnished
 20 under section 3754, 6256, or 8753 of title
 21 10 or section 504 of title 14; or

22 “(iii) a replacement of a medal of
 23 honor under section 3747, 6253, or 8751
 24 of title 10 or section 501 of title 14.

1 “(B) The term ‘sells’ includes trades, bar-
 2 ters, or exchanges for anything of value.”.

3 (b) FALSE PERSONATION.—(1) Chapter 43 of such
 4 title is amended by adding at the end the following new
 5 section:

6 **“§ 918. Medal of honor recipient**

7 “(a) Whoever falsely or fraudulently holds himself out
 8 as having been, or represents or pretends himself to have
 9 been, awarded a medal of honor shall be fined under this
 10 title or imprisoned not more than one year, or both.

11 “(b) As used in this section, the term ‘medal of
 12 honor’ means a medal awarded under section 3741, 6241,
 13 or 8741 of title 10 or section 491 of title 14.”.

14 (2) The table of sections at the beginning of such
 15 chapter is amended by adding at the end the following
 16 new item:

“918. Medal of honor recipient.”.

17 **SEC. 5. FUNDING FOR CONGRESSIONAL MEDAL OF HONOR**

18 **SOCIETY OF THE UNITED STATES OF AMER-**

19 **ICA.**

20 (a) NONDISCRETIONARY GRANT.—The Secretary of
 21 Veterans Affairs shall grant to the Congressional Medal
 22 of Honor Society of the United States of America char-
 23 tered under section 40501 of title 36, United States Code,
 24 each amount appropriated pursuant to the authorization
 25 of appropriations in subsection (b), for use by the Society

1 for the operation of the principal office referred to in sec-
 2 tion 40507 of such title.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated for grants under sub-
 5 section (a) \$500,000 for each fiscal year beginning after
 6 the date of the enactment of this Act.

7 **SEC. 6. AUTHORIZATION FOR SPOUSE TO ACCOMPANY**
 8 **MEDAL OF HONOR RECIPIENT FOR OFFICIAL**
 9 **ACTIVITIES ON DEPARTMENT OF DEFENSE**
 10 **AIRCRAFT.**

11 (a) IN GENERAL.—Chapter 157 of title 10, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing new section:

14 **“§ 2647. Space-available travel on Department of De-**
 15 **fense aircraft: spouses accompanying**
 16 **medal of honor recipients for official De-**
 17 **partment of Defense activities**

18 “(a) TRANSPORTATION OF ACCOMPANYING
 19 SPOUSES.—In providing space-available transportation for
 20 an official Department of Defense activity to an individual
 21 by reason of that individual’s status as a medal of honor
 22 recipient, the Secretary of Defense shall provide such
 23 transportation to a spouse accompanying that individual
 24 on the same basis as that recipient.

1 “(b) SPACE-AVAILABLE TRANSPORTATION DE-
2 FINED.—In this section, the term ‘space-available trans-
3 portation’ means transportation on Department of De-
4 fense aircraft on a space-available basis, within the conti-
5 nental United States or otherwise.”.

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

“2647. Space-available travel on Department of Defense aircraft: spouses ac-
companied by medal of honor recipients for official Department
of Defense activities.”.

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