

107TH CONGRESS
1ST SESSION

H. R. 2561

IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 18) 2001

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the Medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor.

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 “Living American Hero
5 Appreciation Act”.

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

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

18 (b) COST OF LIVING ADJUSTMENT.—Section 5312(a)
19 of such title is amended by inserting after “children,” the
20 following: “the rate of special pension paid under section
21 1562 of this title,”.

22 (c) LUMP SUM PAYMENT FOR EXISTING MEDAL OF
23 HONOR RECIPIENTS.—The Secretary of Veterans Affairs
24 shall, within 60 days after the date of the enactment of
25 this Act, make a lump sum payment to each person who

1 is, immediately before the date of the enactment of this
2 Act, in receipt of the pension payable under section 1562
3 of title 38, United States Code (as amended by subsection
4 (a)). Such payment shall be in the amount equal to the
5 total amount of special pension that the person would have
6 received had the person received special pension during the
7 period beginning as of the first day of the first month that
8 began after the date of the act for which that person was
9 awarded the Medal of Honor and ending with the last day
10 of the month preceding the month that such person's spe-
11 cial pension in fact commenced. For each month of such
12 period, the amount of special pension shall be determined
13 using the rate of special pension that was in effect for
14 that month.

15 **SEC. 3. CRIMINAL PENALTY FOR UNAUTHORIZED PUR-**
16 **CHASE OR POSSESSION OF MEDAL OF HONOR**
17 **OR FOR FALSE PERSONATION AS A RECIPI-**
18 **ENT OF MEDAL OF HONOR.**

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

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

24 (2) by amending subsection (b) to read as fol-
25 lows:

1 “(b) MEDAL OF HONOR.—

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

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

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

11 “(i) a medal of honor awarded under
12 section 3741, 6241, or 8741 of title 10 or
13 under section 491 of title 14;

14 “(ii) a duplicate medal of honor issued
15 under section 3754, 6256, or 8753 of title
16 10 or under section 504 of title 14; or

17 “(iii) a replacement of a medal of
18 honor provided under section 3747, 6253,
19 or 8751 of title 10 or under section 501 of
20 title 14.

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

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

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

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

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

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

“918. Medal of honor recipient.”.

Passed the House of Representatives December 20,
2001.

Attest:

JEFF TRANDAHL,

Clerk.