

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5772

To amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names, images, and likenesses of members of the Armed Forces.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2006

Mr. BOUSTANY introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names, images, and likenesses of members of the Armed Forces.

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 “Military Fallen Heroes  
5       Protection Act of 2006”.

1 **SEC. 2. PROHIBITION ON THE UNAUTHORIZED USE OF**  
2 **NAMES AND IMAGES OF MEMBERS OF THE**  
3 **ARMED FORCES.**

4 (a) PROHIBITION.—Chapter 49 of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7 **“SEC. 987. UNAUTHORIZED USE OF NAMES AND IMAGES OF**  
8 **MEMBERS OF THE ARMED FORCES.**

9 “(a) PROHIBITION.—Except with the permission of  
10 the individual or individuals designated under subsection  
11 (d), no person may knowingly use the name, image or like-  
12 ness of a protected individual in connection with any mer-  
13 chandise, retail product, impersonation, solicitation, com-  
14 mercial, or political activity in a manner reasonably cal-  
15 culated to—

16 “(1) connect the protected individual with that  
17 individual’s service in the armed forces; and

18 “(2) convey the impression that such use is ap-  
19 proved, endorsed, or authorized by the protected in-  
20 dividual.

21 “(b) AUTHORITY TO ENJOIN VIOLATIONS.—When-  
22 ever it appears to the Attorney General that any person  
23 is engaged or is about to engage in an act or practice  
24 which constitutes or will constitute conduct prohibited by  
25 subsection (a), the Attorney General may initiate a civil  
26 proceeding in a district court of the United States to en-

1 join such act or practice. Such court shall proceed as soon  
2 as practicable to the hearing and determination of such  
3 action and may, at any time before final determination,  
4 enter such restraining orders or prohibitions, or take such  
5 other actions as is warranted, to prevent injury to the  
6 United States or to any person or class of persons for  
7 whose protection the action is brought.

8 “(c) PROTECTED INDIVIDUAL.—For purposes of this  
9 section, a protected individual is any person who—

10 “(1) is a member of the armed forces; or

11 “(2) was a member of the armed forces at any  
12 time after April 5, 1917, and, if not living, has a  
13 surviving spouse, child, parent, grandparent, or sib-  
14 ling.

15 “(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—

16 (1) The individual or individuals designated under this  
17 subsection, with respect to a protected individual—

18 “(A) is the protected individual, if living; and

19 “(B) otherwise is the living survivor or sur-  
20 vivors of the protected individual highest on the fol-  
21 lowing list:

22 “(i) The surviving spouse.

23 “(ii) The children.

24 “(iii) The parents.

25 “(iv) The grandparents.

1                   “(v) The siblings.

2           “(2) In the case of a protected individual for whom  
3 more than one individual is designated under clause (ii),  
4 (iii), (iv), or (v) of paragraph (1)(B), the prohibition under  
5 subsection (a) shall apply unless permission is obtained  
6 from each designated individual.”.

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

“987. Unauthorized use of names and images of members of the armed  
forces.”.

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