

Madam Speaker, I encourage unanimous support of this measure and also commend the ranking member for his successful amendment in terms of a monument at Arlington National Cemetery in recognition of all of those who prematurely lost their lives on September 11.

Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3423, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### LIVING AMERICAN HERO APPRECIATION ACT

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read as follows:

H.R. 2561

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Living American Hero Appreciation Act".

#### SEC. 2. INCREASE IN RATE OF SPECIAL PENSION FOR MEDAL OF HONOR RECIPIENTS AND RETROACTIVITY OF PAYMENTS TO DATE OF ACTION.

(a) INCREASE IN SPECIAL PENSION.—Section 1562(a) of title 38, United States Code, is amended by striking "a special pension at the rate of" and all that follows through the period at the end and inserting "a special pension, beginning as of the first day of the first month that begins after the date of the act for which that person was awarded the Medal of Honor. The special pension shall be at the rate of \$1,000, as increased from time to time under section 5312(a) of this title."

(b) COST OF LIVING ADJUSTMENT.—Section 5312(a) of such title is amended by inserting

after "children," the following: "the rate of special pension paid under section 1562 of this title,".

(c) LUMP SUM PAYMENT FOR EXISTING MEDAL OF HONOR RECIPIENTS.—The Secretary of Veterans Affairs shall, within 60 days after the date of the enactment of this Act, make a lump sum payment to each person who is, immediately before the date of the enactment of this Act, in receipt of the pension payable under section 1562 of title 38, United States Code (as amended by subsection (a)). Such payment shall be in the amount equal to the total amount of special pension that the person would have received had the person received special pension during the period beginning as of the first day of the first month that began after the date of the act for which that person was awarded the Medal of Honor and ending with the last day of the month preceding the month that such person's special pension in fact commenced. For each month of such period, the amount of special pension shall be determined using the rate of special pension that was in effect for that month.

#### SEC. 3. CRIMINAL PENALTY FOR UNAUTHORIZED PURCHASE OR POSSESSION OF MEDAL OF HONOR OR FOR FALSE PERSONATION AS A RECIPIENT OF MEDAL OF HONOR.

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

(1) in subsection (a) by striking "IN GENERAL.—Whoever" and inserting "IN GENERAL.—Except as provided in subsection (b), whoever"; and

(2) by amending subsection (b) to read as follows:

"(b) MEDAL OF HONOR.—

"(1) IN GENERAL.—Whoever knowingly wears, possesses, manufactures, purchases, or sells a Medal of Honor, or the ribbon, button, or rosette of a Medal of Honor, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than one year, or both.

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

"(A) The term 'Medal of Honor' means—

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

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

"(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8751 of title 10 or under section 501 of title 14.

"(B) The term 'sells' includes trades, barter, or exchanges for anything of value."

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

#### "§ 918. Medal of honor recipient

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

"(b) As used in this section, the term 'medal of honor' means a medal awarded under section 3741, 6241, or 8741 of title 10 or under section 491 of title 14."

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

"918. Medal of honor recipient."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gen-

tleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise this afternoon in strong support of H.R. 2561, which increases to \$1,000 per month the special pension payable to those veterans who have been awarded the Congressional Medal of Honor.

To date, 3,455 Medals of Honor have been awarded for 3,450 separate acts of heroism. There are today 149 living recipients of this highest of awards. Fifty-five percent of the living recipients earned their medals more than 50 years ago while serving in World War II or in Korea.

In April of 1916, Madam Speaker, monetary benefits were first established for Medal of Honor recipients in the amount of \$10 per month. In 1961, the rate was increased to \$100, and not increased again until 1978. Public Law 95-469 increased this pension to \$200. The Medal of Honor pension remained at \$200 until 1993, when it was increased to \$400 in Public Law 103-161. Congress again increased the pension to \$600 in 1998.

Madam Speaker, the Medal of Honor is the highest award for military valor that can be bestowed upon an individual serving in our Armed Forces. It is only fitting that living recipients, who are real heroes, be accorded this special recognition for the most supreme acts of bravery and sacrifice for our country.

Madam Speaker, I want to commend the gentleman from Pennsylvania (Mr. WELDON), the prime sponsor of this bill, for introducing it, for having the sensitivity to our great war heroes, and the great need that they have for this kind of recognition. It is a good bill.

Madam Speaker, I reserve the balance of my time

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume; and I am pleased to support H.R. 2561, the Living American Hero Appreciation Act. The bill was crafted to demonstrate our unequivocal support for Medal of Honor recipients, and I urge my colleagues to join me in doing this today.

In the name of the Congress, the President presents the Medal of Honor. It is the highest honor that can be bestowed on any American citizen. Only 3,455 Americans have been awarded Medals of Honor, and today only 149 of them are still living.

As the ranking Democrat on the Committee on Veterans' Affairs, as a senior member of the Committee on Armed Services, and as a United States

Marine, I feel strongly that these heroes represent a rare breed. Their vigilant contributions must be honored and supported by all Americans.

Accordingly, I am pleased that this measure would increase from \$600 to \$1,000 the monthly amount paid to the recipients of the Medal of Honor. In addition, the bill will provide an additional medal for use in display or exhibits to those recipients who desire one. The bill would also permit space-available travel for medal recipients and their accompanying spouses, and directs the Secretary of Veterans Affairs to grant appropriated amounts for the Congressional Medal of Honor Society in order to operate that society's primary office.

H.R. 2561 would also provide criminal penalties for the unauthorized purchase or possession of a medal and also for making a false representation as a medal recipient. This bill deserves the support of all our colleagues.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON), the author of the pending legislation.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my good friend and colleague and leader, the gentleman from New Jersey (Mr. SMITH), for his outstanding work on this bill, and my good friend and colleague, the gentleman from Illinois (Mr. EVANS), who is also a colleague on the Committee on Armed Services, for his great work on behalf of our veterans and on behalf of our military.

This is an important piece of legislation; and this Congress has really stood up, under the chairman and ranking member's leadership, to help out our veterans and our military. I am proud that this year, even though we had some terrible tragedies here in our country, that we are finally recognizing the true heroes in America. Because they are not in Hollywood, they are not on our ball fields, they are not in our State capitals, or even here in Washington. Our real heroes are the men and women who serve this country every day, either in the military or in our domestic support operations, our fire and EMS community.

When the defense bill passed this past week, we in fact authorized \$900 million a year of new money to help our domestic heroes, our fire and EMS personnel. This bill completes the story by allowing us to finally provide the appropriate recognition for our Congressional Medal of Honor winners.

I was approached by the Society of the Congressional Medal of Honor recipients earlier this year with some frustrations they had had. One was that medals had in fact been stolen in the past, and there was not an appropriate level of jurisprudence for us to

hold those people accountable who in fact had stolen medals. In fact, 5 years ago, we actually had a company produce false medals. This bill corrects that.

Second, there was a statement of a need to provide for a second medal so that Medal of Honor recipients can go out and tell their story. They can go to schools and speak on college campuses, to civic groups, and still have that medal back home. So they have two of the appropriate medals. This bill takes care of that.

Finally, it increases the stipend for the Medal of Honor recipients, because these are people that we should be encouraging to go out and speak to our young people. These are the real American heroes in this country. This bill provides an increase in their stipend and encourages them to go out and tell their story.

I am disappointed we could not get the approval from one of our committees to add a provision that would have allowed spouses to travel on space available on our military planes. But we will come back and fight that battle in another session. This bill does in fact show that our Congressional Medal of Honor recipients are the true heroes and that this Congress is responding to the work they have done on behalf of our country.

It is essential for me to acknowledge that without the persistent encouragement of two people, two patriotic Marines, Wally Nunn, my good friend, living in my sixth district, who is in fact the chairman of the board of the society, and Mike Linquist, the staff director, if they had not been involved, this bill would not be here today. And to all those who have received the Medal of Honor, and their families, we say, Job well done. We're proud of your work.

Madam Speaker, I will place into the RECORD the story of two great heroes, Secretary Barney Barnum and retired Major General Jim Livingston, and the actions that caused them to receive this highest award that America offers.

At a place called Ky Phu in the Quang Tin Province of Vietnam, the now Secretary Barney Barnum along with his company were engulfed in severe enemy fire and cut off from the remainder of the battalion. With his friends dying around him, then Lieutenant removed the radio from the dead operator and assumed command of the rifle company. Moving into the midst of heavy fire, he reorganized the replacement of lost personnel and led the successful counterattack on enemy positions. After clearing an area and ordering the landing of transport helicopters for the evacuation of the dead and wounded, he joined those remaining in securing the area and seizing the battalion's objective.

Three years later, Retired Major General Jim Livingston, the then commanding officer of E Company, led an assault on the heavily fortified village of Dai Do. The Captain maneuvered and encouraged his men to assault enemy positions across 500 meters of open rice paddy while under intense fire. Despite being wounded twice by grenade fragments, he led an attack that destroyed over 100 mutually supporting bunkers and emplacements around the village, but all was

not done. After another company was suffering a damaging counterattack by the enemy, Jim Livingston and his men came to their support. Although wounded a third time and unable to walk, he remained in the not yet secure area to organize the safe evacuation of his men.

Mr. EVANS. Madam Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, first I would like to thank the chairman and the ranking member of the Committee on Veterans' Affairs for bringing this bill to the floor for a vote.

I rise today in strong support of H.R. 2561, the Living American Hero Appreciation Act. This legislation pays tribute to some of our Nation's bravest veterans, Medal of Honor recipients, by increasing their monthly special pension. H.R. 2561 will ensure fair and equal treatment in payment of pensions to all Medal of Honor recipients.

These individuals served our country faithfully and engaged in extraordinary acts of courage and heroism. Many of them gave their lives in preservation of our ideals, our freedom, and our way of life. Each of their stories is unique.

According to Department of Defense records, one Medal of Honor recipient fought alone in the face of enemy fire to prevent a surprise attack against the United States troops. Another Medal of Honor recipient put himself directly in the line of sniper fire while attempting to rescue a downed helicopter pilot and his crew.

Today, there are 151 living Medal of Honor recipients, and they are all truly special individuals. They deserve our gratitude, and I am pleased that today this House is taking steps to ensure that they receive fair pension pay.

Mr. SMITH of New Jersey. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time.

I am pleased today to rise to urge support for H.R. 2561, the Living American Hero Appreciation Act, a bill which was introduced by the gentleman from Pennsylvania (Mr. WELDON), which I cosponsored, and which increases from \$600 to \$1,000 the monthly special pension for Congressional Medal of Honor recipients.

I commend the gentleman from Pennsylvania (Mr. WELDON) for working on this measure and bringing it before us, and I commend too the distinguished chairman of our Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), and the ranking committee member, the gentleman from Illinois (Mr. EVANS), for their support.

H.R. 2561 makes such increases in the monthly special pension retroactive from the date the medal was awarded, and makes such amounts subject to an

annual cost-of-living adjustment. It also directs the Secretary of Veterans Affairs to make a lump sum payment to existing medal recipients for any retroactive amounts due as a result of this increase.

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Moreover, the measure requires an individual awarded a medal, upon request, be issued another medal for display. The measure also requires criminal penalties for any unauthorized purchase or possession of a medal or for false representation as a medal recipient.

It also directs the Secretary to grant to the Congressional Medal of Honor Society appropriated amounts for the operation of its principal office, and directs the Secretary of Defense in providing space-available transportation to a medal recipient for an official Department of Defense activity, and provide such transportation to an accompanying spouse.

Madam Speaker, this measure is long overdue and recognizes the contributions made by the Medal of Honor recipients to secure the freedoms which we cherish in this Nation. I urge my colleagues to fully support this measure.

Mr. EVANS. Madam Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2561, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL SHELTON CONGRESSIONAL GOLD MEDAL ACT

Mr. KING. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2751) to authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public, as amended.

The Clerk read as follows:

H.R. 2751

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "General Shelton Congressional Gold Medal Act".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) General Henry H. Shelton, Chairman of the Joint Chiefs of Staff, the principal military adviser to the President, the National Security Council, and the Secretary of Defense, has displayed strong leadership, competence, and professionalism in fulfilling his statutory responsibilities throughout Operation Allied Force.

(2) General Shelton and his subordinates brilliantly planned and coordinated at the national level the successful air campaign in support of Operation Allied Force.

(3) General Shelton's leadership, foresight, and determination were directly responsible for ensuring a decisive military victory without a single allied combat casualty in Kosovo in 1999.

(4) As the principal military adviser to the President of the United States, the National Security Council, and the Secretary of Defense, General Shelton's assessments, judgments, recommendations, and determination were invaluable and instrumental in the unprecedented military victory against the forces of Slobodan Milosevic.

(5) General Shelton's distinction as a "soldier's soldier", as Chairman of the Joint Chiefs of Staff, and throughout his military service, including command of the Special Operations Command, the 18th Airborne Corps at Fort Bragg, North Carolina, helicopter forces in Operation Desert Storm, and special forces Green Berets in Vietnam, serves as an inspiration to the Congress and the people of the United States, a grateful Nation.

#### SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General Henry H. Shelton a gold medal of appropriate design in recognition of his performance as a military leader in coordinating the planning, strategy, and execution of the United States and NATO combat action and his invaluable contributions to the United States and to the successful return to peace in the Balkans as Chairman of the Joint Chiefs of Staff.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

#### SEC. 4. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 3, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

#### SEC. 5. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed \$30,000 to carry out section 3.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 4 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KING).

#### GENERAL LEAVE

Mr. KING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise this evening to urge all Members to support H.R. 2751, the General Shelton Congressional Gold Medal Act which would grant the Congressional Gold Medal to General Hugh Shelton, former chairman of the Joint Chiefs of Staff, in recognition of his long and distinguished service to the Nation.

Madam Speaker, General Shelton was a soldier's soldier throughout his military service, which included command of the Special Operations Command, the 18th Airborne Corps at Fort Bragg, North Carolina, helicopter forces in Operation Desert Storm, and special forces Green Berets in Vietnam.

I want to especially congratulate the gentleman from North Carolina (Mr. ETHERIDGE) for his efforts in bringing this bill to the floor this evening.

Madam Speaker, as chairman of the Joint Chiefs, General Shelton was the principal adviser to the President, the National Security Council, and the Secretary of Defense. In that role, he displayed an extraordinary degree of ability and professionalism. His leadership, foresight and determination were directly responsible for ensuring that proper military force was applied to bring about decisive military victory without a single allied combat casualty in the Kosovo campaign in 1999. General Shelton's career serves as inspiration to the Congress and the people of the United States, which is indeed a grateful Nation. Madam Speaker, I urge adoption of the legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2751, the General Shelton Congressional Gold Medal Act. This bill honors a truly great American hero and military leader.

In October of this year, General Hugh Shelton retired as Chairman of the Joint Chiefs of Staff. The General wore our Nation's uniform for 38 years, and America owes him a special debt of gratitude for his unsurpassed leadership as our senior military officer.

As the principal military adviser to the President and other civilian officials, General Shelton played a key role in the historic success of Operation Allied Force in extracting the Serbian forces of Slobodan Milosevic from Kosovo. His leadership, foresight and determination were directly responsible for this decisive and historic