MAY 20, 2013.

Hon. JOHN A. BOEHNER,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 20, 2013 at 11:33 a.m.:

That the Senate passed S. 982.

Appointments:

Commission on Security and Cooperation in Europe (Helsinki).

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1703

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WENSTRUP) at 5 o'clock and 3 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MAY 20, 2013.

Hon. JOHN A. BOEHNER,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 20, 2013 at 1:42 p.m.:

That the Senate agreed to S. Con. Res. 16.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

STOLEN VALOR ACT OF 2013

Mr. COLLINS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 258) to amend title 18, United States Code, with respect to fraudulent representations about having received military declarations or medals.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 258

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 ''Stolen Valor Act of 2013''.

SEC. 2. FRAUDULENT REPRESENTATIONS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.

(a) IN GENERAL.—Section 704 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''wears,''; and

(2) so that subsection (b) reads as follows:

''(b) FRAUDULENT REPRESENTATIONS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—Whoever, with intent to obtain money, property, or other tangible benefit, fraudulently holds oneself out to be a recipient of a decoration or medal described in subsection (c)(2) or (d) shall be fined under this title, imprisoned not more than one year, or both.''.

(b) ADDITION OF CERTAIN OTHER MEDALS.—Section 704(d) of title 18, United States Code, is amended—

(1) by striking ''If a decoration'' and inserting the following:

''(1) IN GENERAL.—If a decoration'';

(2) by inserting ''a combat badge,'' after ''1129 of title 10,''; and

(3) by adding at the end the following:

''(2) COMBAT BADGE DEFINED.—In this subsection, the term 'combat badge' means a Combat Infantryman's Badge, Combat Action Badge, Combat Medical Badge, Combat Action Ribbon, or Combat Action Medal.''.

(c) CONFORMING AMENDMENT.—Section 704 of title 18, United States Code, is amended in each of subsections (c)(1) and (d) by striking ''or (b)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. COLLINS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 258, currently under consideration.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

This Nation is blessed with many valiant men and women who have dedicated their lives to military service. My home State of Georgia has no shortage of these heroes, including Technical Sergeant Barry Duffield, who serves as a bomb disposal technician in the Georgia Guard's 116th Air Control Wing.

While deployed to Afghanistan, Sergeant Duffield's job was to oversee teams responsible for an incredibly dangerous job—neutralizing improvised explosive devices, or IEDs. Sergeant Duffield and his colleagues successfully completed 52 missions and helped destroy more than 1,200 pounds of enemy explosives. On January 7, 2013, Sergeant Duffield was awarded the Purple Heart for injuries he suffered during an IED detonation while deployed to Afghanistan in 2011. Sergeant Duffield also earned the Bronze Star and the Air Force Combat Action Medal for his valor during the same deployment.

The Purple Heart is one of the oldest and most recognized American military medals—dating back to 1782 when George Washington created what was then called the Badge of Military Merit to award ''any singularly meritorious action'' by a member of the military. Today, the Purple Heart is awarded to servicemembers like Sergeant Duffield who were killed or wounded by enemy action.

For almost 100 years, it has been a Federal crime to wear, manufacture, or sell military decorations or medals without proper authorization. In spite of this, many people have fraudulently claimed to be the recipient of military decorations, and this has unfortunately increased in recent years. In just one State, 600 people claimed on tax forms to be a recipient of the Medal of Honor in 1 year, even though at the time there were only 132 recipients alive nationwide.

To address this increase of fraudulent claims, in 2006 Congress enacted the Stolen Valor Act. This important law expands the penalties for falsely representing oneself as a recipient of any medal or honor authorized by Congress for the armed services.

In June 2012, the Supreme Court held in a case called U.S. v. Alvarez that the Stolen Valor Act inappropriately criminalized speech protected by the First Amendment. Specifically, the Court held that lying, even about having received a military decoration, is, by itself, protected speech. The Court, however, did note in this same case:

> In periods of war and peace alike, public recognition of valor and noble sacrifice by men and women in uniform reinforces the pride and national resolve that the military relies upon to fulfill its mission.

The Court also provided that false claims about military decorations demean the high purpose of such awards. This harm alone does not overcome the high level of scrutiny afforded protected speech. However, the Court did find:

> Where false claims are made to effect a fraud or secure moneys or other valuable considerations, say offers of employment, it is well established that the government may restrict speech without affronting the First Amendment.

H.R. 258, the Stolen Valor Act of 2013, narrows the law to make it a crime when people falsely claim to be a recipient of military decorations in order to carry out a fraud. The bill rewrites the statute to prohibit holding oneself out to be a recipient of certain military decorations or medals with the intent to obtain money, property, or

other tangible benefit. The penalty is limited to fraudulent claims related only to the Congressional Medal of Honor and those decorations or medals listed in the statute, including the Purple Heart.

This legislation enjoys strong bipartisan support, and a similar bill was passed by the House with overwhelming support last Congress. I urge my colleagues to join me in support of H.R. 258, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 258, the Stolen Valor Act of 2013. H.R. 258 is an important bill because it upholds the integrity of military medals and decorations as well as corrects a constitutional flaw in a statute intended to protect the integrity of these honors.

Without question, all of those who serve our Nation deserve to be honored, and those who have gone beyond their peers in serving our Nation deserve special recognition. It is especially appropriate that we consider this bill just before Memorial Day, a special day when we remember and honor the sacrifice of those who died serving our country in the military.

One way in which our Nation recognizes the outstanding bravery and sacrifice of servicemembers is to award these dedicated men and women special medals and decorations.

□ 1710

Recipients of these distinctions often have received serious injuries or made supreme sacrifices defending our Nation. To ensure that these honors bestowed on these recipients are not diminished, Congress must do all within its power to prevent anyone from falsely claiming that they have received these medals or decorations.

While that was the goal of the original Stolen Valor Act enacted in 2006, the Supreme Court, in 2012, found that the breadth and scope of that legislation ran afoul of the First Amendment's free speech protections. In that case, Justice Kennedy wrote that while ''few may find the respondent's statements anything but contemptible, his right to make those statements is protected by the Constitution's guarantee of freedom of speech and expression.''

But Justice Kennedy, in writing that opinion, also set out certain parameters he suggested that would pass constitutional muster should Congress seek to rewrite the legislation. He advised:

> Where false claims are made to effect a fraud or secure moneys or other valuable considerations, say offers of employment, it is well-established that the government may restrict speech without affronting the First Amendment.

The text of H.R. 258 was crafted to carefully comply with that guidance. As drafted, the bill prohibits individuals from fraudulently representing themselves as recipients of a narrow group of special military honors in order to obtain money, property, or other tangible benefits. H.R. 258 ensures that anyone who falsely represents that they have been awarded these honors in order to benefit in some material way will be subject to criminal sanction.

I support the bill because it protects the honor of our military medals and decorations, while also respecting the First Amendment. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I'm now pleased to yield as much time as he may consume to the gentleman from Nevada (Mr. HECK), the sponsor of this legislation and a tireless advocate for servicemen and -women.

Mr. HECK of Nevada. I thank the gentleman for yielding.

Mr. Speaker, I rise today to urge my colleagues to join with me in restoring the honor and valor of our military heroes by passing H.R. 258, the Stolen Valor Act of 2013.

On June 28, 2012, the U.S. Supreme Court struck down the Stolen Valor Act of 2005, concluding that the broad nature of the law infringed upon the guaranteed protection of free speech provided by the First Amendment of our Constitution. The Court determined that the act ''sought to control and suppress all false statements on this one subject, without regard as to whether the lie was made for the purpose of material gain.''

However, in concurring with the decision of the plurality, Justice Breyer stated that a ''more finely tailored statute that shows the false statement caused specific harm, or was at least material, could significantly reduce the threat of First Amendment harm, while permitting the statute to achieve its important protective objective.''

Mr. Speaker, that's exactly what my legislation does. The Stolen Valor Act of 2013 resolves these constitutional issues by clearly defining that the objective of the law is to target and punish those who misrepresent their service with the intent of profiting personally or financially.

Defining the intent helps ensure that this law will pass constitutional scrutiny while, at the same time, achieving its primary objective, which is to preserve the honor and integrity of military service and awards.

In 2006, every Member of both the House and the Senate clearly understood the need to protect the integrity and honor of military service and demonstrated that by unanimously passing the Stolen Valor Act in each Chamber.

That body understood that the proliferation of false claims occurring at the time cheapened the integrity of the military awards system and threatened the trust and honor bestowed upon military servicemembers and veterans by this Nation.

Mr. Speaker, the need to protect the honor, service, and sacrifice of our veterans and military personnel is just as strong today as it was in 2006. The need is just as strong today as it was last year when this body passed the 2012 Stolen Valor legislation 410–3. The need will be just as strong as long as there are individuals who continue to lie about service in order to gain notoriety, profit personally and professionally, and to receive benefits reserved for those who fought in defense of this Nation.

This House has the opportunity to once again show our servicemembers and veterans that we value the sanctity of their sacrifice while, at the same time, protecting the constitutional rights that they've fought so hard to protect.

This past Saturday was Armed Forces Day, and a week from today is Memorial Day. Mr. Speaker, what better way to show our support for our brave servicemen and -women than by passing this legislation before us today?

H.R. 258 enjoys broad bipartisan support, with 124 cosponsors, and is supported by numerous veterans service organizations, including the Veterans of Foreign Wars, the Association of the U.S. Navy, the Fleet Reserve Association, the National Association for Uniformed Services, the National Guard Association of the United States, the Association of the United States Army, the Military Officers Association of America, the Military Order of the Purple Heart, and AMVETS.

I want to thank Chairman GOODLATTE and Ranking Member CONYERS for moving this important legislation through the Judiciary Committee.

I urge my colleagues to support H.R. 258.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back important piece of legislation. I appreciate the gentleman from Nevada bringing this forward and moving it forward as we go ahead. I would, at this point, urge all my colleagues to vote ''yes.''

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, today I rise in support of the Stolen Valor Act (H.R. 258).

This bill would amend the federal criminal code to rewrite provisions relating to fraudulent claims about military service to be subjected to a fine, imprisonment, or both.

This would apply to an individual who, with intent to obtain money, property, or other tangible benefits, fraudulently holds himself or herself out to be a recipient of a military medal.

This bill was passed with overwhelming support in the previous Congress, but was found by the Supreme Court to violate the first Amendment. I commend Rep. HECK for making the necessary changes and trying again.

The men and women of our Armed Forces unselfishly answer the call of duty to defend our freedom. Congress should not allow anyone to capitalize on their accomplishments.

I urge my colleagues to stand with our Brave Men and Women and support this bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Georgia (Mr. COLLINS) that the House suspend the rules and pass the bill, H.R. 258.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COLLINS of Georgia. 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, further proceedings on this motion will be postponed.

NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION AND SAFETY OF MARITIME NAVIGATION ACT OF 2013

Mr. COLLINS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1073) to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1073

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 ''Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2013''.

TITLE I—SAFETY OF MARITIME NAVIGATION

SEC. 101. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking ''a ship flying the flag of the United States'' and inserting ''a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)'';

(B) in paragraph (1)(A)(ii), by inserting '', including the territorial seas'' after ''in the United States''; and

(C) in paragraph (1)(A)(iii), by inserting '', by a United States corporation or legal entity,'' after ''by a national of the United States'';

(2) in subsection (c), by striking ''section 2(c)'' and inserting ''section 13(c)'';

(3) by striking subsection (d);

(4) by striking subsection (e) and inserting after subsection (c):

''(d) DEFINITIONS.—As used in this section, section 2280a, section 2281, and section 2281a, the term—

''(1) 'applicable treaty' means—

''(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

''(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

''(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

''(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

''(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

''(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

''(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

''(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

''(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

''(2) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

''(3) 'biological weapon' means—

''(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

''(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

''(4) 'chemical weapon' means, together or separately—

''(A) toxic chemicals and their precursors, except where intended for—

''(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

''(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

''(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

''(iv) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

''(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

''(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B);

''(5) 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

''(6) 'explosive material' has the meaning given the term in section 841(c) and includes explosive as defined in section 844(j) of this title;

''(7) 'infrastructure facility' has the meaning given the term in section 2332f(e)(5) of this title;

''(8) 'international organization' has the meaning given the term in section 831(f)(3) of this title;

''(9) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

''(10) 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(11) 'Non-Proliferation Treaty' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968;

''(12) 'Non-Proliferation Treaty State Party' means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty;

''(13) 'Nuclear Weapon State Party to the Non-Proliferation Treaty' means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty;

''(14) 'place of public use' has the meaning given the term in section 2332f(e)(6) of this title;

''(15) 'precursor' has the meaning given the term in section 229F(6)(A) of this title;

''(16) 'public transport system' has the meaning given the term in section 2332f(e)(7) of this title;

''(17) 'serious injury or damage' means—

''(A) serious bodily injury,

''(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

''(C) substantial damage to the environment, including air, soil, water, fauna, or flora;

''(18) 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

''(19) 'source material' has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

''(20) 'special fissionable material' has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

''(21) 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law;

''(22) 'toxic chemical' has the meaning given the term in section 229F(8)(A) of this title;

''(23) 'transport' means to initiate, arrange or exercise effective control, including decisionmaking authority, over the movement of a person or item; and

''(24) 'United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.''; and

(5) by inserting after subsection (d) (as added by paragraph (4) of this section) the following:

''(e) EXCEPTIONS.—This section shall not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

''(2) activities undertaken by military forces of a state in the exercise of their official duties.

''(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a