

112TH CONGRESS  
1ST SESSION

# S. 1728

To amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2011

Mr. BROWN of Massachusetts introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

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 “Stolen Valor Act of  
5 2011”.

1 **SEC. 2. ESTABLISHMENT OF CRIMINAL OFFENSE RELATING**  
2 **TO CERTAIN MISREPRESENTATIONS ABOUT**  
3 **MILITARY SERVICE.**

4 (a) MISREPRESENTATIONS ABOUT MILITARY SERV-  
5 ICE.—Chapter 47 of title 18, United States Code, is  
6 amended by adding at the end the following new section:

7 **“§ 1041. Certain misrepresentations about military**  
8 **service.**

9 “(a) OFFENSE.—Whoever, with intent to obtain any-  
10 thing of value, knowingly makes a misrepresentation re-  
11 garding his or her military service, shall—

12 “(1) if the misrepresentation is that such indi-  
13 vidual served in a combat zone, served in a special  
14 operations force, or was awarded the Congressional  
15 Medal of Honor, be fined under this title, impris-  
16 oned not more than 1 year, or both; and

17 “(2) in any other case, be fined under this title,  
18 imprisoned not more than 6 months, or both.

19 “(b) EXCEPTION FOR DENIAL OF SERVICE.—Sub-  
20 section (a) does not apply to a misrepresentation that an  
21 individual did not serve in the Armed Forces of the United  
22 States.

23 “(c) DEFENSE.—It is a defense to a prosecution  
24 under this section if the thing of value is de minimis.

25 “(d) DEFINITIONS.—In this section:

1           “(1) ARMED FORCES OF THE UNITED  
2 STATES.—The term ‘Armed Forces of the United  
3 States’ means the Army, Navy, Air Force, Marine  
4 Corps, and Coast Guard, including the reserve com-  
5 ponents named in section 10101 of title 10.

6           “(2) COMBAT ZONE.—The term ‘combat zone’  
7 has the meaning given such term in section  
8 112(c)(2) of the Internal Revenue Code of 1986.

9           “(3) CONGRESSIONAL MEDAL OF HONOR.—The  
10 term ‘Congressional Medal of Honor’ has the mean-  
11 ing given such term in section 704 of this title.

12           “(4) MILITARY SERVICE.—The term ‘military  
13 service’ means—

14           “(A) service in the Armed Forces of the  
15 United States;

16           “(B) service in a combat zone as a member  
17 of the Armed Forces of the United States;

18           “(C) attainment of a specific rank in the  
19 Armed Forces of the United States; and

20           “(D) receipt of—

21           “(i) any decoration or medal author-  
22 ized by Congress for the Armed Forces of  
23 the United States;

1                   “(ii) any of the service medals or  
2                   badges awarded to members of such forces;

3                   or

4                   “(iii) the ribbon, button, or rosette of  
5                   any such badge, decoration, or medal.

6                   “(5) SPECIAL OPERATIONS FORCE.—The term  
7                   ‘special operations force’ has the meaning given such  
8                   term in section 167(i) of title 10.”.

9                   (b) CONFORMING AMENDMENTS.—Section 704 of  
10 title 18, United States Code, is amended—

11                   (1) by striking subsection (b);

12                   (2) by redesignating subsections (c) and (d) as  
13 subsections (b) and (c), respectively;

14                   (3) in subsection (b)(1), as redesignated by  
15 paragraph (2), by striking “or (b)”; and

16                   (4) in subsection (c), as redesignated by para-  
17 graph (2), by striking “or (b)”.

18 **SEC. 3. CLERICAL AMENDMENT.**

19                   The table of sections at the beginning of chapter 47  
20 of title 18, United States Code, is amended by adding at  
21 the end the following new item:

“1041. Certain misrepresentations about military service.”.

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