

116TH CONGRESS
2D SESSION

S. 5006

To provide for the repatriation to the United States for historical and educational purposes of military decorations, medals, and related items that are located outside the United States, to provide for the imposition of sanctions in connection with trade in military medals and decorations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2020

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide for the repatriation to the United States for historical and educational purposes of military decorations, medals, and related items that are located outside the United States, to provide for the imposition of sanctions in connection with trade in military medals and decorations, and for other purposes.

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 “Limiting and Enabling
5 Gathering Awards Commemorating Yesteryear Act” or
6 “LEGACY Act”.

1 **SEC. 2. REPATRIATION TO THE UNITED STATES FOR HIS-**
2 **TORICAL AND EDUCATIONAL PURPOSES OF**
3 **MILITARY DECORATIONS, MEDALS, AND RE-**
4 **LATED ITEMS THAT ARE LOCATED OUTSIDE**
5 **THE UNITED STATES.**

6 (a) PURCHASE AND IMPORTATION INTO UNITED
7 STATES AUTHORIZED.—Subject to subsection (b), any or-
8 ganization or individual may purchase outside the United
9 States for importation in the United States, import into
10 the United States, or both purchase outside the United
11 States for importation into the United States and import
12 into the United States any of the following:

13 (1) Any decoration or medal authorized by Con-
14 gress for members of the Armed Forces of the
15 United States.

16 (2) Any service medal or badge awarded to
17 members of the Armed Forces of the United States.

18 (3) Any ribbon, button, or rosette of any deco-
19 ration, medal, or badge described in paragraph (1)
20 or (2).

21 (b) APPROVAL OF PURCHASE AND IMPORTATION.—

22 (1) IN GENERAL.—An organization or indi-
23 vidual may purchase, import, or both an item pursu-
24 ant to subsection (a) only if the Secretary of De-
25 fense approves in writing such purchase, importa-
26 tion, or both.

1 (2) CONDITIONS.—The Secretary may not ap-
2 prove the purchase, importation, or both of an item
3 pursuant to paragraph (1) unless the Secretary de-
4 termines that—

5 (A) the purchase, importation, or both of
6 the item will be made for historical or edu-
7 cational purposes;

8 (B) the importation of the item to the
9 United States will to be permanent; and

10 (C) upon importation, the item will be—

11 (i) returned, without expectation of
12 reimbursement, to the appropriate Armed
13 Force;

14 (ii) purchased by or donated to a mu-
15 seum or other entity in the United States
16 that agrees to display the item for the edu-
17 cational benefit of the American public; or

18 (iii) purchased by or donated to an
19 educational institution in the United States
20 for use for instructional purposes.

21 (3) APPLICATION.—An organization or indi-
22 vidual seeking to purchase, import, or both an item
23 pursuant to subsection (a) shall submit to the Sec-
24 retary an application for approval of such purchase,
25 importation, or both in such form and manner, and

1 containing such information, as the Secretary con-
2 sidered appropriate for purposes of this section. Any
3 such application may be for approval with respect to
4 a single item or multiple items to be purchased, im-
5 ported, or both over such period of time, not to ex-
6 ceed one year, as the organization or individual con-
7 cerned shall request in such application.

8 (4) DURATION OF APPROVAL; RENEWAL.—An
9 approval of purchase, importation, or both for an or-
10 ganization or individual under this subsection may
11 be for activities so approved over such period, not to
12 exceed one year, as the Secretary shall specify in
13 such approval. Any such approval may be renewed in
14 accordance with the provisions of this subsection.

15 (c) CONSTRUCTION WITH STOLEN VALOR PROHIBI-
16 TION.—This section is intended to create an exception to
17 the prohibition on the purchase and sale of military
18 awards and decorations in section 704 of title 18, United
19 States Code, as such exceptions are provided for in that
20 section, and the purchase, importation, or both of such
21 an item shall not be treated as an offense under that sec-
22 tion if the organization or individual making such pur-
23 chase, importation, or both—

24 (1) acts in accordance with the requirements of
25 this section; and

1 (2) is approved by the Secretary to do so pursu-
2 ant to subsection (b).

3 (d) REGULATIONS.—The Secretary may prescribe
4 regulations for purposes of carrying out this section.

5 (e) UNITED STATES DEFINED.—In this section, the
6 term “United States” means the United States and its
7 Territories and possessions.

8 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO**
9 **TRADE IN MILITARY MEDALS OR DECORA-**
10 **TIONS.**

11 (a) IN GENERAL.—The President shall impose the
12 sanctions described in subsection (c) with respect to each
13 person on the list required by subsection (b).

14 (b) LIST REQUIRED.—

15 (1) IN GENERAL.—Not later than one year
16 after the date of the enactment of this Act, and an-
17 nually thereafter, the Secretary of State shall submit
18 to the appropriate congressional committees a list of
19 foreign persons that have engaged in activities that,
20 if engaged in the United States or by a United
21 States person, would constitute an offense under
22 section 704(a) of title 18, United States Code.

23 (2) EXCEPTION.—The Secretary of State may
24 not include a foreign person on the list required by
25 paragraph (1) for—

1 (A) purchasing, importing, or both an item
2 described in subsection (a) of section 1 with the
3 approval of the Secretary of Defense under sub-
4 section (b) of that section; or

5 (B) selling such an item to a person ap-
6 proved by the Secretary of Defense to purchase,
7 import, or both, the item pursuant to section 1.

8 (c) SANCTIONS DESCRIBED.—

9 (1) IN GENERAL.—The sanctions described in
10 this subsection are the following:

11 (A) PROPERTY BLOCKING.—The President
12 shall, pursuant to the International Emergency
13 Economic Powers Act (50 U.S.C. 1701 et seq.),
14 block and prohibit all transactions in property
15 and interests in property of a person on the list
16 required by subsection (b) if such property and
17 interests in property are in the United States,
18 come within the United States, or are or come
19 within the possession or control of a United
20 States person.

21 (B) ALIENS INELIGIBLE FOR VISAS, AD-
22 MISSION, OR PAROLE.—

23 (i) EXCLUSION FROM THE UNITED
24 STATES.—The Secretary of State shall
25 deny a visa to, and the Secretary of Home-

land Security shall exclude from the United States, any alien on the list required by subsection (b).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of any such officer or Secretary) shall revoke any visa or other entry documentation issued to an alien on the list required by subsection (b), regardless of when the visa or other documentation was issued.

(II) EFFECT OF REVOCATION.—

A revocation under subclause (I) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of paragraph (1)(A).

1 (d) EXCEPTIONS.—

2 (1) INTELLIGENCE ACTIVITIES.—This section
3 shall not apply with respect to activities subject to
4 the reporting requirements under title V of the Na-
5 tional Security Act of 1947 (50 U.S.C. 3091 et seq.)
6 or any authorized intelligence activities of the United
7 States.

8 (2) COMPLIANCE WITH UNITED NATIONS HEAD-
9 QUARTERS AGREEMENT.—Subsection (c)(1)(B) shall
10 not apply with respect to the admission of an alien
11 to the United States if such admission is necessary
12 to comply with United States obligations under the
13 Agreement between the United Nations and the
14 United States of America regarding the Head-
15 quarters of the United Nations, signed at Lake Suc-
16 cess June 26, 1947, and entered into force Novem-
17 ber 21, 1947, under the Convention on Consular Re-
18 lations, done at Vienna April 24, 1963, and entered
19 into force March 19, 1967, or under other inter-
20 national obligations.

21 (e) IMPLEMENTATION; PENALTIES.—

22 (1) IMPLEMENTATION.—The President may ex-
23 ercise all authorities provided under sections 203
24 and 205 of the International Emergency Economic

1 Powers Act (50 U.S.C. 1702 and 1704) to carry out
2 this section.

3 (2) PENALTIES.—A person that violates, at-
4 tempts to violate, conspires to violate, or causes a
5 violation of subsection (c)(1)(A) or any regulation,
6 license, or order issued to carry out that subsection
7 shall be subject to the penalties set forth in sub-
8 sections (b) and (c) of section 206 of the Inter-
9 national Emergency Economic Powers Act (50
10 U.S.C. 1705) to the same extent as a person that
11 commits an unlawful act described in subsection (a)
12 of that section.

13 (f) DEFINITIONS.—In this section:

14 (1) ADMISSION; ADMITTED; ALIEN.—The terms
15 “admission”, “admitted”, and “alien” have the
16 meanings given those terms in section 101 of the
17 Immigration and Nationality Act (8 U.S.C. 1101).

18 (2) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Relations
22 and the Committee on Armed Services of the
23 Senate; and

1 (B) the Committee on Foreign Affairs and
2 the Committee on Armed Services of the House
3 of Representatives.

4 (3) FOREIGN PERSON.—The term “foreign per-
5 son” means an individual or entity that is not a
6 United States person.

7 (4) UNITED STATES PERSON.—The term
8 “United States person” means—

9 (A) a United States citizen or an alien law-
10 fully admitted to the United States for perma-
11 nent residence; or

12 (B) an entity organized under the laws of
13 the United States or any jurisdiction within the
14 United States.

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