AMENDMENT TO H.R. 5658, AS REPORTED

OFFERED BY MR. BOREN OF OKLAHOMA

At the end of title V insert the following new section:

1 **SEC. 5. 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 **"§ 988. 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 or image of
12 a protected individual in connection with any merchandise,
13 retail product, impersonation, solicitation, or commercial
14 activity in a manner reasonably calculated to connect the
15 protected individual with that individual's service in the
16 armed forces.

17 "(b) AUTHORITY TO ENJOIN VIOLATIONS.—When-
18 ever it appears to the Attorney General that any person
19 is engaged or is about to engage in an act or practice

1 which constitutes or will constitute conduct prohibited by
2 subsection (a), the Attorney General may initiate a civil
3 proceeding in a district court of the United States to en-
4 join such act or practice. Such court shall proceed as soon
5 as practicable to the hearing and determination of such
6 action and may, at any time before final determination,
7 enter such restraining orders or prohibitions, or take such
8 other actions as is warranted, to prevent injury to the
9 United States or to any person or class of persons for
10 whose protection the action is brought.

11 "(c) PROTECTED INDIVIDUAL.—For purposes of this
12 section, a protected individual is any person who—

13 "(1) is a member of the armed forces; or

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

18 "(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—
19 (1) The individual or individuals designated under this
20 subsection, with respect to a protected individual—

21 "(A) is the protected individual, if living; and

22 "(B) otherwise is the living survivor or sur-
23 vivors of the protected individual highest on the fol-
24 lowing list:

25 "(i) The surviving spouse.

1 "(ii) The children.

2 "(iii) The parents.

3 "(iv) The grandparents.

4 "(v) The siblings.

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

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

"988. Unauthorized use of names and images of members of the armed forces.".