AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BOREN OF OKLAHOMA

Page 270, after line 4, insert the following:

SEC. 598. PROHIBITION ON THE UNAUTHORIZED USE OF
NAMES AND IMAGES OF MEMBERS OF THE
ARMED FORCES.

(a) PROHIBITION.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

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

“(a) PROHIBITION.—Except with the permission of the individual or individuals designated under subsection (d), no person may knowingly use the name or image of a protected individual in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual’s service in the armed forces.

“(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by
subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

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

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

“(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

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

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

“(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

“(i) The surviving spouse.

“(ii) The children.
“(iii) The parents.

“(iv) The grandparents.

“(v) The siblings.

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

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

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