

indeed tragic, but he will be remembered as a hero and a patriot.

STOLEN VALOR ACT

Mr. CONRAD. Mr. President, I would like to comment today on the Stolen Valor Act of 2005 that was signed into law by President Bush on December 20, 2006. I am extremely proud of authoring the Senate version of this legislation that ultimately became law. The new law that has resulted from the Stolen Valor Act strengthens and expands the protections for our Armed Forces military service awards and decorations.

Since the Stolen Valor Act was signed into law, there have been reports of concerns raised by medal collectors, historians, museums, family members that inherit medals, and persons legitimately possessing, shipping, or selling military service awards and decorations. I would like to make it clear for the RECORD that the intent and effect of my legislation and the resulting law is only to provide the tools law enforcement need to prosecute those fraudulently using military service awards they did not earn through service to our Armed Forces. It does not in any way restrict legitimate possession, use, shipment, or display of these awards and decorations.

Before the law was enacted, my legislation was reviewed by the Senate Judiciary Committee, the House Judiciary Committee, the Department of Justice, and the Congressional Research Service's American Law Division. All concluded that the Stolen Valor legislation does not negatively impact those legitimately in possession of military service awards and decorations.

Although the new law modifies title 18 USC, section 704, it does not impact the legitimate purchase, sale, or possession of medals. The key part of this passage is the phrase, "except when authorized under regulations made pursuant to law." That exception refers to 32 Code of Federal Regulations (CFR), section 507. I believe the concerns raised by collectors and dealers of military medals and memorabilia may stem from lack of familiarity with the CFR and its relationship to statutory law. The CFR is the regulation that implements and administers statutory provisions, in this case, the provisions of 18 USC section 704 as amended by the Stolen Valor Act.

The CFR specifically states in section 507.12(b), "Mere possession by a person of any of the articles prescribed in Sec. 507.8 of this part is authorized provided that such possession is not used to defraud or misrepresent the identification or status of the individuals concerned." According to numerous legal experts consulted on the drafting of the Stolen Valor legislation, "mere possession" would include family members who inherit medals, museums, collectors, approved medals dealers, historians, and other persons

in possession or selling medals that do not use them for fraudulent purposes. In addition, CFR Sec. 507.8(a) indicates, "the articles listed in paragraphs (a) (1) through (10) of this section are authorized for manufacture and sale when made in accordance with approved specifications, purchase descriptions or drawings."

The articles listed as authorized for manufacture and sale in Sec. 507.8(a) include decorations, service medals, ribbons, lapel buttons, and badges with the exception of the Medal of Honor. The CFR allows for the sale of all U.S. medals, except the Medal of Honor, and insignia, provided that an official government manufacturer has made them and that the Institute of Heraldry, IOH, approved those pieces. Thus, the Stolen Valor Act does not in any way stop collectors or dealers from selling or collecting officially made medals and insignia, whether they were made yesterday or 50 years ago.

In closing, I again want to assure those legitimately in possession of selling, displaying, or shipping military service awards that the Stolen Valor Act is only directed at those who fraudulently use military service awards and decorations. I have been to Walter Reed Hospital, Bethesda Naval Hospital, and have awarded numerous awards and decorations to soldiers and veterans. These brave men and women have given so much to ensure our freedoms. I strongly believe protecting the meaning and valor of military service awards is a very important way we can continue to honor their service and sacrifice.

I ask unanimous consent that a memo from the American Law Division at Congressional Research Service supporting this analysis be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, September 21, 2006.

To: Hon. Kent Conrad; Attention: Shawn Ferguson.

From: John R. Luckey, Legislative Attorney, American Law Division.

Subject: The Stolen Valor Act of 2005.

This memorandum is furnished in response to your request for a review of the impact of enactment of the Stolen Valor Act of 2005 upon collectors of military service medals who are currently acting in compliance with federal regulations. The Bill would amend the federal criminal code expand the prohibition against wearing, manufacturing, or selling military decorations or medals without legal authorization to prohibit purchasing, soliciting, mailing, shipping, importing, exporting, producing blank certificates of receipt for, advertising, trading, bartering, or exchanging such decorations or medals without authorization. It would prohibit falsely representing oneself as having been awarded any decoration or medal authorized by Congress for the Armed Forces or any of the service medals or badges. The penalties for violations, if the offense involves a distinguished service cross, an Air Force Cross, a Navy Cross, a silver star, or a Purple Heart, would be increased.

The current provision of title 18 states:

"SEC. 704. Military medals or decorations
"(a) IN GENERAL.—Whoever knowingly wears, manufactures, or sells any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both."

The Bill would not affect the exception for acts authorized by regulation. Therefore, it appears accurate to conclude that if the action of the collector was authorized by regulation, the enactment of the Bill would not affect that authorization.

We hope this information is responsive to your request. If we may be of further assistance, please call.

JOHN R. LUCKEY,
Legislative Attorney.

NATIONAL EYE DONOR MONTH

Mr. BROWN. Mr. President, March is National Eye Donor Month, an opportunity to celebrate the gift of sight, to honor past donors and their families, and to raise public awareness regarding the importance of eye donation. We in the Senate can help ensure a sufficient supply of precious corneas by educating the public about the importance of eye donation and encouraging more Americans to become organ donors.

Last year, more than 46,000 Americans had their lives renewed and reinvigorated through the miracle of corneal transplantation. This surgical procedure gives those people who have lost, or are losing, their vision the life-changing gift of restored sight.

For more than 30 years, Teresa Walton, an Ohio resident, lived without depth perception and with the stigma of an altered appearance, because a viral infection stole the vision in her left eye. At the age of 15, while most other children were enjoying high school sports and anxiously awaiting the day they could earn their driver's license, Teresa was unable to recognize when someone approached her from the left, nor could she easily navigate a set of stairs.

Finally, in her forties, Teresa decided it was time for a transplant. Because of the transplant she received in Springfield, OH, the vision in Teresa's left eye was restored. With the return of her depth perception, Teresa can now easily light the candles on her three daughters' birthday cakes. She is no longer self-conscious about the appearance of her left eye. And as a teacher, she can now recognize when one of her students is standing next to her.

Through the tireless efforts of the eye banks located throughout the country, and the coordinated efforts of the Eye Bank Association of America, Teresa Walton and thousands upon thousands of Americans like her have rediscovered the many joys full vision affords.

The power of cornea transplantation is evident in Teresa's story, but it is