

106TH CONGRESS
2D SESSION

H. R. 5517

To provide for the return of escheated property consisting of military medals to the military department which issued them, to authorize the military departments to donate such medals to appropriate museums and resource centers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2000

Mr. SHERMAN (for himself, Mr. BLAGOJEVICH, Mr. HOEFFEL, Mrs. KELLY, Mrs. MYRICK, Mr. KIND, Mr. TANNER, Mr. MASCARA, Mrs. CHRISTENSEN, Mr. SKELTON, Mr. FALCOMA, Mr. ETHERIDGE, Ms. SLAUGHTER, Ms. ESHOO, Mr. MCGOVERN, Ms. KILPATRICK, and Mr. INSLEE) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the return of escheated property consisting of military medals to the military department which issued them, to authorize the military departments to donate such medals to appropriate museums and resource centers, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Decoration
3 Preservation Act”.

4 **SEC. 2. PRESERVATION OF MILITARY MEDALS.**

5 (a) IN GENERAL.—Subject to subsection (c), if any
6 unclaimed property consisting of a military decoration is
7 subject to escheatment to a State, or is otherwise subject
8 to a custodial taking by a State, the person having custody
9 of such military decoration shall deliver the military deco-
10 ration to the Secretary concerned, in accordance with reg-
11 ulations which the Secretary of Defense shall prescribe,
12 instead of an official of such State.

13 (b) CUSTODY AND DISPLAY OF UNCLAIMED MILI-
14 TARY DECORATIONS.—The Secretary concerned—

15 (1) shall maintain custody of any military deco-
16 ration delivered to the Secretary pursuant to sub-
17 section (a); and

18 (2) may, subject to such terms and conditions
19 as the Secretary of Defense or the Secretary con-
20 cerned may prescribe by regulation or order, provide
21 for the display of such decoration in any museum or
22 exhibition which the Secretary of Defense or the
23 Secretary concerned determines to be appropriate,
24 including State and military museums.

25 (c) EXEMPTION FOR STATES WHICH PROVIDE SIMI-
26 LAR TREATMENT.—The Secretary of Defense may exempt

1 persons having custody of military decorations in any
2 State from the requirements of this section if the Sec-
3 retary determines that such State has in effect—

4 (1) a requirement that an appropriate State of-
5 ficial maintain the beneficial ownership of any un-
6 claimed military decoration that escheats to the
7 State, or is otherwise subject to a custodial taking
8 by the State; and

9 (2) a prohibition on the sale of such military
10 decoration.

11 (d) CLAIMS BY OWNER.—Any person claiming an in-
12 terest in a military decoration delivered to a Secretary
13 concerned under subsection (a) may file a claim with the
14 Secretary concerned for such decoration, in accordance
15 with regulations which the Secretary of Defense shall pre-
16 scribe.

17 (e) DEFINITIONS.—For purposes of this section, the
18 following definitions shall apply:

19 (1) MILITARY DECORATION.—The term “mili-
20 tary decoration” means a decoration (as defined in
21 section 1130(c)(2) of title 10, United States Code).

22 (2) SECRETARY CONCERNED.—The term “Sec-
23 retary concerned” has the same meaning as in sec-
24 tion 101(a)(9) of title 10, United States Code.

1 **SEC. 3. EXCLUSION OF MILITARY MEDALS FROM ESTATES**
2 **IN BANKRUPTCY.**

3 Section 541(b) of title 11, United States Code, is
4 amended—

5 (1) by striking “or” at the end of paragraph
6 (4);

7 (2) by striking the period at the end of para-
8 graph (5) and inserting “; or”; and

9 (3) by inserting after paragraph (5) the fol-
10 lowing new paragraph:

11 “(6) any interest of the debtor in any decora-
12 tion (as defined in section 1130(c)(2) of title 10,
13 United States Code), if the debtor was the initial re-
14 cipient of the decoration or acquired such interest by
15 gift or inheritance.”.

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