

such forces. (See note to sec. 5 [of 1949 Act, set out in Legislative History note under section 244 of title 18].)

CONSTITUTIONALITY

For information regarding constitutionality of certain provisions of this section, as added and amended by section 3 of Pub. L. 109-437, see Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-437, §3(a), substituted “purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value” for “manufactures, or sells”.

Subsec. (b). Pub. L. 109-437, §3(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 109-437, §3(b)(1), (d)(1), redesignated subsec. (b) as (c) and inserted “Enhanced Penalty for Offenses Involving” before “Congressional Medal of Honor” in heading.

Subsec. (c)(1). Pub. L. 109-437, §3(b)(3), inserted “or (b)” after “subsection (a)”.

Subsec. (c)(2). Pub. L. 109-437, §3(d)(2), added par. (2) and struck out former par. (2) which defined “sells” and “Congressional Medal of Honor”.

Subsec. (d). Pub. L. 109-437, §3(c), added subsec. (d).

2001—Subsec. (b)(2)(B). Pub. L. 107-107 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “As used in this subsection, ‘Congressional Medal of Honor’ means a medal awarded under section 3741, 6241, or 8741 of title 10.”

1996—Subsec. (a). Pub. L. 104-294 amended Pub. L. 103-322, §320109(1). See 1994 Amendment note below.

1994—Subsec. (a). Pub. L. 103-322, §§320109(2), 330016(1)(E), amended subsec. (a) identically, substituting “fined under this title” for “fined not more than \$250”.

Pub. L. 103-322, §320109(1), as amended by Pub. L. 104-294, §604(b)(16), designated existing provisions as subsec. (a) and inserted heading.

Subsec. (b). Pub. L. 103-322, §320109(3), added subsec. (b).

Subsec. (b)(2)(B). Pub. L. 103-442 inserted “, 6241, or 8741” after “3741”.

1949—Act May 24, 1949, covered all service decorations awarded members of the armed forces by any of the armed services.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

FINDINGS

Pub. L. 109-437, §2, Dec. 20, 2006, 120 Stat. 3266, provided that: “Congress makes the following findings:

“(1) Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals.

“(2) Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals.

“(3) Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals.”

§ 705. Badge or medal of veterans’ organizations

Whoever knowingly manufactures, reproduces, sells or purchases for resale, either separately or

on or appended to, any article of merchandise manufactured or sold, any badge, medal, emblem, or other insignia or any colorable imitation thereof, of any veterans’ organization incorporated by enactment of Congress, or of any organization formally recognized by any such veterans’ organization as an auxiliary of such veterans’ organization, or knowingly prints, lithographs, engraves or otherwise reproduces on any poster, circular, periodical, magazine, newspaper, or other publication, or circulates or distributes any such printed matter bearing a reproduction of such badge, medal, emblem, or other insignia or any colorable imitation thereof, except when authorized under rules and regulations prescribed by any such organization, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 732; Aug. 4, 1950, ch. 578, 64 Stat. 413; Pub. L. 103-322, title XXXIII, §330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §76e (June 25, 1940, ch. 426, 54 Stat. 571).

Words beginning the section are from the punishment provision of last sentence which was itself rewritten without surplusage.

Changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$250”.

1950—Act Aug. 4, 1950, brought within the protection of this section emblems, badges, or insignia of auxiliary organizations of veteran’s organizations incorporated by an act of Congress.

§ 706. Red Cross

Whoever wears or displays the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross; or

Whoever, whether a corporation, association or person, other than the American National Red Cross and its duly authorized employees and agents and the sanitary and hospital authorities of the armed forces of the United States, uses the emblem of the Greek red cross on a white ground, or any sign or insignia made or colored in imitation thereof or the words “Red Cross” or “Geneva Cross” or any combination of these words—

Shall be fined under this title or imprisoned not more than six months, or both.

This section shall not make unlawful the use of any such emblem, sign, insignia or words which was lawful on the date of enactment of this title.

(June 25, 1948, ch. 645, 62 Stat. 732; May 24, 1949, ch. 139, §17, 63 Stat. 92; Pub. L. 103-322, title XXXIII, §330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 4 of title 36, Patriotic Societies and Observances (Jan. 5, 1905, ch. 23, §4, 33 Stat. 600; June 23, 1910, ch. 372, §1, 36 Stat. 604).

False personation provision in first part of section was omitted here and incorporated in section 917 of this title.