

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.

Words of punishment “\$250” and “six months” were substituted for “\$500” and “one year” respectively as more consonant with penalties provided for similar offenses in this chapter. (See sections 701, 704, 705 of this title.)

Punishment provisions were also changed to omit reference to “misdemeanor” in view of definitive section 1 of this title.

Words “upon conviction thereof” were omitted as surplusage, because punishment can only be imposed after conviction.

Changes were made in phraseology.

1949 ACT

This section [section 17] clarifies the wording of section 706 of title 18, U.S.C., to embrace all service sanitary units whether belonging to the Army, Navy, Air Force, or other branches of the Armed services. (See note to sec. 5 [of 1949 Act, set out in Legislative History note under section 244 of title 18]).

REFERENCES IN TEXT

The date of enactment of this title, referred to in text, means June 25, 1948.

AMENDMENTS

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

1949—Act May 24, 1949, included all service sanitary units.

§ 706a. Geneva distinctive emblems

(a) Whoever wears or displays the sign of the Red Crescent or the Third Protocol Emblem (the Red Crystal), 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 an authorized national society using the Red Crescent or the Third Protocol Emblem, the International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies shall be fined under this title or imprisoned not more than 6 months, or both.

(b) Except as set forth in section¹ (c) and (d), whoever, whether a corporation, association, or person, uses the emblem of the Red Crescent or the Third Protocol Emblem on a white ground or any sign or insignia made or colored in imitation thereof or the designations “Red Crescent” or “Third Protocol Emblem” shall be fined under this title or imprisoned not more than 6 months, or both.

(c) The following may use such emblems and designations consistent with the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols:

(1) Authorized national societies that are members of the International Federation of Red Cross and Red Crescent Societies and their duly authorized employees and agents.

(2) The International Committee of the Red Cross and its duly authorized employees and agents.

(3) The International Federation of Red Cross and Red Crescent Societies and its duly authorized employees and agents.

(4) The sanitary and hospital authorities of the armed forces of State Parties to the Geneva Conventions of August 12, 1949.

(d) This section does not make unlawful the use of any such emblem, sign, insignia, or words

which was lawful on or before December 8, 2005, if such use would not appear in time of armed conflict to confer the protections of the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols.

(e) A violation of this section or section 706 may be enjoined at the civil suit of the Attorney General.

(Added Pub. L. 109-481, §2(a), Jan. 12, 2007, 120 Stat. 3673.)

§ 707. 4-H club emblem fraudulently used

Whoever, with intent to defraud, wears or displays the sign or emblem of the 4-H clubs, consisting of a green four-leaf clover with stem, and the letter H in white or gold on each leaflet, or any insignia in colorable imitation thereof, for the purpose of inducing the belief that he is a member of, associated with, or an agent or representative for the 4-H clubs; or

Whoever, whether an individual, partnership, corporation or association, other than the 4-H clubs and those duly authorized by them, the representatives of the United States Department of Agriculture, the land grant colleges, and persons authorized by the Secretary of Agriculture, uses, within the United States, such emblem or any sign, insignia, or symbol in colorable imitation thereof, or the words “4-H Club” or “4-H Clubs” or any combination of these or other words or characters in colorable imitation thereof—

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. 733; 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., §§ 76c and 76d (June 5, 1939, ch. 184, §§ 1, 2, 53 Stat. 809).

The first provision of section 76c of title 18, U.S.C., 1940 ed., relating to fraudulently pretending to be a member of a 4-H Club was incorporated in section 916 of this title.

The language describing the emblem was transposed. Unnecessary words were omitted from punishment provision, and “\$250” was substituted for “\$300” to make the punishment consonant with the penalties provided for similar offenses. (See sections 701, 704, 705 of this title for similar offenses.)

The language of section 76d of title 18, U.S.C., 1940 ed., was rephrased and inserted after “whoever,” in the second paragraph.

Minor changes were made in phraseology.

REFERENCES IN TEXT

The date of enactment of this title, referred to in text, means June 25, 1948.

AMENDMENTS

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

§ 708. Swiss Confederation coat of arms

Whoever, whether a corporation, partnership, unincorporated company, association, or person within the United States, willfully uses as a

¹ So in original. Probably should be “subsections”.