

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 76a, 76b (June 29, 1932, ch. 306, §§ 1, 2, 47 Stat. 342; May 22, 1939, ch. 141, 53 Stat. 752).

Sections were consolidated.

The term “department or agency” was substituted for “department or independent office” in two places to embrace all properly constituted agencies as defined in section 6 of this title and to eliminate any possible ambiguity as to scope of section.

Minor changes were made in phraseology.

## AMENDMENTS

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

**§ 702. Uniform of armed forces and Public Health Service**

Whoever, in any place within the jurisdiction of the United States or in the Canal Zone, without authority, wears the uniform or a distinctive part thereof or anything similar to a distinctive part of the uniform of any of the armed forces of the United States, Public Health Service or any auxiliary of such, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 732; May 24, 1949, ch. 139, §15(a), 63 Stat. 91; Pub. L. 103-322, title XXXIII, §330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

## HISTORICAL AND REVISION NOTES

## 1948 ACT

Based on section 1393 of title 10, U.S.C., 1940 ed., Army and Air Force, and section 228 of title 42, U.S.C., 1940 ed., The Public Health and Welfare (June 3, 1916, ch. 134, §125, 39 Stat. 216 (2d paragraph); July 1, 1944, ch. 373, §510, 58 Stat. 711).

“Auxiliary of such” was inserted to extend protection to the uniforms of any auxiliary corps that may be established.

Fine of “\$250” was substituted for “\$300” as being more consonant with the penalties provided for similar offenses in this chapter.

Minor changes of phraseology also were made.

## 1949 ACT

This section [section 15] inserts “armed forces” in the catch line and text of section 702 of title 18, U.S.C., and thereby includes the Air Force which was formerly part of the Army. (See note to sec. 5 [of 1949 Act, set out in Legislative History note under section 244 of title 18]). Also, it incorporates in such section the provisions of act of April 15, 1948 (ch. 188, 62 Stat. 172), which relates to this section as well as to section 1393 of title 10, U.S.C. (one of the sources of such sec. 701), as it existed at the time of the enactment of the revision of title 18 and which was not incorporated in title 18 when the revision was enacted. In this connection specific reference to the Canal Zone, Guam, American Samoa, and the Virgin Islands, as contained in such act of April 15, 1948, were omitted as covered by the phrase, “in any place within the jurisdiction of the United States,” as used in this amendment of such section 702 of title 18, U.S.C.

## REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

## AMENDMENTS

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

1949—Act May 24, 1949, inserted “armed forces” in lieu of enumerating specific branches in section catch-line and text, and inserted “in any place within the jurisdiction of the United States or in the Canal Zone”.

## TRANSFER OF FUNCTIONS

Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695, which is classified to section 3508(b) of Title 20, Education.

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 703. Uniform of friendly nation**

Whoever, within the jurisdiction of the United States, with intent to deceive or mislead, wears any naval, military, police, or other official uniform, decoration, or regalia of any foreign state, nation, or government with which the United States is at peace, or anything so nearly resembling the same as to be calculated to deceive, shall be fined under this title or imprisoned not more than six months, or both.

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

## HISTORICAL AND REVISION NOTES

Based on section 246 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (July 8, 1918, ch. 138, 40 Stat. 821).

Words “upon conviction” were deleted as surplusage, since punishment cannot be imposed until a conviction is secured.

Reference to territories or places subject to jurisdiction of the United States was omitted in view of section 5 of this title defining the term “United States.”

Fine of “\$250” was substituted for “\$300” as being more consonant with the penalties provided for similar offenses in this chapter.

Words “unless such wearing thereof be authorized by such state, nation, or government” were deleted as unnecessary and undesirable since it is unthinkable that a friendly power would authorize such deceit.

Minor changes were made in phraseology.

## AMENDMENTS

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

**§ 704. Military medals or decorations**

(a) IN GENERAL.—Whoever knowingly 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 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.

(b) FRAUDULENT REPRESENTATIONS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—

Whoever, with intent to obtain money, property, or other tangible benefit, fraudulently holds oneself out to be a recipient of a decoration or medal described in subsection (c)(2) or (d) shall be fined under this title, imprisoned not more than one year, or both.

(c) ENHANCED PENALTY FOR OFFENSES INVOLVING CONGRESSIONAL MEDAL OF HONOR.—

(1) IN GENERAL.—If a decoration or medal involved in an offense under subsection (a) is a Congressional Medal of Honor, in lieu of the punishment provided in that subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.

(2) CONGRESSIONAL MEDAL OF HONOR DEFINED.—In this subsection, the term “Congressional Medal of Honor” means—

(A) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

(B) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

(C) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.

(d) ENHANCED PENALTY FOR OFFENSES INVOLVING CERTAIN OTHER MEDALS.—

(1) IN GENERAL.—If a decoration or medal involved in an offense described in subsection (a) is a distinguished-service cross awarded under section 3742 of title 10, a Navy cross awarded under section 6242 of title 10, an Air Force cross awarded under section 8742 of section<sup>1</sup> 10, a silver star awarded under section 3746, 6244, or 8746 of title 10, a Purple Heart awarded under section 1129 of title 10, a combat badge, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the punishment provided in the applicable subsection, the offender shall be fined under this title, imprisoned not more than 1 year, or both.

(2) COMBAT BADGE DEFINED.—In this subsection, the term “combat badge” means a Combat Infantryman’s Badge, Combat Action Badge, Combat Medical Badge, Combat Action Ribbon, or Combat Action Medal.

(June 25, 1948, ch. 645, 62 Stat. 732; May 24, 1949, ch. 139, §16, 63 Stat. 92; Pub. L. 103-322, title XXXII, §320109, title XXXIII, §330016(1)(E), Sept. 13, 1994, 108 Stat. 2113, 2146; Pub. L. 103-442, Nov. 2, 1994, 108 Stat. 4630; Pub. L. 104-294, title VI, §604(b)(16), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 107-107, div. A, title V, §553(e), Dec. 28, 2001, 115 Stat. 1117; Pub. L. 109-437, §3, Dec. 20, 2006, 120 Stat. 3266; Pub. L. 113-12, §2, June 3, 2013, 127 Stat. 448.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 1425 of title 10, U.S.C., 1940 ed., Army and Air Force (Feb. 24, 1923, ch. 110, 42 Stat. 1286; Apr. 21, 1928, ch. 392, 45 Stat. 437).

Section was made to cover the decorations and medals of the Navy Department as well as the War Department.

Minor changes were made in phraseology.

<sup>1</sup> So in original. Probably should be “title”.

1949 ACT

This section [section 16] clarifies the wording of section 704 of title 18, U.S.C., to embrace all service decorations awarded to members of the armed forces whether by the Army, Navy, Air Force, or other branch of such forces. (See note to sec. 5 [of 1949 Act, set out in Legislative History note under section 244 of title 18].)

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-12, §2(a)(1), struck out “wears,” after “Whoever knowingly”.

Subsec. (b). Pub. L. 113-12, §2(a)(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “Whoever falsely represents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item shall be fined under this title, imprisoned not more than six months, or both.”

Subsec. (c)(1). Pub. L. 113-12, §2(c), struck out “or (b)” after “subsection (a)”.

Subsec. (d). Pub. L. 113-12, §2(b), designated existing provisions as par. (1), inserted heading, inserted “a combat badge,” after “1129 of title 10,” and added par. (2).

Subsec. (d)(1). Pub. L. 113-12, §2(c), struck out “or (b)” after “subsection (a)”.

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 section<sup>1</sup> (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:

<sup>1</sup> So in original. Probably should be “subsections”.