

culture after consultation with the Association of State Foresters and the Advertising Council, knowingly and for profit manufactures, reproduces, or uses the character “Smokey Bear”, originated by the Forest Service, United States Department of Agriculture, in cooperation with the Association of State Foresters and the Advertising Council for use in public information concerning the prevention of forest fires, or any facsimile thereof, or the name “Smokey Bear” shall be fined under this title or imprisoned not more than six months, or both.

(Added May 23, 1952, ch. 327, § 1, 66 Stat. 92; amended Pub. L. 93-318, § 5, June 22, 1974, 88 Stat. 245; Pub. L. 103-322, title XXXIII, §§ 330004(4), 330016(1)(E), Sept. 13, 1994, 108 Stat. 2141, 2146.)

#### AMENDMENTS

1994—Pub. L. 103-322, § 330016(1)(E), substituted “fined under this title” for “fined not more than \$250”.

Pub. L. 103-322, § 330004(4), struck out last par. which read as follows: “The Secretary of Agriculture may specially authorize the manufacture, reproduction, or use of the character ‘Smokey Bear’ for a period not to exceed one hundred and eighty days, expiring no later than one year after the enactment hereof, by any person who, because of plans or commitments made prior to the enactment of this Act, would suffer substantial loss if denied such authorization.”

1974—Pub. L. 93-318 inserted “and for profit” after “knowingly” and struck out “as a trade name or in such manner as suggests the character ‘Smokey Bear’” after “facsimile thereof, or the name ‘Smokey Bear’”.

#### DEPOSIT OF FEES; AVAILABILITY

Deposit of fees collected under regulations governing “Smokey Bear” and availability for use, see section 580p-2 of Title 16, Conservation.

#### § 711a. “Woodsy Owl” character, name, or slogan

Whoever, except as authorized under rules and regulations issued by the Secretary, knowingly and for profit manufactures, reproduces, or uses the character “Woodsy Owl”, the name “Woodsy Owl”, or the associated slogan, “Give a Hoot, Don’t Pollute” shall be fined under this title or imprisoned not more than six months, or both.

(Added Pub. L. 93-318, § 6, June 22, 1974, 88 Stat. 245; amended Pub. L. 103-322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

#### AMENDMENTS

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

#### DESCRIPTION OF “WOODSY OWL” CHARACTER

For description of character of “Woodsy Owl” as referred to in this section, see section 580p of Title 16, Conservation.

#### § 712. Misuse of names, words, emblems, or insignia

Whoever, in the course of collecting or aiding in the collection of private debts or obligations, or being engaged in furnishing private police, investigation, or other private detective services, uses or employs in any communication, correspondence, notice, advertisement, or circular the words “national”, “Federal”, or “United States”, the initials “U.S.”, or any emblem, insignia, or name, for the purpose of conveying and in a manner reasonably calculated to con-

vey the false impression that such communication is from a department, agency, bureau, or instrumentality of the United States or in any manner represents the United States, shall be fined under this title or imprisoned not more than one year, or both.

(Added Pub. L. 86-291, § 1, Sept. 21, 1959, 73 Stat. 570; amended Pub. L. 93-147, § 1(a), Nov. 3, 1973, 87 Stat. 554; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

1973—Pub. L. 93-147 substituted “Misuse of names, words, emblems, or insignia” for “Misuse of names by collecting agencies or private detective agencies to indicate Federal agency” in section catchline and substituted “in the course” and “such communication is from a department” for “being engaged in the business” and “such business is a department” respectively, and struck out “as part of the firm name of such business,” after “detective services, uses”.

#### EFFECTIVE DATE

Pub. L. 86-291, § 2, Sept. 21, 1959, 73 Stat. 570, provided that: “The provisions of this section [enacting this section] shall become effective sixty days from the enactment thereof [Sept. 21, 1959].”

#### § 713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress

(a) Whoever knowingly displays any printed or other likeness of the great seal of the United States, or of the seals of the President or the Vice President of the United States, or the seal of the United States Senate, or the seal of the United States House of Representatives, or the seal of the United States Congress, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined under this title or imprisoned not more than six months, or both.

(b) Whoever, except as authorized under regulations promulgated by the President and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seals of the President or Vice President, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(c) Whoever, except as directed by the United States Senate, or the Secretary of the Senate on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured

or sold, any likeness of the seal of the United States Senate, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(d) Whoever, except as directed by the United States House of Representatives, or the Clerk of the House of Representatives on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States House of Representatives, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(e) Whoever, except as directed by the United States Congress, or the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Congress, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(f) A violation of the provisions of this section may be enjoined at the suit of the Attorney General,

(1) in the case of the great seal of the United States and the seals of the President and Vice President, upon complaint by any authorized representative of any department or agency of the United States;

(2) in the case of the seal of the United States Senate, upon complaint by the Secretary of the Senate;

(3) in the case of the seal of the United States House of Representatives, upon complaint by the Clerk of the House of Representatives; and

(4) in the case of the seal of the United States Congress, upon complaint by the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly.

(Added Pub. L. 89-807, §1(a), Nov. 11, 1966, 80 Stat. 1525; amended Pub. L. 91-651, §1, Jan. 5, 1971, 84 Stat. 1940; Pub. L. 102-229, title II, §210(a)-(d), Dec. 12, 1991, 105 Stat. 1717; Pub. L. 103-322, title XXXIII, §330016(1)(E), Sept. 13, 1994, 108 Stat. 2146; Pub. L. 105-55, title III, §308(a)-(d), Oct. 7, 1997, 111 Stat. 1198.)

#### AMENDMENTS

1997—Pub. L. 105-55, §308(d), substituted “the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress” for “and the seal of the United States Senate” in section catchline.

Subsec. (a). Pub. L. 105-55, §308(a), inserted “or the seal of the United States House of Representatives, or the seal of the United States Congress,” after “Senate.”

Subsecs. (d), (e). Pub. L. 105-55, §308(b), added subsecs. (d) and (e). Former subsec. (d) redesignated (f).

Subsec. (f). Pub. L. 105-55, §308(b)(1), redesignated subsec. (d) as (f).

Subsec. (f)(3), (4). Pub. L. 105-55, §308(c), added pars. (3) and (4).

1994—Subsecs. (a) to (c). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$250”.

1991—Pub. L. 102-229, §210(a), substituted “the seals of the President and Vice President, and the seal of the United States Senate” for “and of the seals of the President and Vice President” in section catchline.

Subsec. (a). Pub. L. 102-229, §210(b), inserted “or the seal of the United States Senate,” after “Vice President of the United States.”

Subsecs. (c), (d). Pub. L. 102-229, §210(c), (d), added subsec. (c), amended former subsec. (c) generally, and redesignated former subsec. (c) as (d). Prior to amendment and redesignation, former subsec. (c) read as follows: “A violation of subsection (a) or (b) of this section may be enjoined at the suit of the Attorney General upon complaint by any authorized representative of any department or agency of the United States.”

1971—Pub. L. 91-651 substituted “Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President” for “Use of the great seal of the United States” in section catchline.

Subsec. (a). Pub. L. 91-651 redesignated existing provisions as subsec. (a), expanded prohibition to include likenesses of the seals of the President and Vice President, and added to the enumerated list of prohibited uses for likenesses of the great seal of the United States and for the seals of the President and Vice President, use in posters, public meetings, or on any building, monument, or stationery.

Subsecs. (b), (c). Pub. L. 91-651 added subsecs. (b) and (c).

#### EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 91-651, §3, Jan. 5, 1971, 84 Stat. 1941, provided that: The amendments made by this Act [amending this section] shall not make unlawful any preexisting use of the design of the great seal of the United States or of the seals of the President or Vice President of the United States that was lawful on the date of enactment of this Act [Jan. 5, 1971], until one year after the date of such enactment.”

#### EX. ORD. NO. 11649. REGULATIONS GOVERNING SEALS OF PRESIDENT AND VICE PRESIDENT OF UNITED STATES

Ex. Ord. No. 11649, Feb. 16, 1972, 37 F.R. 3625, as amended by Ex. Ord. No. 11916, May 28, 1976, 41 F.R. 22031, provided:

By virtue of the authority vested in me by section 713(b) of title 18, United States Code, I hereby prescribe the following regulations governing the use of the Seals of the President and the Vice President of the United States:

SECTION 1. Except as otherwise provided by law, the knowing manufacture, reproduction, sale, or purchase for resale of the Seals or Coats of Arms of the President or the Vice President of the United States, or any likeness or substantial part thereof, shall be permitted only for the following uses:

(a) Use by the President or Vice President of the United States;

(b) Use in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of seals, coats of arms, heraldry, or the Presidency or Vice Presidency;

(c) Use in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals, coats of arms, heraldry, or the Presidency or Vice Presidency;

(d) Use as an architectural embellishment in libraries, museums, or archives established to house the papers or effects of former Presidents or Vice Presidents;

(e) Use on a monument to a former President or Vice President;

(f) Use by way of photographic or electronic visual reproduction in pictures, moving pictures, or telecasts of bona fide news content;

(g) Such other uses for exceptional historical, educational, or newsworthy purposes as may be authorized in writing by the Counsel to the President.

SEC. 2. The manufacture, reproduction, sale, or purchase for resale, either separately or appended to any article manufactured or sold, of the Seals of the President or Vice President, or any likeness or substantial part thereof, except as provided in this Order or as otherwise provided by law, is prohibited.

RICHARD NIXON.

**[§ 714. Repealed. Pub. L. 97-258, § 2(d)(1)(B), Sept. 13, 1982, 96 Stat. 1058]**

Section, added Pub. L. 91-419, § 3, Sept. 25, 1970, 84 Stat. 870, defined “Johnny Horizon” for purposes of Pub. L. 91-419.

**§ 715. “The Golden Eagle Insignia”**

As used in this section, “The Golden Eagle Insignia” means the words “The Golden Eagle” and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses “The Golden Eagle Insignia”, or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive, shall be fined under this title or imprisoned not more than six months, or both.

The use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act shall not be a violation of this section.

A violation of this section may be enjoined at the suit of the Attorney General, upon complaint by the Secretary of the Interior.

(Added Pub. L. 92-347, § 3(b), July 11, 1972, 86 Stat. 461; amended Pub. L. 103-322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in text, means the date of enactment of Pub. L. 92-347, which was approved July 11, 1972.

AMENDMENTS

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

**§ 716. Public employee insignia and uniform**

(a) Whoever—

(1) knowingly transfers, transports, or receives, in interstate or foreign commerce, a counterfeit official insignia or uniform;

(2) knowingly transfers, in interstate or foreign commerce, a genuine official insignia or uniform to an individual, knowing that such individual is not authorized to possess it under the law of the place in which the badge is the official official<sup>1</sup> insignia or uniform;

(3) knowingly receives a genuine official insignia or uniform in a transfer prohibited by paragraph (2); or

(4) being a person not authorized to possess a genuine official insignia or uniform under

the law of the place in which the badge is the official official<sup>1</sup> insignia or uniform, knowingly transports that badge in interstate or foreign commerce,

shall be fined under this title or imprisoned not more than 6 months, or both.

(b) It is a defense to a prosecution under this section that the insignia or uniform is other than a counterfeit insignia or uniform and is not used to mislead or deceive, or is used or is intended to be used exclusively—

(1) as a memento, or in a collection or exhibit;

(2) for decorative purposes;

(3) for a dramatic presentation, such as a theatrical, film, or television production; or

(4) for any other recreational purpose.

(c) As used in this section—

(1) the term “genuine police badge” means an official badge issued by public authority to identify an individual as a law enforcement officer having police powers;

(2) the term “counterfeit police badge” means an item that so resembles a police badge that it would deceive an ordinary individual into believing it was a genuine police badge; and<sup>2</sup>

(3) the term “official insignia or uniform” means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee;

(4) the term “public employee” means any officer or employee of the Federal Government or of a State or local government; and

(5) the term “uniform” means distinctive clothing or other items of dress, whether real or counterfeit, worn during the performance of official duties and which identifies the wearer as a public agency employee.

(d) It is a defense to a prosecution under this section that the official insignia or uniform is not used or intended to be used to mislead or deceive, or is a counterfeit insignia or uniform and is used or is intended to be used exclusively—

(1) for a dramatic presentation, such as a theatrical, film, or television production; or

(2) for legitimate law enforcement purposes.

(Added Pub. L. 106-547, § 3(a), Dec. 19, 2000, 114 Stat. 2739; amended Pub. L. 109-162, title XI, § 1191(a), Jan. 5, 2006, 119 Stat. 3128.)

AMENDMENTS

2006—Pub. L. 109-162, § 1191(a)(6), substituted “Public employee insignia and uniform” for “Police badges” in section catchline.

Subsec. (a)(1). Pub. L. 109-162, § 1191(a)(1), substituted “official insignia or uniform” for “police badge”.

Subsec. (a)(2). Pub. L. 109-162, § 1191(a)(1), (2), substituted “official insignia or uniform to” for “police badge to” and “official insignia or uniform;” for “badge of the police;”.

Subsec. (a)(3). Pub. L. 109-162, § 1191(a)(1), substituted “official insignia or uniform” for “police badge”.

Subsec. (a)(4). Pub. L. 109-162, § 1191(a)(1), (2), substituted “official insignia or uniform under” for “police badge under” and “official insignia or uniform,” for “badge of the police;”.

Subsec. (b). Pub. L. 109-162, § 1191(a)(3)(C), which directed the insertion of “is not used to mislead or de-

<sup>1</sup> So in original.

<sup>2</sup> So in original. The word “and” probably should not appear.