

priority to efforts to investigate and prosecute offenses under section 670 of title 18, United States Code, that involve pre-retail medical products.”

### CHAPTER 33—EMBLEMS, INSIGNIA, AND NAMES

- Sec.  
700. Desecration of the flag of the United States; penalties.  
701. Official badges, identification cards, other insignia.  
702. Uniform of armed forces and Public Health Service.  
703. Uniform of friendly nation.  
704. Military medals or decorations.  
705. Badge or medal of veterans' organizations.  
706. Red Cross.  
706a. Geneva distinctive emblems.  
707. 4-H Club emblem fraudulently used.<sup>1</sup>  
708. Swiss Confederation coat of arms.  
709. False advertising or misuse of names to indicate Federal agency.  
710. Cremation urns for military use.  
711. “Smokey Bear” character or name.  
711a. “Woody Owl” character, name, or slogan.  
712. Misuse of names, words, emblems, or insignia.  
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.  
[714. Repealed.]  
715. “The Golden Eagle Insignia”.  
716. Public employee insignia and uniform.

#### AMENDMENTS

2007—Pub. L. 109-481, §2(b), Jan. 12, 2007, 120 Stat. 3674, added item 706a.

2006—Pub. L. 109-162, title XI, §1191(b), Jan. 5, 2006, 119 Stat. 3129, substituted “Public employee insignia and uniform” for “Police badges” in item 716.

2000—Pub. L. 106-547, §3(b), Dec. 19, 2000, 114 Stat. 2740, added item 716.

1997—Pub. L. 105-55, title III, §308(e), Oct. 7, 1997, 111 Stat. 1198, substituted “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” for “Use of likenesses of the great seal of the United States, the seals of the President and Vice President, and the seal of the United States Senate” in item 713.

1991—Pub. L. 102-229, title II, §210(e), Dec. 12, 1991, 105 Stat. 1717, substituted “Use of likenesses of the great seal of the United States, the seals of the President and Vice President, and the seal of the United States Senate.” for “Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President.” in item 713.

1990—Pub. L. 101-647, title XXXV, §3518, Nov. 29, 1990, 104 Stat. 4923, inserted a comma after “INSIGNIA” in chapter heading.

1982—Pub. L. 97-258, §2(d)(1)(A), Sept. 13, 1982, 96 Stat. 1058, struck out item 714 relating to “Johnny Horizon” character or name.

1974—Pub. L. 93-318, §8, June 22, 1974, 88 Stat. 245, added item 711a.

1973—Pub. L. 93-147, §1(b), Nov. 3, 1973, 87 Stat. 555, substituted “Misuse of names, words, emblems, or insignia” for “Misuse of names by collecting agencies to indicate Federal agency” in item 712.

1972—Pub. L. 92-347, §3(c), July 11, 1972, 86 Stat. 462, added item 715.

1971—Pub. L. 91-651, §2, Jan. 5, 1971, 84 Stat. 1941, inserted “, and of the seals of the President and Vice President” after “United States” in item 713.

<sup>1</sup> So in original. Does not conform to section catchline.

1970—Pub. L. 91-419, §4, Sept. 25, 1970, 84 Stat. 871, added item 714.

1968—Pub. L. 90-381, §2, July 5, 1968, 82 Stat. 291, added item 700.

1966—Pub. L. 89-807, §1(b), Nov. 11, 1966, 80 Stat. 1525, added item 713.

1959—Pub. L. 86-291, §3, Sept. 21, 1959, 73 Stat. 570, added item 712.

1952—Act May 23, 1952, ch. 327, §2, 66 Stat. 92, added item 711.

1950—Act Sept. 28, 1950, ch. 1092, §1(a), 64 Stat. 1077, added item 710.

1949—Act May 24, 1949, ch. 139, §14, 63 Stat. 91, inserted “Uniform of armed forces and Public Health Service” in lieu of enumerating the specific branches in item 702.

### § 700. Desecration of the flag of the United States; penalties

(a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

(2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled.

(b) As used in this section, the term “flag of the United States” means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.

(c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.

(d)(1) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order issued by a United States district court ruling upon the constitutionality of subsection (a).

(2) The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.

(Added Pub. L. 90-381, §1, July 5, 1968, 82 Stat. 291; amended Pub. L. 101-131, §§2, 3, Oct. 28, 1989, 103 Stat. 777.)

#### CONSTITUTIONALITY

For information regarding constitutionality of this section as amended by Pub. L. 101-131, 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

1989—Subsec. (a). Pub. L. 101-131, §2(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Whoever knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.”

Subsec. (b). Pub. L. 101-131, §2(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The term ‘flag of the United States’ as used in this section, shall include any flag, standard colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or

represented on any substance, of any size evidently purporting to be either of said flag, standard, color, or ensign of the United States of America, or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, standards, colors, or ensign of the United States of America.”

Subsec. (d). Pub. L. 101-131, § 3, added subsec. (d).

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-547, § 1, Dec. 19, 2000, 114 Stat. 2738, provided that: “This Act [enacting sections 716 and 1036 of this title] may be cited as the ‘Enhanced Federal Security Act of 2000.’”

#### SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-131, § 1, Oct. 28, 1989, 103 Stat. 777, provided that: “This Act [amending this section] may be cited as the ‘Flag Protection Act of 1989.’”

### § 701. Official badges, identification cards, other insignia

Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 731; 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., §§ 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 catchline 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.)