

- Sec.
704. Military medals or decorations.
705. Badge or medal of veterans' organizations.
706. Red Cross.
706a. Geneva distinctive emblems.
[707, 708. Repealed.]
709. False advertising or misuse of names to indicate Federal agency.
710. Cremation urns for military use.
[711, 711a. Repealed.]
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, 715. Repealed.]
716. Public employee insignia and uniform.

Editorial Notes

AMENDMENTS

- 2020—Pub. L. 116-260, div. O, title X, § 1003(d), Dec. 27, 2020, 134 Stat. 2156, struck out items 707 “4-H Club emblem fraudulently used”, 708 “Swiss Confederation coat of arms”, 711 “Smokey Bear” character or name”, 711a “Woodsy Owl” character, name, or slogan”, and 715 “The Golden Eagle Insignia”.
- 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.
- 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.)

Editorial Notes

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*, Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court.

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.”