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 Repealed.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[1] 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[1] 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[2]

(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-

[1] So in original.

[2] So in original. The word ''and'' probably should not appear.