interstate or foreign commerce with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his own use or the use of another shall be fined under this title or imprisoned not more than five years, or both. The term ''livestock'' has the meaning set forth in section 2311 of this title.

(Added Pub. L. 98–473, title II, § 1111, Oct. 12, 1984, 98 Stat. 2149; amended Pub. L. 103–322, title XXXIII, §§ 330009(b), 330016(1)(L), Sept. 13, 1994, 108 Stat. 2143, 2147.)

AMENDMENTS

1994—Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $10,000'' and inserted at end ''The term 'livestock' has the meaning set forth in section 2311 of this title.''

§ 668. Theft of major artwork

(a) DEFINITIONS.—In this section—

(1) ''museum'' means an organized and permanent institution, the activities of which affect interstate or foreign commerce, that—

(A) is situated in the United States;

(B) is established for an essentially educational or aesthetic purpose;

(C) has a professional staff; and

(D) owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.

(2) ''object of cultural heritage'' means an object that is—

(A) over 100 years old and worth in excess of $5,000; or

(B) worth at least $100,000.

(b) OFFENSES.—A person who—

(1) steals or obtains by fraud from the care, custody, or control of a museum any object of cultural heritage; or

(2) knowing that an object of cultural heritage has been stolen or obtained by fraud, if in fact the object was stolen or obtained from the care, custody, or control of a museum (whether or not that fact is known to the person), receives, conceals, exhibits, or disposes of the object,

shall be fined under this title, imprisoned not more than 10 years, or both.

(Added Pub. L. 103–322, title XXXII, § 320902(a), Sept. 13, 1994, 108 Stat. 2123; amended Pub. L. 104–294, title VI, § 604(b)(18), Oct. 11, 1996, 110 Stat. 3507.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–294 designated first and second pars. beginning with quotation mark as pars. (1) and (2), respectively, and made technical amendment to provisions appearing in original.

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.

§ 669. Theft or embezzlement in connection with health care

(a) Whoever knowingly and willfully embezzles, steals, or otherwise without authority converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health care benefit program, shall be fined under this title or imprisoned not more than 10 years, or both; but if the value of such property does not exceed the sum of $100 the defendant shall be fined under this title or imprisoned not more than one year, or both.

(b) As used in this section, the term ''health care benefit program'' has the meaning given such term in section 24(b) of this title.

(Added Pub. L. 104–191, title II, § 243(a), Aug. 21, 1996, 110 Stat. 2017.)

CHAPTER 33—EMBLEMS, INSIGNIA, AND NAMES

Sec.

700. Desecration of the flag of the United States; penalties.
701. Official badges, identification cards, other insignia.
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703. Uniform of friendly nation.
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707. 4–H Club emblem fraudulently used.[1]
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. ''Woodsy 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.

[1] So in original. Does not conform to section catchline.

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.)

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

Section 1 of Pub. L. 101–131 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.)

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 wears, 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, barters, 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) FALSE CLAIMS ABOUT RECEIPT OF MILITARY DECORATIONS OR MEDALS.—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.

(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) or (b) 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.—If a decoration or medal involved in an offense described in subsection (a) or (b) 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 10, a silver star awarded under section 3746, 6244, or 8746 of title 10, a Purple Heart awarded under section 1129 of title 10, 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.

(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.)

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.

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

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, barters, 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 there-

of 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[1] (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:

(1) Authorized national societies that are members of the International Federation of Red Cross and Red Crescent Societies and their duly authorized employees and agents.

(2) The International Committee of the Red Cross and its duly authorized employees and agents.

(3) The International Federation of Red Cross and Red Crescent Societies and its duly authorized employees and agents.

(4) The sanitary and hospital authorities of the armed forces of State Parties to the Geneva Conventions of August 12, 1949.

(d) This section does not make unlawful the use of any such emblem, sign, insignia, or words which was lawful on or before December 8, 2005, if such use would not appear in time of armed conflict to confer the protections of the Geneva Conventions of August 12, 1949, and, if applicable, the Additional Protocols.

(e) A violation of this section or section 706 may be enjoined at the civil suit of the Attorney General.

(Added Pub. L. 109–481, § 2(a), Jan. 12, 2007, 120 Stat. 3673.)

§ 707. 4–H club emblem fraudulently used

Whoever, with intent to defraud, wears or displays the sign or emblem of the 4–H clubs, consisting of a green four-leaf clover with stem, and the letter H in white or gold on each leaflet, or any insignia in colorable imitation thereof, for the purpose of inducing the belief that he is a member of, associated with, or an agent or representative for the 4–H clubs; or

Whoever, whether an individual, partnership, corporation or association, other than the 4–H clubs and those duly authorized by them, the representatives of the United States Department of Agriculture, the land grant colleges, and persons authorized by the Secretary of Agriculture, uses, within the United States, such emblem or any sign, insignia, or symbol in colorable imitation thereof, or the words ''4–H Club'' or ''4–H Clubs'' or any combination of these or other words or characters in colorable imitation thereof—

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.

[1] So in original. Probably should be ''subsections''.

(June 25, 1948, ch. 645, 62 Stat. 733; 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., §§ 76c and 76d (June 5, 1939, ch. 184, §§ 1, 2, 53 Stat. 809).

The first provision of section 76c of title 18, U.S.C., 1940 ed., relating to fraudulently pretending to be a member of a 4–H Club was incorporated in section 916 of this title.

The language describing the emblem was transposed.

Unnecessary words were omitted from punishment provision, and ''$250'' was substituted for ''$300'' to make the punishment consonant with the penalties provided for similar offenses. (See sections 701, 704, 705 of this title for similar offenses.)

The language of section 76d of title 18, U.S.C., 1940 ed., was rephrased and inserted after ''whoever,'' in the second paragraph.

Minor changes were made in phraseology.

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.

§ 708. Swiss Confederation coat of arms

Whoever, whether a corporation, partnership, unincorporated company, association, or person within the United States, willfully uses as a trade mark, commercial label, or portion thereof, or as an advertisement or insignia for any business or organization or for any trade or commercial purpose, the coat of arms of the Swiss Confederation, consisting of an upright white cross with equal arms and lines on a red ground, or any simulation thereof, 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 design or insignia which was lawful on August 31, 1948.

(June 25, 1948, ch. 645, 62 Stat. 733; Oct. 31, 1951, ch. 655, § 21a, 65 Stat. 719; Pub. L. 103–322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

HISTORICAL AND REVISION NOTES

Based on section 248 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (June 20, 1936, ch. 635, §§ 1, 2, 49 Stat. 1557).

Reference to ''jurisdiction'' of the United States was omitted as unnecessary in view of definition of ''United States'' in section 5 of this title.

Words of punishment ''$250'' and ''six months'' were substituted for ''$500'' and ''one year'' respectively, as more consonant with penalties for similar offenses in this chapter. (See sections 701, 704, 705 of this title.)

Punishment provision was also changed to omit reference to ''misdemeanor'' in view of definitive section 1 of this title.

Words ''upon conviction'' were omitted as surplusage, because punishment can only be imposed after conviction.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $250'' in first par.

1951—Act Oct. 31, 1951, added second par.

§ 709. False advertising or misuse of names to indicate Federal agency

Whoever, except as permitted by the laws of the United States, uses the words ''national'', ''Federal'', ''United States'', ''reserve'', or ''Deposit Insurance'' as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, savings or trust business; or

Whoever falsely advertises or represents, or publishes or displays any sign, symbol or advertisement reasonably calculated to convey the impression that a nonmember bank, banking association, firm or partnership is a member of the Federal reserve system; or

Whoever, except as expressly authorized by Federal law, uses the words ''Federal Deposit'', ''Federal Deposit Insurance'', or ''Federal Deposit Insurance Corporation'' or a combination of any three of these words, as the name or a part thereof under which he or it does business, or advertises or otherwise represents falsely by any device whatsoever that his or its deposit liabilities, obligations, certificates, or shares are insured or guaranteed by the Federal Deposit Insurance Corporation, or by the United States or by any instrumentality thereof, or whoever advertises that his or its deposits, shares, or accounts are federally insured, or falsely advertises or otherwise represents by any device whatsoever the extent to which or the manner in which the deposit liabilities of an insured bank or banks are insured by the Federal Deposit Insurance Corporation; or

Whoever, other than a bona fide organization or association of Federal or State credit unions or except as permitted by the laws of the United States, uses as a firm or business name or transacts business using the words ''National Credit Union'', ''National Credit Union Administration'', ''National Credit Union Board'', ''National Credit Union Share Insurance Fund'', ''Share Insurance'', or ''Central Liquidity Facility'', or the letters ''NCUA'', ''NCUSIF'', or ''CLF'', or any other combination or variation of those words or letters alone or with other words or letters, or any device or symbol or other means, reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from, the National Credit Union Administration, the Government of the United States, or any agency thereof, which does not in fact exist, or falsely advertises or otherwise represents by any device whatsoever that his or its business, product, or service has been in any way endorsed, authorized, or approved by the National Credit Union Administration, the Government of the United States, or any agency thereof, or falsely advertises or otherwise represents by any device whatsoever that his or its deposit liabilities, obligations, certificates, shares, or accounts are insured under the Federal Credit Union Act or by the United States or any instrumentality thereof, or being an insured credit union as defined in that Act falsely advertises or otherwise represents by any device whatsoever the extent to which or the manner in which share holdings

in such credit union are insured under such Act; or

Whoever, not being organized under chapter 7 of Title 12, advertises or represents that it makes Federal Farm loans or advertises or offers for sale as Federal Farm loan bonds any bond not issued under chapter 7 of Title 12, or uses the word ''Federal'' or the words ''United States'' or any other words implying Government ownership, obligation or supervision in advertising or offering for sale any bond, note, mortgage or other security not issued by the Government of the United States under the provisions of said chapter 7 or some other Act of Congress; or

Whoever uses the words ''Federal Home Loan Bank'' or any combination or variation of these words alone or with other words as a business name or part of a business name, or falsely publishes, advertises or represents by any device or symbol or other means reasonably calculated to convey the impression that he or it is a Federal Home Loan Bank or member of or subscriber for the stock of a Federal Home Loan Bank; or

Whoever uses the words ''Federal intermediate credit bank'' as part of the business or firm name for any person, corporation, partnership, business trust, association or other business entity not organized as an intermediate credit bank under the laws of the United States; or

Whoever uses as a firm or business name the words ''Department of Housing and Urban Development'', ''Housing and Home Finance Agency'', ''Federal Housing Administration'', ''Government National Mortgage Association'', ''United States Housing Authority'', or ''Public Housing Administration'' or the letters ''HUD'', ''FHA'', ''PHA'', or ''USHA'', or any combination or variation of those words or the letters ''HUD'', ''FHA'', ''PHA'', or ''USHA'' alone or with other words or letters reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from, the Department of Housing and Urban Development, the Housing and Home Finance Agency, the Federal Housing Administration, the Government National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof, which does not in fact exist, or falsely claims that any repair, improvement, or alteration of any existing structure is required or recommended by the Department of Housing and Urban Development, the Housing and Home Finance Agency, the Federal Housing Administration, the Government National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof, for the purpose of inducing any person to enter into a contract for the making of such repairs, alterations, or improvements, or falsely advertises or falsely represents by any device whatsoever that any housing unit, project, business, or product has been in any way endorsed, authorized, inspected, appraised, or approved by the Department of Housing and Urban Development, the Housing and Home Finance Agency, the Federal Housing Administration, the Government National Mortgage Association, the United States Housing Authority, the Public Housing Administration, the Government of the United States, or any agency thereof; or

Whoever, except with the written permission of the Director of the Federal Bureau of Investigation, knowingly uses the words ''Federal Bureau of Investigation'' or the initials ''F.B.I.'', or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the Federal Bureau of Investigation; or

Whoever, except with written permission of the Director of the United States Secret Service, knowingly uses the words ''Secret Service'', ''Secret Service Uniformed Division'', the initials ''U.S.S.S.'', ''U.D.'', or any colorable imitation of such words or initials, in connection with, or as a part of any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, other production, product, or item, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, product, or item, is approved, endorsed, or authorized by or associated in any manner with, the United States Secret Service, or the United States Secret Service Uniformed Division; or

Whoever, except with the written permission of the Director of the United States Mint, knowingly uses the words ''United States Mint'' or ''U.S. Mint'' or any colorable imitation of such words, in connection with any advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by or associated in any manner with, the United States Mint; or

Whoever uses the words ''Overseas Private Investment'', ''Overseas Private Investment Corporation'', or ''OPIC'', as part of the business or firm name of a person, corporation, partnership, business trust, association, or business entity; or

Whoever, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words ''Drug Enforcement Administration'' or the initials ''DEA'' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration; or

Whoever, except with the written permission of the Director of the United States Marshals

Service, knowingly uses the words ''United States Marshals Service'', ''U.S. Marshals Service'', ''United States Marshal'', ''U.S. Marshal'', ''U.S.M.S.'', or any colorable imitation of any such words, or the likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;

Shall be punished as follows: a corporation, partnership, business trust, association, or other business entity, by a fine under this title; an officer or member thereof participating or knowingly acquiescing in such violation or any individual violating this section, by a fine under this title or imprisonment for not more than one year, or both.

This section shall not make unlawful the use of any name or title which was lawful on the date of enactment of this title.

This section shall not make unlawful the use of the word ''national'' as part of the name of any business or firm engaged in the insurance or indemnity business, whether such firm was engaged in the insurance or indemnity business prior or subsequent to the date of enactment of this paragraph.

A violation of this section may be enjoined at the suit of the United States Attorney, upon complaint by any duly authorized representative of any department or agency of the United States.

(June 25, 1948, ch. 645, 62 Stat. 733; Sept. 21, 1950, ch. 967, §3(a), 64 Stat. 894; Oct. 31, 1951, ch. 655, §22, 65 Stat. 719; July 3, 1952, ch. 547, 66 Stat. 321; Aug. 2, 1954, ch. 649, title I, §131, 68 Stat. 609; Aug. 27, 1954, ch. 1008, 68 Stat. 867; Pub. L. 90–19, §24(b), May 25, 1967, 81 Stat. 27; Pub. L. 90–448, title VIII, §807(i), Aug. 1, 1968, 82 Stat. 545; Pub. L. 91–468, §5, Oct. 19, 1970, 84 Stat. 1016; Pub. L. 95–630, title XVIII, §1804, Nov. 10, 1978, 92 Stat. 3723; Pub. L. 99–204, §16, Dec. 23, 1985, 99 Stat. 1676; Pub. L. 100–690, title VII, §7079(a), Nov. 18, 1988, 102 Stat. 4406; Pub. L. 102–390, title II, §223, Oct. 6, 1992, 106 Stat. 1629; Pub. L. 103–322, title XXXII, §320911(a), title XXXIII, §§330004(3), 330016(2)(C), Sept. 13, 1994, 108 Stat. 2127, 2141, 2148; Pub. L. 104–294, title VI, §§602(a), 604(b)(19), (41), Oct. 11, 1996, 110 Stat. 3503, 3507, 3509; Pub. L. 105–184, §7, June 23, 1998, 112 Stat. 522; Pub. L. 107–273, div. B, title IV, §4002(a)(10), Nov. 2, 2002, 116 Stat. 1807.)

HISTORICAL AND REVISION NOTES

Based on sections 264(v)(1), 583, 584, 585, 586, 587, 1128, 1318, 1441(d), 1731(d) of title 12, U.S.C., 1940 ed., Banks and Banking, section 616(d) of title 15, U.S.C., 1940 ed., Commerce and Trade, and section 1426 of title 42, U.S.C., 1940 ed., The Public Health and Welfare (R.S. §5243; Dec. 23, 1913, ch. 6, §12B(v), as added June 16, 1933, ch. 89, §8, 48 Stat. 178; July 17, 1916, ch. 245, §211h, as added Mar. 4, 1923, ch. 252, §2, 42 Stat. 1461; Mar. 4, 1923, ch. 252, title II, §216, 42 Stat. 1471; May 24, 1926, ch. 377, §§1–4, 44 Stat. 628; Jan. 22, 1932, ch. 8, §16(d), 47 Stat. 12; July 22, 1932, ch. 522, §21, 47 Stat. 738; June 27, 1934, ch. 847, §512, 48 Stat. 1265; Aug. 23, 1935, ch. 614, §§101, 203a, 318, 332, 49 Stat. 684, 704, 712, 719; Apr. 21, 1936, ch. 244, 49 Stat. 1237; Sept. 1, 1937, ch. 896, §26, 50 Stat. 899; Feb. 3, 1938, ch. 13, §§9, 10, 52 Stat. 24, 25; June 28, 1941, ch. 261, §10, 55 Stat. 365).

Numerous sections were consolidated with changes both of phraseology and substance necessary to effect consolidation.

The proviso of section 585 of said title 12 was omitted, since the consolidated section obviously cannot be construed as forbidding Federal agencies, boards, and corporations from using their legal names. The right to continue the use of a name, lawful on the effective date of this section, is preserved.

Last paragraph is based upon section 587 of said title 12. Words ''At the suit of'' were substituted for ''at the instance of''. United States Attorneys are the chief law officers of the districts. *United States* v. *Smith*, 1895, 15 S. Ct. 846, 158 U.S. 346, 39 L. Ed. 1011; *McKay* v. *Rogers*, C. C. A. Okl. 1936, 82 F. 2d 795. Federal courts will not recognize suits on behalf of the United States unless the Government is represented by a United States Attorney. Confiscation cases, La. 1868, 7 Wall. 454, 19 L. Ed. 196.

The words ''any duly authorized representative of any department or agency of the United States'' were substituted for the enumeration of agencies which may make complaint thus making the provision more flexible and less cumbersome.

This consolidated section reconciles the disparities and inconsistencies of 12 sections; thus providing a harmonious scheme for the punishment of similar offenses.

The punishment provision was drawn from section 587 of title 12, U.S.C., 1940 ed., Banks and Banking, but is in substance and effect the same as in sections 264v(1), 1441(d) and 1731(d) of said title 12, but the civil penalty of $50 per day which was in sections 583, 1128, and 1318 of said title 12, was omitted as inconsistent with later acts dealing with similar offenses. Too often actions to recover civil penalties result in judgments which cannot be collected, and yet as long as they remain uncollected they clog the administration of justice.

It was necessary to substitute a fine in place of a $50 per diem penalty for business entities embraced in sections 583, 1128, and 1318 of said title 12, and fine and imprisonment for individuals responsible for such violations. Similarly the penalty of $1,000 fine in section 1426 of title 42, The Public Health and Welfare, was changed to permit alternative fine or imprisonment for individuals responsible for violation.

REFERENCES IN TEXT

The Federal Credit Union Act, referred to in text, is act June 26, 1934, ch. 750, 48 Stat. 1216, as amended, which is classified generally to chapter 14 (§1751 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1751 of Title 12 and Tables.

Chapter 7 of Title 12, referred to in text, which contained the Federal Farm Loan Act (act July 17, 1916, ch. 245, 39 Stat. 360) as amended, was classified principally to section 641 et seq. of Title 12. The Federal Farm Loan Act, as amended, was repealed by section 5.26(a) of the Farm Credit Act of 1971, Pub. L. 92–181, Dec. 10, 1971, 85 Stat. 624. Section 5.26(a) of the Farm Credit Act of 1971 also provided that all references in other legislation to the Acts repealed thereby ''shall be deemed to refer to comparable provisions of this Act''. For further details, see notes under section 2001 of Title 12. For complete classification of the Federal Farm Loan Act to the Code prior to such repeal, see Tables.

The date of enactment of this title, referred to in fifteenth par., means June 25, 1948.

The date of enactment of this paragraph, referred to in penultimate par., means July 3, 1952.

AMENDMENTS

2002—Pub. L. 107–273, in thirteenth par., substituted ''Whoever'' for ''A person who'' and inserted ''or'' at end.

1998—Pub. L. 105–184 inserted fourteenth par. that extended prohibitions of section to unauthorized use of term ''United States Marshals Service'' or any colorable imitation, or likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel.

1996—Pub. L. 104–294, § 604(b)(41), amended directory language of Pub. L. 103–322, § 330004(3). See 1994 Amendment note below.

Pub. L. 104–294, § 604(b)(19), amended directory language of Pub. L. 103–322, § 320911(a). See 1994 Amendment notes below.

Pub. L. 104–294, § 602(a), which directed amendment of this section by striking out ''Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—'', could not be executed because that language did not appear in text subsequent to amendment by Pub. L. 103–322, § 330004(3), as amended. See 1994 Amendment note below.

1994—Pub. L. 103–322, § 330016(2)(C), substituted ''fine under this title'' for ''fine of not more than $1,000'' in two places in par. relating to punishment.

Pub. L. 103–322, § 330004(3), struck out seventh par. which read as follows: ''Whoever uses the words 'National Agricultural Credit Corporation' as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity not organized under the laws of the United States as a National Agricultural Credit Corporation; or''.

Pub. L. 103–322, § 330004(3), as amended by Pub. L. 104–294, § 604(b)(41), struck out fourteenth par. which read as follows: ''Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—''.

Pub. L. 103–322, § 320911(a)(2), as amended by Pub. L. 104–294, § 604(b)(19), which directed the insertion of a new par. relating to use of the words ''Drug Enforcement Administration'' or the initials ''DEA'' after the fourteenth unnumbered par. was executed by inserting such par. after the twelfth par. relating to the Overseas Private Investment Corporation, to reflect the probable intent of Congress and amendments by Pub. L. 103–322, § 330004(3). See above.

Pub. L. 103–322, § 320911(a)(1), as amended by Pub. L. 104–294, § 604(b)(19), which directed the substitution of ''words; or'' for ''words—'' in the fourteenth unnumbered par., could not be executed because that par. was struck out by Pub. L. 103–322, § 330004(3). See above.

1992—Pub. L. 102–390 inserted par. prohibiting unauthorized use of the terms ''United States Mint'' or ''U.S. Mint''.

1988—Pub. L. 100–690 inserted provision prohibiting unauthorized use of words ''Secret Service'' or ''Secret Service Uniformed Division'', the initials ''U.S.S.S.'' or ''U.D.'', or other colorable imitation of such words or initials.

1985—Pub. L. 99–204 extended prohibitions of this section to use of ''Overseas Private Investment'', ''Overseas Private Investment Corporation'' and ''OPIC''.

1978—Pub. L. 95–630 in fourth par., inserted provisions expanding the scope of the prohibition to include anyone, other than a bona fide organization or association of Federal or State credit unions or except as permitted by the laws of the United States, who misuses a firm or business name or transacts business using ''National Credit Union'', ''National Credit Union Administration'', ''National Credit Union Board'', ''National Credit Union Share Insurance Fund'', ''Share Insurance'', or ''Central Liquidity Facility'', or ''NCUA'', ''NCUSIF'', or ''CLF'', or any other combination or variation of those words or letters reasonably calculated to convey the false impression that such name or business has some connection with or authorization from the National Credit Union Administration, the Government of the United States, or any agency thereof or represents by any device whatsoever that his business, product, or service is in any way endorsed, authorized, or approved or that he is in any way insured by the National Credit Union Administration, the Government of the United States, or any agency thereof.

1970—Pub. L. 91–468 extended prohibition of this section to include practices which would falsely represent that assets are insured by the Federal Credit Union Act.

1968—Pub. L. 90–448, in ninth par., substituted ''Government National Mortgage Association'' for ''Federal National Mortgage Association'' wherever appearing.

1967—Pub. L. 90–19 extended prohibition of ninth par. to misuse of names ''Department of Housing and Urban Development'' and ''United States Housing Authority'' and symbols ''HUD'', ''PHA'', and ''USHA''.

1954—Act Aug. 27, 1954, brought the use of the name or initials of the Federal Bureau of Investigation within the ban of the section.

Act Aug. 2, 1954, in ninth par., inserted references to the Housing and Home Finance Agency, the Federal National Mortgage Association, and FHA, and inserted provisions relating to false claims made with respect to repairs, alterations, or improvements.

1952—Act July 3, 1952, permitted use of ''national'' as a part of the name of an insurance or indemnity company in penultimate par.

1951—Act Oct. 31, 1951, in ninth par., inserted ''Public Housing Administration'' in lieu of ''United States Housing Authority'', and inserted ''Public Housing Administration,'' after ''Federal Housing Administration''.

1950—Act Sept. 21, 1950, in third par., made subject to provisions of this section whoever advertises that his or its deposit liabilities, obligations, certificates, or shares are federally insured.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(19), (41) of 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.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 320911(b) of Pub. L. 103–322 provided that: ''The amendment made by subsection (a) [amending this section] shall become effective on the date that is 90 days after the date of enactment of this Act [Sept. 13, 1994].''

EFFECTIVE DATE OF 1988 AMENDMENT

Section 7079(b) of Pub. L. 100–690 provided that: ''This section [amending this section] shall take effect 90 days after the date of enactment of this Act [Nov. 18, 1988].''

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–630 effective Oct. 1, 1979, see section 1806 of Pub. L. 95–630, set out as an Effective Date note under section 1795 of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–448 effective from and after a date, no more than 120 days following Aug. 1, 1968, as established by the Secretary of Housing and Urban Development, see section 808 of Pub. L. 90–448, set out as an Effective Date note under section 1716b of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1950 AMENDMENT

Section 3(b) of act Sept. 21, 1950, provided that: ''The amendment made by subsection (a) of this section [amending this section] shall become effective on January 1, 1951.''

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, includ-

ing the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Functions, powers, and duties of Housing and Home Finance Agency, Federal Housing Administration, and Public Housing Authority transferred to Secretary of Housing and Urban Development who was authorized to delegate such functions, powers, and duties to such officers and employees of Department of Housing and Urban Development as the Secretary may designate, see sections 3534 and 3535 of Title 42, The Public Health and Welfare.

United States Housing Authority consolidated with other agencies into Housing and Home Finance Agency and name of Authority changed to Public Housing Administration by Reorg. Plan No. 3 of 1947, eff. July 27, 1947, 12 F.R. 4981, 61 Stat. 954, set out in the Appendix to Title 5, Government Organization and Employees.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For creation, succession, and principal office, see section 1717 of Title 12, Banks and Banking.

§ 710. Cremation urns for military use

Whoever knowingly uses, manufactures, or sells any cremation urn of a design approved by the Secretary of Defense for use to retain the cremated remains of deceased members of the armed forces or an urn which is a colorable imitation of the approved design, except when authorized under regulation made pursuant to law, shall be fined under this title or imprisoned for not more than six months, or both.

(Added Sept. 28, 1950, ch. 1092, § 1(b), 64 Stat. 1077; 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''.

§ 711. "Smokey Bear" character or name

Whoever, except as authorized under rules and regulations issued by the Secretary of Agriculture 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 convey 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

Section 2 of Pub. L. 86–291 provided that: ''The provisions of this section [enacting this section] shall be-

come 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

Section 3 of Pub. L. 91–651 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 to 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[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

[1] So in original.

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 deceive, or'' before ''is used or intended'' was executed by making the insertion before ''is used or is intended'', to reflect the probable intent of Congress.

Pub. L. 109–162, §1191(a)(3)(A), (B), substituted ''the insignia or uniform'' for ''the badge'' and inserted ''is other than a counterfeit insignia or uniform and'' before ''is used or is intended to be used''.

Pub. L. 109–162, §1191(a)(1), which directed substitution of ''official insignia or uniform'' for ''police badge'' could not be executed because the term ''police badge'' did not appear.

Subsec. (c)(3) to (5). Pub. L. 109–162, §1191(a)(4), added pars. (3) to (5).

Subsec. (d). Pub. L. 109–162, §1191(a)(5), added subsec. (d).

CHAPTER 35—ESCAPE AND RESCUE

Sec.
751. Prisoners in custody of institution or officer.
752. Instigating or assisting escape.
753. Rescue to prevent execution.
[754. Repealed.]
755. Officer permitting escape.
756. Internee of belligerent nation.
757. Prisoners of war or enemy aliens.
758. High speed flight from immigration checkpoint.

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

Sec.

AMENDMENTS

1996—Pub. L. 104–208, div. C, title I, §108(b)(2), Sept. 30, 1996, 110 Stat. 3009–558, added item 758.

1994—Pub. L. 103–322, title XXXIII, §330004(5), Sept. 13, 1994, 108 Stat. 2141, struck out item 754 ''Rescue of body of executed offender''.

§ 751. Prisoners in custody of institution or officer

(a) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined under this title or imprisoned not more than five years, or both; or if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.

(b) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under section 5034 of this title, be fined under this title or imprisoned not more than one year, or both. Nothing herein contained shall be construed to affect the discretionary authority vested in the Attorney General pursuant to section 5032 of this title.

(June 25, 1948, ch. 645, 62 Stat. 734; Pub. L. 88–251, §1, Dec. 30, 1963, 77 Stat. 834; Pub. L. 89–176, §3, Sept. 10, 1965, 79 Stat. 675; Pub. L. 90–578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 100–690, title VII, §7055, Nov. 18, 1988, 102 Stat. 4402; Pub. L. 101–650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103–322, title XXXIII, §330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§753h, 909 (May 14, 1930, ch. 274, §9, 46 Stat. 327; May 27, 1930, ch. 339, §9, 46 Stat. 390; Aug. 3, 1935, ch. 432, 49 Stat. 513).

Sections 753h and 909 of title 18, U.S.C., 1940 ed., were consolidated. Section 753h is later and more comprehensive. The substance of its provisions was adopted.

References to offenses as felonies or misdemeanors were omitted in view of definitive section 1 of this