

tion or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more;

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

(b) The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

(c) This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

(d) As used in this section—

(1) the term “agent” means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;

(2) the term “government agency” means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program;

(3) the term “local” means of or pertaining to a political subdivision within a State;

(4) the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(5) the term “in any one-year period” means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.

(Added Pub. L. 98-473, title II, §1104(a), Oct. 12, 1984, 98 Stat. 2143; amended Pub. L. 99-646, §59(a), Nov. 10, 1986, 100 Stat. 3612; Pub. L. 101-647, title XII, §§1205(d), 1209, Nov. 29, 1990, 104 Stat. 4831, 4832; Pub. L. 103-322, title XXXIII, §330003(c), Sept. 13, 1994, 108 Stat. 2140.)

#### AMENDMENTS

1994—Subsec. (d)(3) to (5). Pub. L. 103-322 struck out “and” at end of par. (3), substituted “; and” for the period at end of par. (4), and redesignated second par. (4) defining “in any one-year period” as (5).

1990—Subsec. (d)(4). Pub. L. 101-647, §1209, added par. (4) defining “in any one-year period”.

Pub. L. 101-647, §1205(d), added par. (4) defining “State”.

1986—Pub. L. 99-646, in amending section generally, made specific reference to applicability of section to agent of Indian tribal government or agency thereof, inserted provision that section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in usual course of business, struck out definition of term “organization”, and otherwise revised structure of section.

### § 667. Theft of livestock

Whoever obtains or uses the property of another which has a value of \$10,000 or more in connection with the marketing of livestock in 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.
702.	Uniform of armed forces and Public Health Service.
703.	Uniform of friendly nation.
704.	Military medals or decorations.
705.	Badge or medal of veterans' organizations.
706.	Red Cross.
706a.	Geneva distinctive emblems.
707.	4-H Club emblem fraudulently used. <sup>1</sup>
708.	Swiss Confederation coat of arms.
709.	False advertising or misuse of names to indicate Federal agency.
710.	Cremation urns for military use.
711.	“Smokey Bear” character or name.
711a.	“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 Sen-

ate.” 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.)

#### AMENDMENTS

1989—Subsec. (a). Pub. L. 101-131, §2(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read

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