

§ 659. Interstate or foreign shipments by carrier; State prosecutions.

Whoever embezzles, steals, or unlawfully takes, carries away, or conceals, or by fraud or deception obtains from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal or air navigation facility with intent to convert to his own use any goods or chattels moving as or which are a part of which constitute an interstate or foreign shipment of freight, express, or other property; or

To establish the interstate or foreign commerce character of any shipment in any prosecution under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof. (As amended Oct. 14, 1966, Pub. L. 89-654, § 1(a)—(d), 80 Stat. 904.)

AMENDMENTS

1966—Pub. L. 89-654 substituted "shipments by carrier" for "baggage, express, or freight" in the section catchline, added "pipeline system" and "tank or storage facility" and substituted "freight, express, or other property" for "freight or express" in par. 1, provided in par. 8 that the removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property, and, in par. 9, prohibited any construction which indicated an intent on the part of Congress to occupy the field to the exclusion of state laws or to invalidate inconsistent state provisions.

CROSS REFERENCE

Wire or oral communications, authorization for interception, to provide evidence of offenses under this section, see section 2516 of this title.

§ 664. Theft or embezzlement from employee benefit plan.

CROSS REFERENCES

Wire or oral communications, authorization for interception to provide evidence of offenses under this section, see section 2516 of this title.

Chapter 33.—EMBLEMS, INSIGNIA AND NAMES

Sec.

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

713. Use of likenesses of the great seal of the United States.¹

¹ Analysis does not conform to section catchline.

AMENDMENTS

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.

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

(a) 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.

(b) 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.

(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. (Added Pub. L. 90-381, § 1, July 5, 1968, 82 Stat. 291.)

§ 702. Uniform of armed forces and Public Health Service.

TRANSFER OF FUNCTIONS

All functions of Public Health Service, of the Surgeon General of the Public Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service transferred to Secretary of Health, Education, and Welfare by 1966 Reorg. Plan No. 3, 31 F.R. 8855, 80 Stat. 1610, effective June 25, 1966, set out in the Appendix to Title 5, Government Organization and Employees.

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

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, of 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

(As amended May 25, 1967, Pub. L. 90-19, § 24(b), 81 Stat. 27; Aug. 1, 1968, Pub. L. 90-448, title VIII, § 807(d), 82 Stat. 545.)

AMENDMENTS

1968—Pub. L. 90-448, in eighth paragraph, substituted "Government National Mortgage Association" for "Federal National Mortgage Association" in four instances.

1967—Pub. L. 90-19 extended the prohibition of the eighth paragraph to misuse of the names "Department of Housing and Urban Development" and "United States Housing Authority" and symbols "HUD", "PHA", and "USHA".

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 a note under section 1716b of Title 12, Banks and Banking.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3056 of this title.

§ 713. Use of the great seal of the United States.

Whoever knowingly displays any printed or other likeness of the great seal of the United States, or any facsimile thereof, in, or in connection with, any advertisement, circular, book, pamphlet, or other publication, play, motion picture, telecast, or other production for the purpose of conveying and in a manner reasonably calculated to convey the false impression that all or any part of such advertisement, circular, book, pamphlet, or other publication, play, motion picture, telecast, or other production, is sponsored or approved by the Government of the United States, or any department, agency, or instrumentality thereof, shall be fined not more than \$250 or imprisoned not more than six months, or both. (Added Pub. L. 89-807, § 1(a), Nov. 11, 1966, 80 Stat. 1525.)

Chapter 35.—ESCAPE AND RESCUE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 4082 of this title.

§ 751. Prisoners in custody of institution or officer.

(a) Whoever escapes or attempts to escape from the custody of the Attorney General or his author-

ized 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, 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 not more than \$5,000 or imprisoned not more than five years, or both; or if the custody or confinement is for extradition or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined not more than \$1,000 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, 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 not more than \$1,000 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. (As amended Sept. 10, 1965, Pub. L. 89-176, § 3, 79 Stat. 675; Oct. 17, 1968, Pub. L. 90-578, title III, § 301(a)(3), 82 Stat. 1115.)

AMENDMENTS

1968—Subsecs. (a), (b). Pub. L. 90-578 substituted "magistrate" for "commissioner".

1965—Pub. L. 89-176 inserted "or facility" following "institution".

CROSS REFERENCES

Civil commitment and rehabilitation of narcotic addicts, penalties for escape or rescue from custody, see section 2902 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 2902 and title 42 section 3425.

§ 752. Instigating or assisting escape.

(a) Whoever rescues or attempts to rescue or instigates, aids or assists the escape, or attempt to escape, of any person arrested upon a warrant or other process issued under any law of the United States, or committed to the custody of the Attorney General or to any institution or facility by his direction, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined not more than \$5,000 or imprisoned not more than five years, or both; or, if the custody or confinement is for extradition or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined not more than \$1,000 or imprisoned not more than one year, or both.