

104TH CONGRESS
2D SESSION

H. R. 3883

To grant the United States a copyright to the flag of the United States and to impose criminal penalties for the destruction of a copyrighted flag.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1996

Mr. TORRICELLI introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To grant the United States a copyright to the flag of the United States and to impose criminal penalties for the destruction of a copyrighted flag.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. UNITED STATES GRANTED COPYRIGHT TO THE**
4 **FLAG OF THE UNITED STATES.**

5 The United States is hereby granted a copyright to
6 the Flag of the United States.

1 **SEC. 2. LICENSE TO MANUFACTURE, SELL, OR DISTRIBUTE**
2 **THE FLAG OF THE UNITED STATES.**

3 The United States hereby grants a license to any per-
4 son to manufacture in the United States the Flag of the
5 United States, and to sell and distribute such Flag.

6 **SEC. 3. REQUIREMENTS OF THE DISPLAY OF THE FLAG OF**
7 **THE UNITED STATES.**

8 Any Flag of the United States may only be displayed
9 in accordance with chapter 1 of title 4, United States
10 Code, (relating to the Flag of the United States) and the
11 joint resolution entitled “Joint Resolution to codify and
12 emphasize existing rules and customs pertaining to the
13 display and use of the flag of the United States of Amer-
14 ica”, approved June 22, 1942 (36 U.S.C. 171–178).

15 **SEC. 4. CRIMINAL PENALTIES FOR BURNING OR MUTILAT-**
16 **ING THE FLAG OF THE UNITED STATES.**

17 (a) IN GENERAL.—Whoever burns or otherwise muti-
18 lates a Flag of the United States shall be punished as fol-
19 lows:

20 (1) If the damage to such Flag exceeds \$100,
21 by a fine of not more than \$10,000 or imprisonment
22 for not more than 10 years, or both.

23 (2) If the damage to such Flag does not exceed
24 \$100, by a fine of not more than \$1,000 or impris-
25 onment for not more than one year, or both.

1 (b) EXCEPTION.—Subsection (a) shall not apply with
2 respect to whoever destroys a Flag of the United States
3 in accordance with section 4 of the joint resolution re-
4 ferred to in section 3.

5 **SEC. 5. DEFINITIONS.**

6 As used in this Act—

7 (1) the term “Flag of the United States”
8 means a rectangular design which consists of 13
9 horizontal stripes, alternate red and white, with a
10 union of 50 white stars in a blue field, and which
11 the average person, upon seeing such design, may
12 believe without deliberation to represent the flag of
13 the United States of America; and

14 (2) the term “United States”, when used in the
15 geographical sense, means the 50 States, the Dis-
16 trict of Columbia, the Commonwealth of Puerto
17 Rico, any possession of the United States, the Com-
18 monwealth of the Northern Mariana Islands, and
19 the Trust Territory of the Pacific Islands.

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