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

The United States hereby grants a license to any person to manufacture in the United States the Flag of the United States, and to sell and distribute such Flag.


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

SEC. 4. CRIMINAL PENALTIES FOR BURNING OR MUTILATING THE FLAG OF THE UNITED STATES.

(a) In general.—Whoever burns or otherwise mutilates a Flag of the United States shall be punished as follows:

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

(2) If the damage to such Flag does not exceed $100, by a fine of not more than $1,000 or imprisonment for not more than one year, or both.
(b) EXCEPTION.—Subsection (a) shall not apply with respect to whoever destroys a Flag of the United States in accordance with section 4 of the joint resolution referred to in section 3.

SEC. 5. DEFINITIONS.

As used in this Act—

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

(2) the term “United States”, when used in the geographical sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.