

109TH CONGRESS  
2D SESSION

# H. R. 6338

To amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2006

Mr. FLAKE (for himself, Mr. LANTOS, Mr. COBLE, Mr. ACKERMAN, Mr. ING-LIS of South Carolina, Mr. WAXMAN, Ms. ROS-LEHTINEN, Mr. VAN HOLLEN, Mr. BURTON of Indiana, Mrs. MALONEY, Mr. KING of New York, Mr. WEXLER, Mr. TANCREDO, Mr. WEINER, Ms. WASSERMAN SCHULTZ, Mr. ROHRABACHER, Mr. BERMAN, Mr. KIRK, Mr. CROWLEY, Mr. SHAYS, Mrs. MCCARTHY, Ms. SCHAKOWSKY, Mr. ENGEL, Ms. MATSUI, Ms. WATSON, Mr. HIGGINS, Mr. HOLT, Mr. ISRAEL, Mr. UDALL of Colorado, Mr. ROTHMAN, Mr. NADLER, Mr. DOGGETT, Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, and Ms. HARMAN) introduced the following bill; which was referred to the Committee on the Judiciary

DECEMBER 5, 2006

The Committee on the Judiciary discharged; considered and passed

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## A BILL

To amend title 18, United States Code, to prevent and repress the misuse of the Red Crescent distinctive emblem and the Third Protocol (Red Crystal) distinctive emblem.

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Geneva Distinctive  
3 Emblems Protection Act of 2006”.

4 **SEC. 2. GENEVA DISTINCTIVE EMBLEMS.**

5       (a) IN GENERAL.—Chapter 33 of title 18, United  
6 States Code, is amended by inserting after section 706 the  
7 following:

8 **“§ 706a. Geneva distinctive emblems**

9       “(a) Whoever wears or displays the sign of the Red  
10 Crescent or the Third Protocol Emblem (the Red Crystal),  
11 or any insignia colored in imitation thereof for the fraudu-  
12 lent purpose of inducing the belief that he is a member  
13 of or an agent for an authorized national society using  
14 the Red Crescent or the Third Protocol Emblem, the  
15 International Committee of the Red Cross, or the Inter-  
16 national Federation of Red Cross and Red Crescent Soci-  
17 eties shall be fined under this title or imprisoned not more  
18 than 6 months, or both.

19       “(b) Except as set forth in section (c) and (d), who-  
20 ever, whether a corporation, association, or person, uses  
21 the emblem of the Red Crescent or the Third Protocol  
22 Emblem on a white ground or any sign or insignia made  
23 or colored in imitation thereof or the designations ‘Red  
24 Crescent’ or ‘Third Protocol Emblem’ shall be fined under  
25 this title or imprisoned not more than 6 months, or both.

1       “(c) The following may use such emblems and des-  
2 ignations consistent with the Geneva Conventions of Au-  
3 gust 12, 1949, and, if applicable, the Additional Protocols:

4           “(1) Authorized national societies that are  
5 members of the International Federation of Red  
6 Cross and Red Crescent Societies and their duly au-  
7 thorized employees and agents.

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

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

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

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

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

24       (b) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 33 of title 18, United States

- 1 Code, is amended by inserting after the item relating to
- 2 section 706 the following new item:

“706a. Geneva distinctive emblems.”.

