

TITLE 31 - MONEY AND FINANCE
SUBTITLE I - GENERAL
CHAPTER 3 - DEPARTMENT OF THE TREASURY
SUBCHAPTER II - ADMINISTRATIVE

§ 333. Prohibition of misuse of Department of the Treasury names, symbols, etc.

(a) **General Rule.**— No person may use, in connection with, or as a part of, any advertisement, solicitation, business activity, or product, whether alone or with other words, letters, symbols, or emblems—

- (1) the words “Department of the Treasury”, or the name of any service, bureau, office, or other subdivision of the Department of the Treasury,
- (2) the titles “Secretary of the Treasury” or “Treasurer of the United States” or the title of any other officer or employee of the Department of the Treasury,
- (3) the abbreviations or initials of any entity referred to in paragraph (1),
- (4) the words “United States Savings Bond” or the name of any other obligation issued by the Department of the Treasury,
- (5) any symbol or emblem of an entity referred to in paragraph (1) (including the design of any envelope or stationary used by such an entity), and
- (6) any colorable imitation of any such words, titles, abbreviations, initials, symbols, or emblems,

in a manner which could reasonably be interpreted or construed as conveying the false impression that such advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the Department of the Treasury or any entity referred to in paragraph (1) or any officer or employee thereof.

(b) **Treatment of Disclaimers.**— Any determination of whether a person has violated the provisions of subsection (a) shall be made without regard to any use of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality thereof.

(c) **Civil Penalty.**—

(1) **In general.**— The Secretary of the Treasury may impose a civil penalty on any person who violates the provisions of subsection (a).

(2) **Amount of penalty.**— The amount of the civil penalty imposed by paragraph (1) shall not exceed \$5,000 for each use of any material in violation of subsection (a). If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting “\$25,000” for “\$5,000”.

(3) **Time limitations.**—

(A) **Assessments.**— The Secretary of the Treasury may assess any civil penalty under paragraph (1) at any time before the end of the 3-year period beginning on the date of the violation with respect to which such penalty is imposed.

(B) **Civil action.**— The Secretary of the Treasury may commence a civil action to recover any penalty imposed under this subsection at any time before the end of the 2-year period beginning on the date on which such penalty was assessed.

(4) **Coordination with subsection (d).**—No penalty may be assessed under this subsection with respect to any violation after a criminal proceeding with respect to such violation has been commenced under subsection (d).

(d) **Criminal Penalty.**—

(1) **In general.**— If any person knowingly violates subsection (a), such person shall, upon conviction thereof, be fined not more than \$10,000 for each such use or imprisoned not more than 1 year, or both. If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting “\$50,000” for “\$10,000”.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

(2) Time limitations.— No person may be prosecuted, tried, or punished under paragraph (1) for any violation of subsection (a) unless the indictment is found or the information instituted during the 3-year period beginning on the date of the violation.

(3) Coordination with subsection (c).—No criminal proceeding may be commenced under this subsection with respect to any violation if a civil penalty has previously been assessed under subsection (c) with respect to such violation.

(Added Pub. L. 103–296, title III, § 312(l)(1), Aug. 15, 1994, 108 Stat. 1528.)

Effective Date

Section 312(m) of Pub. L. 103–296 provided that:

“(1) In general.—Except as provided in paragraph (2), the amendments made by this section [enacting this section and amending section 1320b–10 of Title 42, The Public Health and Welfare] shall apply with respect to violations occurring after March 31, 1995.

“(2) Prohibition of misuse of department of the treasury names, symbols, etc.—Subsection (l)(3) [enacting provisions set out below] shall take effect on the date of the enactment of this Act [Aug. 15, 1994], and the amendments made by paragraphs (1) and (2) of subsection (l) [enacting this section] shall apply with respect to violations occurring after such date.”

Report on Implementation of Section

Section 312(l)(3) of Pub. L. 103–296 provided that: “Not later than May 1, 1996, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the implementation of the amendments made by this section [enacting this section and amending section 1320b–10 of Title 42, The Public Health and Welfare]. Such report shall include the number of cases in which the Secretary has notified persons of violations of section 333 of title 31, United States Code (as added by subsection (a)[(l)(1)]), the number of prosecutions commenced under such section, and the total amount of the penalties collected in such prosecutions.”