

Asian/Pacific American Heritage Week, providing an opportunity for the people of the United States to recognize the history, concerns, contributions, and achievements of Asian and Pacific Americans;

“(4) in 1990, 1991 and 1992, Congress designated and the President proclaimed the month of May as Asian/Pacific American Heritage Month;

“(5) nearly 8,000,000 people in the United States can trace their roots to Asia and the islands of the Pacific; and

“(6) Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, commerce, and education in the United States.”

#### § 169l. National Pearl Harbor Remembrance Day

December 7 of each year is designated as “National Pearl Harbor Remembrance Day” and the President is authorized and requested—

(1) to issue annually a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies, and interested organizations, groups, and individuals, to fly the flag of the United States at halfstaff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

(Pub. L. 103–308, Aug. 23, 1994, 108 Stat. 1669.)

##### RECITAL CLAUSES

Pub. L. 103–308 upon which this section is based contained several “Whereas” clauses reading as follows:

“Whereas, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii;

“Whereas more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor;

“Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;

“Whereas the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

“Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II \* \* \*.”

#### § 169m. National Korean War Veterans Armistice Day

July 27 of each year until the year 2003 is designated as “National Korean War Veterans Armistice Day”, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organizations, groups, and individuals to fly the American flag at half staff on July 27 of each year until the year 2003 in honor of the Americans who died as a result of their service in Korea.

(Pub. L. 104–19, title II, §2005, July 27, 1995, 109 Stat. 247.)

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#### § 170. National anthem; Star-Spangled Banner

The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America.

(Mar. 3, 1931, ch. 436, 46 Stat. 1508.)

##### CODIFICATION

Section was formerly classified to section 144 of this title.

#### § 171. Conduct during playing

During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

(June 22, 1942, ch. 435, §6, 56 Stat. 380; Dec. 22, 1942, ch. 806, §6, 56 Stat. 1077; July 7, 1976, Pub. L. 94–344, §1(18), 90 Stat. 812.)

##### AMENDMENTS

1976—Pub. L. 94–344 inserted requirement that during the rendition of the national anthem when the flag is displayed, all persons present except those in uniform should stand at attention, face the flag, and place the right hand over the heart and men with headdress should remove the headdress and hold it at the left shoulder, the hand being over the heart and when the flag is not displayed, those present should face the music and act in the same manner they would if the flag were displayed.

1942—Act Dec. 22, 1942, substituted “all present should face the flag and salute” for “the salute to the flag should be given” in last sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

**§ 172. Pledge of allegiance to the flag; manner of delivery**

The Pledge of Allegiance to the Flag, “I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.”, should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

(June 22, 1942, ch. 435, § 7, 56 Stat. 380; Dec. 22, 1942, ch. 806, § 7, 56 Stat. 1077; Dec. 28, 1945, ch. 607, 59 Stat. 668; June 14, 1954, ch. 297, 68 Stat. 249; July 7, 1976, Pub. L. 94-344, §1(19), 90 Stat. 813.)

AMENDMENTS

1976—Pub. L. 94-344 inserted requirement that during rendition of the Pledge of Allegiance to the Flag, all persons should face the flag and men with headdress except those in uniform should remove their headdress and hold it at the left shoulder, the hand being over the heart.

1954—Act June 14, 1954, inserted “under God,” in the pledge.

1945—Act Dec. 28, 1945, inserted “The following is designated as”, inserted the period after “justice for all.”, and struck out “is rendered by standing with the right hand over the heart.” in first sentence, and inserted sentence “Such pledge should be rendered by standing with the right hand over the heart.”

1942—Act Dec. 22, 1942, struck out “extending the right hand, palm upward, toward the flag at the words ‘to the flag’ and holding this position until the end, when the hand drops to the side.” at end of first sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

**§ 173. Display and use of flag by civilians; codification of rules and customs; definition**

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of title 4 and Executive Order 10834 issued pursuant thereto.

(June 22, 1942, ch. 435, § 1, 56 Stat. 377; Dec. 22, 1942, ch. 806, § 1, 56 Stat. 1074; July 7, 1976, Pub. L. 94-344, §1(1), 90 Stat. 810.)

REFERENCES IN TEXT

This chapter, referred to in text, probably means chapter 435 of act June 22, 1942, 56 Stat. 380, which is classified to sections 171 to 178 of this title.

Executive Order 10834, referred to in text, is Ex. Ord. No. 10834, Aug. 21, 1959, 24 F.R. 79, which is set out as a note under section 1 of Title 4, Flag and Seal, Seat of Government, and the States.

AMENDMENTS

1976—Pub. L. 94-344 inserted provisions defining “flag of the United States” for purposes of this chapter according to sections 1 and 2 of title 4 and Executive Order 10834.

1942—Act Dec. 22, 1942, reenacted section without change.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

**§ 174. Time and occasions for display**

**(a) Display on buildings and stationary flagstuffs in open; night display**

It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstuffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

**(b) Manner of hoisting**

The flag should be hoisted briskly and lowered ceremoniously.

**(c) Inclement weather**

The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

**(d) Particular days of display**

The flag should be displayed on all days, especially on New Year’s Day, January 1; Inauguration Day, January 20; Lincoln’s Birthday, February 12; Washington’s Birthday, third Monday in February; Easter Sunday (variable); Mother’s Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

**(e) Display on or near administration building of public institutions**

The flag should be displayed daily on or near the main administration building of every public institution.

**(f) Display in or near polling places**

The flag should be displayed in or near every polling place on election days.

**(g) Display in or near schoolhouses**

The flag should be displayed during school days in or near every schoolhouse.

(June 22, 1942, ch. 435, § 2, 56 Stat. 378; Dec. 22, 1942, ch. 806, § 2, 56 Stat. 1074; July 7, 1976, Pub. L. 94-344, §1(2)–(5), 90 Stat. 810.)

CODIFICATION

“Veterans Day” substituted for “Armistice Day” in subsec. (d) to conform to the provisions of act June 1,

1954, ch. 250, 68 Stat. 168. See section 6103 of Title 5, Government Organization and Employees.

## AMENDMENTS

1976—Subsec. (a). Pub. L. 94-344, §1(2), substituted provision permitting display of the flag for 24 hours a day to produce a patriotic effect if flag is properly illuminated during the hours of darkness, for provision permitting night display of the flag upon special occasions when it is desired to produce a patriotic effect.

Subsec. (c). Pub. L. 94-344, §1(3), inserted provision excepting display of all weather flag.

Subsec. (d). Pub. L. 94-344, §1(4), struck out “when the weather permits” after “displayed on all days” and “Army Day, April 6” before “Easter Sunday”, inserted “Armed Forces Day, third Saturday in May”, and substituted “third Monday in February” for “February 22”, “the last Monday in May” for “May 30”, and “second Monday in October” for “October 12”.

Subsec. (e). Pub. L. 94-344, §1(5), struck out “, weather permitting,” after “displayed daily”.

1942—Subsec. (d). Act Dec. 22, 1942, substituted “fourth Thursday in November” for “last Thursday in November”.

## VALLEY FORGE STATE PARK, PENNSYLVANIA; DISPLAY OF FLAG

Pub. L. 94-53, July 4, 1975, 89 Stat. 259, provided: “That, notwithstanding the rule or custom pertaining to the display of the flag of the United States of America between sunrise and sunset, as set forth in section 2(a) of 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. 174(a)), the flag of the United States of America may be flown for twenty-four hours of each day on the grounds of the National Memorial Arch in Valley Forge State Park, Valley Forge, Pennsylvania. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.”

## LEXINGTON, MASSACHUSETTS; DISPLAY OF FLAG

Pub. L. 89-335, Nov. 8, 1965, 79 Stat. 1294, provided: “That, notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in 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), the flag of the United States of America may be flown for twenty-four hours of each day on the green of the town of Lexington, Massachusetts. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.”

## FLAG HOUSE SQUARE, BALTIMORE, MARYLAND; DISPLAY OF FLAG; TIME

Act Mar. 26, 1954, ch. 109, 68 Stat. 35, provided: “That notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in 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, as amended [sections 171 to 178 of this title], authority is hereby conferred on the appropriate officer of the State of Maryland to permit the flying of the flag of the United States for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.

“SEC. 2. Subject to the provisions of section 3 of the joint resolution of June 22, 1942, as amended [section 175 of this title], authority is also conferred on the appropriate officer of the State of Maryland to permit the flying of a replica of the flag of the United States which was in use during the War of 1812 for twenty-four

hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.”

## PROC. NO. 4064. DISPLAY OF FLAGS AT THE WASHINGTON MONUMENT

Proc. No. 4064, July 6, 1971, 36 F.R. 12967, provided:

The Washington Monument stands day and night as America’s tribute to our first President. The fifty American flags that encircle the base of the Monument represent our fifty States and, at the same time, symbolize our enduring Federal Union.

As this Nation’s 200th year approaches, I believe that it would do all Americans well to remember the years of our first President and to recall the enduring ideals of our Nation.

As an expression of our rededication to the ideals of America and in accordance with the joint resolution of Congress of June 22, 1942 (56 Stat. 377), as amended by the joint resolution of December 22, 1942, (56 Stat. 1074) [this section], which permits the flag to be displayed at night “upon special occasions when it is desired to produce a patriotic effect,” it is appropriate that our national colors henceforth be displayed day and night at the Washington Monument.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that, effective July 4, 1971, the fifty flags of the United States of America displayed at the Washington Monument in the District of Columbia be flown at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended [section 173 et seq. of this title], are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

## PROC. NO. 4131. DISPLAY OF FLAG AT UNITED STATES CUSTOMS PORTS OF ENTRY

Proc. No. 4131, May 5, 1972, 37 F.R. 9311, provided:

The flag of the United States should be one of the first things seen at our Customs ports of entry, both by American citizens returning from abroad and by travelers from other countries.

As the symbol of our country and our freedoms, the national colors of the United States provide a welcome greeting of warm promise.

Many people, however, enter our country at night when the flag is not flown, because of the nearly universal custom of displaying it only from sunrise to sunset.

Authority exists to amend that custom. A Congressional joint resolution of June 22, 1942 (56 Stat. 377), as amended (36 U.S.C. 173-178), permits the flag to be displayed at night “upon special occasions when it is desired to produce a patriotic effect.”

I believe it is appropriate that returning citizens and visitors from other countries be welcomed by our flag whether they arrive at their ports of entry by night or by day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at all times during the day and night, except when the weather is inclement, at United States Customs ports of entry which are continually open.

The rules and customs pertaining to the display of the flag, as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

## CROSS REFERENCES

National observances, display of flag on, see section 141 et seq. of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

**§ 175. Position and manner of display**

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: *Provided*, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be

placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. The flag shall be flown at halfstaff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection—

(1) the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff;

(2) the term “executive or military department” means any agency listed under sections 101 and 102 of title 5; and

(3) the term “Member of Congress” means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer’s left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

(June 22, 1942, ch. 435, § 3, 56 Stat. 378; Dec. 22, 1942, ch. 806, § 3, 56 Stat. 1075; July 9, 1953, ch. 183, 67 Stat. 142; July 7, 1976, Pub. L. 94-344, § 1(6)-(11), 90 Stat. 810, 811; Sept. 13, 1994, Pub. L. 103-322, title XXXII, § 320922(b), 108 Stat. 2131.)

#### AMENDMENTS

1994—Subsec. (m). Pub. L. 103-322 inserted before last sentence “The flag shall be flown at halfstaff on Peace Officers Memorial Day, unless that day is also Armed Forces Day.”

1976—Subsec. (b). Pub. L. 94-344, § 1(6), substituted “right fender” for “radiator cap”.

Subsec. (f). Pub. L. 94-344, § 1(7), substituted “to the United States flag’s right” for “to the right of the flag of the United States”.

Subsec. (i). Pub. L. 94-344, § 1(8), substituted requirement that when the flag is displayed horizontally or vertically against a wall or in a window, the union should be uppermost and to the flag’s own right for requirement that when the flag is displayed otherwise than from a staff, it should be displayed flat, whether indoors or out, or so suspended that it falls as free as though it were staffed.

Subsec. (k). Pub. L. 94-344, § 1(9), struck out provisions relating to flag position when displayed on a staff in the chancel of a church or speaker’s platform of an auditorium.

Subsec. (m). Pub. L. 94-344, § 1(10), inserted provisions relating to half-staff display of the flag on Memorial Day and upon the death of principal figures of the United States government and State governments and definitions of terms therein and struck out provisions relating to the affixing of crepe streamers to spearheads and flagstaves in a parade only on the order of the President.

Subsec. (o). Pub. L. 94-344, § 1(11), added subsec. (o).

1953—Subsec. (c). Act July 9, 1953, inserted second sentence.

1942—Subsecs. (i) and (m). Act Dec. 22, 1942, inserted “or so suspended that its folds fall as free as though the flag were staffed” to subsec. (i) and omitted therefrom provisions covering display against a wall or in a window, and substituted “lowering” for “hauling” in third sentence of subsec. (m).

#### FLAG HOUSE SQUARE, BALTIMORE, MARYLAND; DISPLAY OF REPLICA OF FLAG USED IN WAR OF 1812; TIME

Display of replica of flag used in War of 1812 for twenty-four hours each day in Flag House Square, Baltimore, Maryland, as subject to this section, see note set out under section 174 of this title.

#### PROC. NO. 3044. DISPLAY OF FLAG AT HALF-STAFF UPON DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

Proc. No. 3044, Mar. 1, 1954, 19 F.R. 1235, as amended by Proc. No. 3948, Dec. 12, 1969, 34 F.R. 19699, provided: WHEREAS it is appropriate that the flag of the United States of America be flown at half-staff on Federal buildings, grounds, and facilities upon the death of principal officials and former officials of the Government of the United States and the Governors of the States, Territories, and possessions of the United States as a mark of respect to their memory; and

WHEREAS it is desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby prescribe and proclaim the following rules with respect to the display of the flag of the United States of America at half-staff upon the death of the officials hereinafter designated:

1. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for the period indicated upon the death of any of the following-designated officials or former officials of the United States:

(a) The President or a former President: for thirty days from the day of death.

The flag shall also be flown at half-staff for such period at all United States embassies, legations, and other facilities abroad, including all military facilities and naval vessels and stations.

(b) The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives: for ten days from the day of death.

(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, or the Minority Leader of the House of Representatives: from the day of death until interment.

2. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the metropolitan area of the District of Columbia on the day of death and on the following day upon the death of a United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico, and it shall also be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, Congressional District, Territory, or Commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

3. The flag of the United States shall be flown at half-staff on all buildings and grounds of the Federal Government in a State, Territory, or possession of the United States upon the death of the Governor of such State, Territory, or possession from the day of death until interment.

4. In the event of the death of other officials, former officials, or foreign dignitaries, the flag of the United States shall be displayed at half-staff in accordance with such orders or instructions as may be issued by or at the direction of the President, or in accordance with recognized customs or practices not inconsistent with law.

5. The heads of the several departments and agencies of the Government may direct that the flag of the United States be flown at half-staff on buildings, grounds, or naval vessels under their jurisdiction on occasions other than those specified herein which they consider proper, and that suitable military honors be rendered as appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of March in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 167, 178 of this title; title 10 section 2249b.

**§ 176. Respect for flag**

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(c) The flag should never be carried flat or horizontally, but always aloft and free.

(d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

(e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

(f) The flag should never be used as a covering for a ceiling.

(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

(h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

(j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.

(k) The flag, when it is in such condition that it is no longer a fitting emblem for display,

should be destroyed in a dignified way, preferably by burning.

(June 22, 1942, ch. 435, § 4, 56 Stat. 379; Dec. 22, 1942, ch. 806, § 4, 56 Stat. 1076; July 7, 1976, Pub. L. 94-344, § 1(12)-(16), 90 Stat. 812.)

AMENDMENTS

1976—Par. (a). Pub. L. 94-344, § 1(12), inserted reference to instances of extreme danger to life or property.

Par. (d). Pub. L. 94-344, § 1(13), inserted requirement that a flag should never be used as wearing apparel or bedding.

Par. (e). Pub. L. 94-344, § 1(14), substituted "to permit" for "will permit".

Par. (i). Pub. L. 94-344, § 1(15), struck out provision that the flag should not be used on a costume or athletic uniform.

Pars. (j), (k). Pub. L. 94-344, § 1(16), added par. (j) and redesignated former par. (j) as (k).

1942—Par. (g). Act Dec. 22, 1942, inserted "any" before "part".

CROSS REFERENCES

Police uniforms to display U.S. flag emblem or colors, see section 210a of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

**§ 177. Conduct during hoisting, lowering or passing of flag**

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

(June 22, 1942, ch. 435, § 5, 56 Stat. 380; Dec. 22, 1942, ch. 806, § 5, 56 Stat. 1077; July 7, 1976, Pub. L. 94-344, § 1(17), 90 Stat. 812.)

AMENDMENTS

1976—Pub. L. 94-344 substituted in first sentence "with right hand over the heart" for "and salute" and struck out "Men without hats should salute in the same manner." before "Aliens should" and "Women should salute by placing right hand over the heart." before "The salute to the flag".

1942—Act Dec. 22, 1942, substituted "military salute," for "right-hand salute" in second sentence, "should salute in the same manner," for "merely stand at attention" in fourth sentence, and inserted fifth sentence.

CROSS REFERENCES

Alien as used in Immigration and Nationality Act defined, see section 1101 of Title 8, Aliens and Nationality.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

**§ 178. Modification of rules and customs by President**

Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or re-

pealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

(June 22, 1942, ch. 435, § 8, 56 Stat. 380; Dec. 22, 1942, ch. 806, § 8, 56 Stat. 1077; July 7, 1976, Pub. L. 94-344, § 1(20), 90 Stat. 813.)

#### REFERENCES IN TEXT

Herein, referred to in text, means act June 22, 1942, which is classified to sections 171 to 178 of this title.

#### AMENDMENTS

1976—Pub. L. 94-344 substituted “Armed Forces” for “Army and Navy”.

1942—Act Dec. 22, 1942, reenacted section without change.

#### PROC. NO. 2605. THE FLAG OF THE UNITED STATES

Proc. No. 2605, Feb. 18, 1944, 9 F.R. 1957, 58 Stat. 1126, provided:

The flag of the United States of America is universally representative of the principles of the justice, liberty, and democracy enjoyed by the people of the United States; and

People all over the world recognize the flag of the United States as symbolic of the United States; and

The effective prosecution of the war requires a proper understanding by the people of other countries of the material assistance being given by the Government of the United States:

NOW, THEREFORE, by virtue of the power vested in me by the Constitution and laws of the United States, particularly by the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 [sections 171 to 178 of this title], as President and Commander in Chief, it is hereby proclaimed as follows:

1. The use of the flag of the United States or any representation thereof, if approved by the Foreign Economic Administration, on labels, packages, cartons, cases, or other containers for articles or products of the United States intended for export as lend-lease aid, as relief and rehabilitation aid, or as emergency supplies for the Territories and possessions of the United States, or similar purposes, shall be considered a proper use of the flag of the United States and consistent with the honor and respect due to the flag.

2. If any article or product so labelled, packaged or otherwise bearing the flag of the United States or any representation thereof, as provided for in section 1, should, by force of circumstances, be diverted to the ordinary channels of domestic trade, no person shall be considered as violating the rules and customs pertaining to the display of the flag of the United States, as set forth in the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 (U.S.C., Supp. II, title 36, secs. 171-178) for possessing, transporting, displaying, selling or otherwise transferring any such article or product solely because the label, package, carton, case, or other container bears the flag of the United States or any representation thereof.

#### PROC. NO. 4000. DISPLAY OF FLAG AT WHITE HOUSE

Proc. No. 4000, Sept. 4, 1970, 35 F.R. 14187, provided:

WHEREAS the joint resolution of Congress of June 22, 1942, 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,” as amended by the joint resolution of December 22, 1942, 56 Stat. 1074 [sections 173 to 178 of this title], contains the following provisions:

“SEC. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on

stationary flagstaves in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

\* \* \* \* \*

“SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.”; and

WHEREAS the White House is a house that belongs to all the people; and

WHEREAS the White House, as the home of the President and his family, symbolizes the love of home and family which has long characterized our people; and

WHEREAS it is customary for many of our own citizens and many persons from other countries who visit our Nation’s Capital to view the White House at night; and

WHEREAS it is thus appropriate that the flag be flown over the White House by night as well as by day:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at the White House at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fifth.

RICHARD NIXON.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 2249b.

#### § 179. Design for service flag; persons entitled to display flag

The Secretary of Defense is authorized and directed to approve a design for a service flag, which flag may be displayed in a window of the place of residence of persons who are members of the immediate family of a person serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

(Oct. 17, 1942, ch. 615, § 1, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.)

#### AMENDMENTS

1953—Act May 27, 1953, substituted “Secretary of Defense” for “Secretary of War” and “any period of war or hostilities in which the Armed Forces of the United States may be engaged” for “the current war”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 181, 182 of this title.

#### § 180. Design for service lapel button; persons entitled to wear button

The Secretary of Defense is also authorized and directed to approve a design for a service lapel button, which button may be worn by members of the immediate family of a person serving in the armed forces of the United States

during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

(Oct. 17, 1942, ch. 615, §2, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.)

#### AMENDMENTS

1953—Act May 27, 1953, substituted “Secretary of Defense” for “Secretary of War” and “any period of war or hostilities in which the Armed Forces of the United States may be engaged” for “the current war”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 181, 182 of this title.

### § 181. Approval of designs by Secretary of Defense; license to manufacture and sell; penalties

Upon the approval by the Secretary of Defense of the design for such service flag and service lapel button, he shall cause notice thereof, together with a description of the approved flag and button, to be published in the Federal Register. Thereafter any person may apply to the Secretary of Defense for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person, firm, or corporation who manufactures any such service flag or service lapel button without having first obtained such a license, or otherwise violates sections 179 to 182 of this title, shall, upon conviction thereof, be fined not more than \$1,000.

(Oct. 17, 1942, ch. 615, §3, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.)

#### AMENDMENTS

1953—Act May 27, 1953, substituted “Secretary of Defense” for “Secretary of War”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 182 of this title.

### § 182. Rules and regulations

The Secretary of Defense is authorized to make such rules and regulations as may be necessary to carry out the provisions of sections 179 to 182 of this title.

(Oct. 17, 1942, ch. 615, §4, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.)

#### AMENDMENTS

1953—Act May 27, 1953, substituted “Secretary of Defense” for “Secretary of War”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 181 of this title.

### §§ 182a to 182d. Repealed. Pub. L. 89-534, §2, Aug. 11, 1966, 80 Stat. 345

Section 182a, acts Aug. 1, 1947, ch. 426, §1, 61 Stat. 710; Aug. 21, 1951, ch. 339, 65 Stat. 195, related to creation of gold star lapel button. See section 1126 of Title 10, Armed Forces.

Section 182b, acts Aug. 1, 1947, ch. 426, §2, 61 Stat. 710; Aug. 21, 1951, ch. 339, 65 Stat. 195, related to eligibility for gold star lapel button. See section 1126 of Title 10.

Section 182c, acts Aug. 1, 1947, ch. 426, §3, 61 Stat. 710; Aug. 21, 1951, ch. 339, 65 Stat. 195, related to definitions with regard to gold star lapel button. See section 1126 of Title 10.

Section 182d, acts Aug. 1, 1947, ch. 426, §4, 61 Stat. 710; Aug. 21, 1951, ch. 339, 65 Stat. 195, related to penalties applicable for misuse of gold star lapel button.

### §§ 183, 184. Repealed. Pub. L. 85-857, §14(84), Sept. 2, 1958, 72 Stat. 1272

Section 183, act Nov. 22, 1943, ch. 301, §1, 57 Stat. 590, authorized a gift to relative of a person who died while in military or naval service of United States flag used at such member's funeral. See section 2301 of Title 38, Veterans' Benefits.

Section 184, act Nov. 22, 1943, ch. 301, §2, 57 Stat. 591, authorized prescription of regulations and appropriations for purposes of section 183 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as an Effective Date note preceding Part I of Title 38, Veterans' Benefits.

### § 185. Transferred

#### CODIFICATION

Section, act Apr. 17, 1952, ch. 216, 66 Stat. 64, which related to National Day of Prayer, was transferred to section 169h of this title.

### § 186. National motto

The national motto of the United States is declared to be “In God we trust.”

(July 30, 1956, ch. 795, 70 Stat. 732.)

### § 187. National floral emblem

The flower commonly known as the rose is designated and adopted as the national floral emblem of the United States of America, and the President of the United States is authorized and requested to declare such fact by proclamation.

(Pub. L. 99-449, Oct. 7, 1986, 100 Stat. 1128.)

#### PROC. NO. 5574. THE ROSE PROCLAIMED THE NATIONAL FLORAL EMBLEM OF THE UNITED STATES OF AMERICA

Proc. No. 5574, Nov. 20, 1986, 51 F.R. 42197, provided:

Americans have always loved the flowers with which God decorates our land. More often than any other flower, we hold the rose dear as the symbol of life and love and devotion, of beauty and eternity. For the love of man and woman, for the love of mankind and God, for the love of country, Americans who would speak the language of the heart do so with a rose.

We see proofs of this everywhere. The study of fossils reveals that the rose has existed in America for age upon age. We have always cultivated roses in our gardens. Our first President, George Washington, bred roses, and a variety he named after his mother is still grown today. The White House itself boasts a beautiful Rose Garden. We grow roses in all our fifty States. We find roses throughout our art, music, and literature. We decorate our celebrations and parades with roses. Most of all, we present roses to those we love, and we lavish them on our altars, our civil shrines, and the final resting places of our honored dead.

The American people have long held a special place in their hearts for roses. Let us continue to cherish them, to honor the love and devotion they represent, and to bestow them on all we love just as God has bestowed them on us.

The Congress, by Senate Joint Resolution 159 [Pub. L. 99-449, 36 U.S.C. 187], has designated the rose as the National Floral Emblem of the United States and authorized and requested the President to issue a proclamation declaring this fact.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim



the rose as the National Floral Emblem of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

RONALD REAGAN.

### § 188. National march

The composition by John Philip Sousa entitled "The Stars and Stripes Forever" is hereby designated as the national march of the United States of America.

(Pub. L. 100-186, Dec. 11, 1987, 101 Stat. 1286.)

### § 189. Recognition of National League of Families POW/MIA flag

The National League of Families POW/MIA flag is hereby recognized officially and designated as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation.

(Pub. L. 101-355, § 2, Aug. 10, 1990, 104 Stat. 416.)

#### DISPLAY OF POW/MIA FLAG

Pub. L. 102-190, div. A, title X, § 1084, Dec. 5, 1991, 105 Stat. 1482, provided that:

"(a) DISPLAY OF POW/MIA FLAG.—The POW/MIA flag, having been recognized and designated in section 2 of Public Law 101-355 (104 Stat. 416) [36 U.S.C. 189] as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation, shall be displayed—

"(1) at each national cemetery and at the National Vietnam Veterans Memorial each year on Memorial Day and Veterans Day and on any day designated by law as National POW/MIA Recognition Day; and

"(2) on, or on the grounds of, the buildings specified in subsection (b) on any day designated by law as National POW/MIA Recognition Day.

"(b) SPECIFIED BUILDINGS FOR FLAG DISPLAY.—The buildings referred to in subsection (a)(2) are the buildings containing the primary offices of—

"(1) the Secretary of State;

"(2) the Secretary of Defense;

"(3) the Secretary of Veterans Affairs; and

"(4) the Director of the Selective Service System.

"(c) PROCUREMENT AND DISTRIBUTION OF FLAGS.—Within 30 days after the date of the enactment of this Act [Dec. 5, 1991], the Administrator of General Services shall procure POW/MIA flags and distribute them as necessary to carry out this section.

"(d) TERMINATION OF FLAG DISPLAY REQUIREMENT.—Subsection (a) shall cease to apply upon a determination by the President that the fullest possible accounting has been made of all members of the Armed Forces and civilian employees of the United States who have been identified as prisoner of war or missing in action in Southeast Asia.

"(e) POW/MIA FLAG DEFINED.—As used in this section, the term 'POW/MIA flag' means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355 (104 Stat. 416)."

## CHAPTER 11—CIVIL AIR PATROL

Sec.

201. Corporation created.

Sec.

202. Objects and purposes of corporation.

203. Membership.

204. Prohibition against issuance of stock or business activities; completion of organization.

205. Powers of corporation.

206. Exclusive right to name, insignia, copyrights, emblems and badges.

207. Annual report.

208. Reservation of right to amend or repeal chapter.

### § 201. Corporation created

The following-named persons, to wit: Harold F. Wood, of Alabama; J. M. Morris, of Arizona; Rex P. Hayes, of Arkansas; Bertrand Rhine, of California; J. A. Smethills, of Colorado; W. T. Gilbert, of Connecticut; William J. Simpson, of Delaware; Zack T. Mosley, of Florida; J. L. Dobbins, of Georgia; Leverett Davis, of Idaho; Gordon A. DaCosta, of Illinois; Walker W. Winslow, of Indiana; Don C. Johnston, of Iowa; J. Howard Wilcox, of Kansas; W. S. Rinehart, of Kentucky; Richard G. Jones, of Louisiana; Guy P. Gannett, of Maine; Edward R. Fenimore, of Maryland; John Shennett, of Massachusetts; Ray R. Baker, of Michigan; Clayton N. Wulff, of Minnesota; J. R. Dowd, of Mississippi; L. W. Greene, of Missouri; Roy W. Milligan, of Montana; Rudy C. Mueller, of Nebraska; Eugene H. Howell, of Nevada; John F. Brown, of New Hampshire; Frank D. Carvin, of New Jersey; Lewis W. Graham, of New Mexico; Stuart C. Welch, of New York; Frank E. Dawson, of North Carolina; Irvn A. Myhra, of North Dakota; George A. Stone, of Ohio; W. H. Shockey, of Oklahoma; G. Robert Dodson, of Oregon; Phillip F. Neuweiler, of Pennsylvania; Norris W. Rakestraw, of Rhode Island; Dexter C. Martin, of South Carolina; James R. Barnett, of South Dakota; W. C. Whelen, of Tennessee; D. Harold Byrd, of Texas; Joseph D. Bergin, of Utah; William V. Mason, of Vermont; Allan C. Perkinson, of Virginia; E. R. Schiller, of Washington; Hubert H. Stark, of West Virginia; John F. Stratton, of Wisconsin; and Albert W. Dickinson, Junior, of Wyoming, and their associates and successors, are incorporated and declared to be a body corporate by the name of the Civil Air Patrol (hereinafter referred to as the "corporation").

(July 1, 1946, ch. 527, § 1, 60 Stat. 346.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 204, 206 of this title.

### § 202. Objects and purposes of corporation

The objects and purposes of the corporation shall be—

(a) To provide an organization to encourage and aid American citizens in the contribution of their efforts, services, and resources in the development of aviation and in the maintenance of air supremacy, and to encourage and develop by example the voluntary contribution of private citizens to the public welfare;

(b) To provide aviation education and training especially to its senior and cadet members; to encourage and foster civil aviation in local communities and to provide an organization of private citizens with adequate facilities to assist in meeting local and national emergencies.