

Sec.
904. Hostage and Wrongful Detainee flag.

Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31, div. A, title XVIII, § 1804(a)(2)(B), Dec. 22, 2023, 137 Stat. 687, added item 904.
2002—Pub. L. 107–248, title VIII, § 8143(b)(2), Oct. 23, 2002, 116 Stat. 1570, added item 903.

§ 901. Service flag and service lapel button

(a) INDIVIDUALS ENTITLED TO DISPLAY SERVICE FLAG.—A service flag approved by the Secretary of Defense may be displayed in a window of the place of residence of individuals who are members of the immediate family of an individual 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 are engaged.

(b) INDIVIDUALS ENTITLED TO DISPLAY SERVICE LAPEL BUTTON.—A service lapel button approved by the Secretary may be worn by members of the immediate family of an individual 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 are engaged.

(c) LICENSE TO MANUFACTURE AND SELL SERVICE FLAGS AND SERVICE LAPEL BUTTONS.—Any person may apply to the Secretary for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person that manufactures a service flag or service lapel button without having first obtained a license, or otherwise violates this section is liable to the United States Government for a civil penalty of not more than \$1,000.

(d) REGULATIONS.—The Secretary may prescribe regulations necessary to carry out this section.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1267.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
901(a)	36:179.	Oct. 17, 1942, ch. 615, 56 Stat. 796; May 27, 1953, ch. 70, 67 Stat. 35.
901(b)	36:180.	
901(c)	36:181.	
901(d)	36:182.	

In subsection (c), the text of 36:181 (1st sentence) is omitted as executed. The word “Thereafter” is omitted as obsolete. The words “is liable to the United States Government for a civil penalty of” are substituted for “shall, upon conviction thereof, be fined” for consistency in the revised title and with other titles of the United States Code.

§ 902. National League of Families POW/MIA flag

(a) DESIGNATION.—The National League of Families POW/MIA flag is 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.

(b) REQUIRED DISPLAY.—The POW/MIA flag shall be displayed at the locations specified in subsection (d) of this section on POW/MIA flag display days. The display serves—

(1) as the symbol of the Nation’s concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for; and

(2) as the symbol of the Nation’s commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

(c) DAYS FOR FLAG DISPLAY.—For the purposes of this section, POW/MIA flag display days are all days on which the flag of the United States is displayed.

(d) LOCATIONS FOR FLAG DISPLAY.—The locations for the display of the POW/MIA flag under subsection (b) of this section are the following:

- (1) The Capitol.
- (2) The White House.
- (3) The World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.
- (4) Each national cemetery.
- (5) The buildings containing the official office of—
 - (A) the Secretary of State;
 - (B) the Secretary of Defense;
 - (C) the Secretary of Veterans Affairs; and
 - (D) the Director of the Selective Service System.

(6) Each major military installation, as designated by the Secretary of Defense.

(7) Each medical center of the Department of Veterans Affairs.

(8) Each United States Postal Service post office.

(e) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of the POW/MIA flag at the Capitol pursuant to subsection (d)(1) of this section is in addition to the display of that flag in the Rotunda of the Capitol pursuant to Senate Concurrent Resolution 5 of the 101st Congress, agreed to on February 22, 1989 (103 Stat. 2533).

(f) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the POW/MIA flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

(g) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the POW/MIA flag.

(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1268; Pub. L. 105–354, § 1(1), Nov. 3, 1998, 112 Stat. 3238; Pub. L. 107–323, § 2(a), (b), Dec. 4, 2002, 116 Stat. 2787; Pub. L. 116–67, § 2, Nov. 7, 2019, 133 Stat. 1128.)

HISTORICAL AND REVISION NOTES

PUB. L. 105–225

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
902(a)	36:189.	Aug. 10, 1990, Pub. L. 101–355, § 2, 104 Stat. 416.
902(b)	36:189 note.	Dec. 5, 1991, Pub. L. 102–190, title X, § 1084(a)–(c), (e), 105 Stat. 1482, 1483.
902(c)	36:189 note.	Dec. 5, 1991, Pub. L. 102–190, title X, § 1084(d), 105 Stat. 1483.

In subsection (b), the text of section 1084(c) of the National Defense Authorization Act for Fiscal Years 1992