

Sec.

AMENDMENTS

1996—Pub. L. 104-275, title II, §213(b)(2), Oct. 9, 1996, 110 Stat. 3332, substituted “burial receptacles” for “grave liners” in item 2306.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 901 to 908 as 2301 to 2308, respectively.

Pub. L. 102-83, §4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404, substituted “Department” for “Veterans’ Administration” in item 903.

1988—Pub. L. 100-322, title III, §344(b)(2), May 20, 1988, 102 Stat. 540, substituted “Headstones, markers, and grave liners” for “Headstones and markers” in item 906.

1976—Pub. L. 94-433, title III, §304(b), Sept. 30, 1976, 90 Stat. 1377, added item 908.

1973—Pub. L. 93-43, §5(b), June 18, 1973, 87 Stat. 81, inserted “; plot allowance” in item 903 and added items 906 and 907.

§ 2301. Flags

(a) The Secretary shall furnish a flag to drape the casket of each—

(1) deceased veteran who—

(A) was a veteran of any war, or of service after January 31, 1955;

(B) had served at least one enlistment; or

(C) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty; and

(2) deceased individual who at the time of death was entitled to retired pay under chapter 67¹ of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(b) After the burial of the veteran the flag so furnished shall be given to the veteran’s next of kin. If no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran. If a flag is given to a close friend or associate of the deceased veteran, no flag shall be given to any other person on account of the death of such veteran.

(c) For the purpose of this section, the term “Mexican border period” as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916.

(d) In the case of any person who died while in the active military, naval, or air service after May 27, 1941, the Secretary shall furnish a flag to the next of kin, or to such other person as the Secretary considers most appropriate, if such next of kin or other person is not otherwise entitled to receive a flag under this section or under section 1482(a) of title 10.

(e) The Secretary shall furnish a flag to drape the casket of each deceased person who is buried in a national cemetery by virtue of eligibility for burial in such cemetery under section 2402(a)(6) of this title. After the burial, the flag shall be given to the next of kin or to such other person as the Secretary considers appropriate.

(f)(1) The Secretary shall furnish a flag to drape the casket of each deceased member or former member of the Selected Reserve (as described in section 10143 of title 10) who is not

otherwise eligible for a flag under this section or section 1482(a) of title 10—

(A) who completed at least one enlistment as a member of the Selected Reserve or, in the case of an officer, completed the period of initial obligated service as a member of the Selected Reserve;

(B) who was discharged before completion of the person’s initial enlistment as a member of the Selected Reserve or, in the case of an officer, period of initial obligated service as a member of the Selected Reserve, for a disability incurred or aggravated in line of duty; or

(C) who died while a member of the Selected Reserve.

(2) A flag may not be furnished under subparagraph (A) or (B) of paragraph (1) in the case of a person whose last discharge from service in the Armed Forces was under conditions less favorable than honorable.

(3) After the burial, a flag furnished under paragraph (1) shall be given to the next of kin or to such other person as the Secretary considers appropriate.

(g) A flag may not be furnished under this section in the case of a person described in section 2411(b) of this title.

(h)(1) The Secretary may not procure any flag for the purposes of this section that is not wholly produced in the United States.

(2)(A) The Secretary may waive the requirement of paragraph (1) if the Secretary determines—

(i) that the requirement cannot be reasonably met; or

(ii) that compliance with the requirement would not be in the national interest of the United States.

(B) The Secretary shall submit to Congress in writing notice of a determination under subparagraph (A) not later than 30 days after the date on which such determination is made.

(3) For the purpose of paragraph (1), a flag shall be considered to be wholly produced in the United States only if—

(A) the materials and components of the flag are entirely grown, manufactured, or created in the United States;

(B) the processing (including spinning, weaving, dyeing, and finishing) of such materials and components is entirely performed in the United States; and

(C) the manufacture and assembling of such materials and components into the flag is entirely performed in the United States.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, §901; Pub. L. 87-240, Sept. 14, 1961, 75 Stat. 512; Pub. L. 89-358, §9, Mar. 3, 1966, 80 Stat. 28; Pub. L. 90-77, title IV, §402, Aug. 31, 1967, 81 Stat. 190; Pub. L. 91-588, §9(g), Dec. 24, 1970, 84 Stat. 1585; Pub. L. 97-306, title IV, §402(a), Oct. 14, 1982, 96 Stat. 1442; Pub. L. 99-576, title VII, §701(50), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101-237, title III, §313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 102-54, §14(b)(20), June 13, 1991, 105 Stat. 284; renumbered §2301 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-547, §11(a), Oct. 28, 1992, 106 Stat. 3644; Pub. L. 105-261, div. A, title V, §517, title X, §1073(a), Oct. 17, 1998, 112 Stat. 2009, 2137; Pub. L. 107-14,

¹ See References in Text note below.