

PUB. L. 105-354

This amends section 902 of title 36 to reflect changes made by section 1082 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, Nov. 18, 1997, 111 Stat. 1917, 36 App. U.S.C. 189a).

Section 1082(g) of that Act, which defined “POW/MIA flag” as used in section 1082 by reference to section 2 of Public Law 101-355, is unnecessary because the two provisions are restated together in section 902 of title 36.

Section 1082(h), which required that regulations be prescribed no later than 180 days after enactment of Public law 105-85, is repealed as executed.

Section 1082(i), which required that the Administrator of GSA procure and distribute POW/MIA flags no later than 30 days after enactment of Public Law 105-85, is repealed as executed.

Section 1082(j), which repealed section 1084 of Public Law 102-190 (previously restated as subsections (b) and (c) of section 902 of title 36), is repealed as executed.

AMENDMENTS

2002—Subsec. (c)(2). Pub. L. 107-323, §2(b), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

Subsec. (d)(3). Pub. L. 107-323, §2(a), substituted “The World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial” for “The Korean War Veterans Memorial and the Vietnam Veterans Memorial”.

1998—Subsecs. (b) to (g). Pub. L. 105-354 added subsecs. (b) to (g) and struck out former subsecs. (b) and (c) which read as follows:

“(b) DISPLAY.—The flag 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 containing the primary offices of the Secretaries of State, Defense, and Veterans Affairs, and the Director of the Selective Service System on any day designated by law as National POW/MIA Recognition Day.

“(c) TERMINATION OF FLAG DISPLAY REQUIREMENT.—Subsection (b) of this section ceases to apply when the President decides that the fullest possible accounting has been made of all members of the Armed Forces and civilian employees of the United States Government who have been identified as prisoners of war or missing in action in Southeast Asia.”

DISPLAY ON EXISTING FLAGPOLE

Pub. L. 107-323, §2(c), Dec. 4, 2002, 116 Stat. 2788, provided that: “No element of the United States Government may construe the amendments made by this section [amending this section] as requiring the acquisition of [sic] erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.”

§ 903. Designation of Medal of Honor Flag

(a) DESIGNATION.—The Secretary of Defense shall design and designate a flag as the Medal of Honor Flag. In selecting the design for the flag, the Secretary shall consider designs submitted by the general public.

(b) PRESENTATION.—The Medal of Honor Flag shall be presented as specified in sections 7285, 8307, and 9285 of title 10 and section 505<sup>1</sup> of title 14.

(Added Pub. L. 107-248, title VIII, §8143(b)(1), Oct. 23, 2002, 116 Stat. 1570; amended Pub. L. 115-232, div. A, title VIII, §809(l)(1), Aug. 13, 2018, 132 Stat. 1843.)

<sup>1</sup> See References in Text note below.

REFERENCES IN TEXT

Section 505 of title 14, referred to in subsec. (b), was redesignated section 2734 of title 14 by Pub. L. 115-282, title I, §116(b)(2), Dec. 4, 2018, 132 Stat. 4226, and references to section 505 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-232 substituted “sections 7285, 8307, and 9285 of title 10” for “sections 3755, 6257, and 8755 of title 10”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of Title 10, Armed Forces.

FINDINGS

Pub. L. 107-248, title VIII, §8143(a), Oct. 23, 2002, 116 Stat. 1570, provided that: “Congress finds that—

“(1) the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Forces of the United States;

“(2) the Medal of Honor was established by Congress during the Civil War to recognize soldiers who had distinguished themselves by gallantry in action;

“(3) the Medal of Honor was conceived by Senator James Grimes of the State of Iowa in 1861; and

“(4) the Medal of Honor is the Nation’s highest military honor, awarded for acts of personal bravery or self-sacrifice above and beyond the call of duty.”

PRESENTATION OF MEDAL OF HONOR FLAG

Pub. L. 107-248, title VIII, §8143(d), Oct. 23, 2002, 116 Stat. 1571, provided that: “The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36, United States Code, as added by subsection (b), to each person awarded the Medal of Honor before the date of enactment of this Act [Oct. 23, 2002] who is living as of that date. Such presentation shall be made as expeditiously as possible after the date of the designation of the Medal of Honor Flag by the Secretary of Defense under such section.”

PART B—UNITED STATES GOVERNMENT ORGANIZATIONS INVOLVED WITH OBSERVANCES AND CEREMONIES

CHAPTER 21—AMERICAN BATTLE MONUMENTS COMMISSION

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| <p>Sec.<br/>2101.<br/>2102.<br/>2103.<br/>2104.<br/>2105.<br/><br/>2106.<br/>2107.<br/>2108.<br/><br/>2109.<br/>2110.<br/>2111.<br/>2112.<br/>2113.<br/><br/>2114.</p> | <p>Membership.<br/>Employment of personnel.<br/>Administrative.<br/>Military cemeteries in foreign countries.<br/>Monuments built by the United States Government.<br/>War memorials not built by the United States Government.<br/>National Memorial Cemetery of the Pacific.<br/>Pacific War Memorial and other historical and memorial sites on Corregidor.<br/>Foreign Currency Fluctuations Account.<br/>Claims against the Commission.<br/>Presidential duties and powers.<br/>Care and maintenance of Surrender Tree site.<br/>World War II memorial in the District of Columbia.<br/>Intellectual property and related items.</p> |
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