

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 and 1993 (Public Law 102–190, 105 Stat. 1483) is omitted as executed.

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.

**Editorial Notes**

AMENDMENTS

2019—Subsec. (c). Pub. L. 116–67 added subsec. (c) and struck out former subsec. (c) which set out specific days for POW/MIA flag display.

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 Me-

morial, 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.”

#### Statutory Notes and Related Subsidiaries

##### 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.)

#### Editorial Notes

##### 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”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and

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

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, required the President to provide for the expeditious presentation of the Medal of Honor Flag designated under this section to each person awarded the Medal of Honor before Oct. 23, 2002, who was living as of that date.

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

### CHAPTER 21—AMERICAN BATTLE MONUMENTS COMMISSION

Sec.	
2101.	Membership.
2102.	Employment of personnel.
2103.	Administrative.
2104.	Military cemeteries in foreign countries.
2105.	Monuments built by the United States Government.
2106.	War memorials not built by the United States Government.
2107.	National Memorial Cemetery of the Pacific.
2108.	Pacific War Memorial and other historical and memorial sites on Corregidor.
2109.	Foreign Currency Fluctuations Account.
2110.	Claims against the Commission.
2111.	Presidential duties and powers.
2112.	Care and maintenance of Surrender Tree site.
2113.	World War II memorial in the District of Columbia.
2114.	Intellectual property and related items.
2115.	Acquisition, operation, and maintenance of Lafayette Escadrille Memorial.

#### Editorial Notes

##### AMENDMENTS

2016—Pub. L. 114-227, §1(b), Sept. 29, 2016, 130 Stat. 934, added item 2115.

1999—Pub. L. 106-117, title VI, §§601(a)(2), 603(b), Nov. 30, 1999, 113 Stat. 1578, 1579, added items 2113 and 2114.

#### § 2101. Membership

(a) COMPOSITION AND TERMS.—The American Battle Monuments Commission has not more than 11 members appointed by the President. The President also shall appoint one officer of the Regular Army to serve as secretary of the Commission. The members and secretary serve at the pleasure of the President. The President shall fill any vacancies that occur. Notwithstanding any other law, members of the Armed Forces may be appointed members of the Commission.