

TITLE 4—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

This title was enacted by act July 30, 1947, ch. 389, § 1, 61 Stat. 641

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AMENDMENTS

1951—Act Oct. 31, 1951, ch. 655, § 11, 65 Stat. 713, added item for chapter 5.

POSITIVE LAW; CITATION

This title has been made positive law by section 1 of act July 30, 1947, ch. 389, 61 Stat. 641, which provided in part that: "title 4 of the United States Code, entitled 'Flag and seal, Seat of Government, and the States', is codified and enacted into positive law and may be cited as '4 U. S. C., §—'".

REPEALS

Section 2 of act July 30, 1947, provided that the sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this Act are repealed insofar as the provisions appeared in former Title 4, and provided that any rights or liabilities now existing under the repealed sections or parts thereof shall not be affected by the repeal.

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF
FORMER TITLE 4

| <i>Title 4 Former Sections</i> | <i>Revised Statutes Statutes at Large</i> | <i>Title 4 New Sections</i> |
|--|---|-------------------------------------|
| 1 | R.S. §§ 1791, 1792 | 1 |
| 2 | R.S. § 1792 | 2 |
| 3 | Feb. 8, 1917, ch. 34, 39 Stat. 900 | 3 |
| 4 | R.S. § 1793 | 41 |
| 5 | R.S. §§ 203 (first clause), 1794 | 42 |
| 6 | R.S. § 1795 | 71 |
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| 8 | R.S. § 4798 | 73 |
| 9 | R.S. § 1836 | 101 |
| 10 | R.S. § 1837 | 102 |
| 11 | R.S. § 1838 | 103 |
| 12 | June 16, 1936, ch. 582, § 10, 49 Stat. 1521 | 104 |
| 13 | Oct. 9, 1940, ch. 787, § 7, 54 Stat. 1060 | 105 |
| 14 | Oct. 9, 1940, ch. 787, § 1, 54 Stat. 1059 | 106 |
| 15 | Oct. 9, 1940, ch. 787, § 2, 54 Stat. 1060 | 107 |
| 16 | Oct. 9, 1940, ch. 787, § 3, 54 Stat. 1060 | 108 |
| 17 | Oct. 9, 1940, ch. 787, § 4, 54 Stat. 1060 | 109 |
| 18 | Oct. 9, 1940, ch. 787, § 5, 54 Stat. 1060 | 110 |

CHAPTER 1—THE FLAG

| Sec. | |
|------|---|
| 1. | Flag; stripes and stars on. |
| 2. | Same; additional stars. |
| 3. | Use of flag for advertising purposes; mutilation of flag. |

§ 1. Flag; stripes and stars on

The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field.

(July 30, 1947, ch. 389, 61 Stat. 642.)

EXECUTIVE ORDER NO. 10798

Ex. Ord. No. 10798, Jan. 3, 1959, 24 F.R. 79, which prescribed proportions and sizes of flags until July 4, 1960, was revoked by section 33 of Ex. Ord. No. 10834, set out as a note under this section.

EX. ORD. NO. 10834. PROPORTIONS AND SIZES OF FLAGS AND POSITION OF STARS

Ex. Ord. No. 10834, Aug. 21, 1959, 24 F.R. 6865, provided: WHEREAS the State of Hawaii has this day been admitted into the Union; and

WHEREAS section 2 of title 4 of the United States Code provides as follows: "On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission."; and

WHEREAS the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended [see Short Title note under section 471 of Title 40, Public Buildings, Property, and Works] authorizes the President to prescribe policies and directives governing the procurement and utilization of property by executive agencies; and

WHEREAS the interests of the Government require that orderly and reasonable provision be made for various matters pertaining to the flag and that appropriate regulations governing the procurement and utilization of national flags and union jacks by executive agencies be prescribed:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, and the Federal Property and Administrative Services Act of 1949, as amended [see Short Title note under section 471 of Title 40, Public Buildings, Property, and Works], it is hereby ordered as follows:

PART I—DESIGN OF THE FLAG

SECTION 1. The flag of the United States shall have thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue.

SEC. 2. The positions of the stars in the union of the flag and in the union jack shall be as indicated on the attachment to this order, which is hereby made a part of this order.

SEC. 3. The dimensions of the constituent parts of the flag shall conform to the proportions set forth in the attachment referred to in section 2 of this order.

PART II—REGULATIONS GOVERNING EXECUTIVE AGENCIES

SEC. 21. The following sizes of flags are authorized for executive agencies:

| <i>Size</i> | <i>Dimensions of Flag</i> | |
|-------------|---------------------------|-------------------------|
| | <i>Hoist (width)</i> | <i>Fly (length)</i> |
| | <i>Feet</i> | <i>Feet</i> |
| (1) | 20.00 | 38.00 |
| (2) | 10.00 | 19.00 |
| (3) | 8.95 | 17.00 |
| (4) | 7.00 | 11.00 |

| Size | Dimensions of Flag | |
|------------|--------------------|-----------------|
| | Hoist (width) | Fly (length) |
| (5) | 5.00 | 9.50 |
| (6) | 4.33 | 5.50 |
| (7) | 3.50 | 6.65 |
| (8) | 3.00 | 4.00 |
| (9) | 3.00 | 5.70 |
| (10) | 2.37 | 4.50 |
| (11) | 1.32 | 2.50 |

SEC. 22. Flags manufactured or purchased for the use of executive agencies:

(a) Shall conform to the provisions of Part I of this order, except as may be otherwise authorized pursuant to the provisions of section 24, or except as otherwise authorized by the provisions of section 21, of this order.

(b) Shall conform to the provisions of section 21 of this order, except as may be otherwise authorized pursuant to the provisions of section 24 of this order.

SEC. 23. The exterior dimensions of each union jack manufactured or purchased for executive agencies shall equal the respective exterior dimensions of the union of a flag of a size authorized by or pursuant to this order. The size of the union jack flown with the national flag shall be the same as the size of the union of that national flag.

SEC. 24. (a) The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

(b) So far as practicable, (1) the actions of the Secretary of Defense under the provisions of section 24(a) of this order, as they relate to the various organizational elements of the Department of Defense, shall be coordinated, and (2) the Secretary and the Administrator shall mutually coordinate their actions under that section.

SEC. 25. Subject to such limited exceptions as the Secretary of Defense in respect of the Department of Defense, and the Administrator of General Services in respect of executive agencies other than the Department of Defense, may approve, all national flags and union jacks now in the possession of executive agencies, or hereafter acquired by executive agencies under contracts awarded prior to the date of this order, including those so possessed or so acquired by the General Services Administration, for distribution to other agencies, shall be utilized until unserviceable.

PART III—GENERAL PROVISIONS

SEC. 31. The flag prescribed by Executive Order No. 10798 of January 3, 1959, shall be the official flag of the United States until July 4, 1960, and on that date the flag prescribed by Part I of this order shall become the official flag of the United States; but this section shall neither derogate from section 24 or section 25 of this order nor preclude the procurement, for executive agencies, of flags provided for by or pursuant to this order at any time after the date of this order.

SEC. 32. As used in this order, the term “executive agencies” means the executive departments and independent establishments in the executive branch of the Government, including wholly-owned Government corporations.

SEC. 33. Executive Order No. 10798 of January 3, 1959, is hereby revoked.

DWIGHT D. EISENHOWER.

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Standard proportions

| | | | | | | | | | |
|---------------------------------|--------------------------------|--|----------------------------------|-------|-------|-------|-------|-------------------------------|--|
| Hoist (width) of flag 1.0 | Fly (length) of flag 1.9 | Hoist (width) of Union 0.5385 ($\frac{7}{13}$) | Fly (length) of Union 0.76 | 0.054 | 0.054 | 0.063 | 0.063 | Diameter of star 0.0616 | Width of stripe 0.0769 ($\frac{1}{13}$) |
| A | B | C | D | E | F | G | H | K | L |

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 36 section 173.

§ 2. Same; additional stars

On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

(July 30, 1947, ch. 389, 61 Stat. 642.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 36 section 173.

§ 3. Use of flag for advertising purposes; mutilation of flag

Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words “flag, standard, colors, or ensign”, as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

(July 30, 1947, ch. 389, 61 Stat. 642; July 5, 1968, Pub. L. 90-381, § 3, 82 Stat. 291.)

AMENDMENTS

1968—Pub. L. 90-381 struck out “; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign,” after “substance on which so placed”.

CROSS REFERENCES

Display and use of flag by civilians, see section 174 of Title 36, Patriotic Societies and Observances.

Manner of display of flag, see section 175 of Title 36, Patriotic Societies and Observances.

Penalty for desecration of the flag, see section 700 of Title 18, Crimes and Criminal Procedure.

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

Respect for flag, see section 176 of Title 36, Patriotic Societies and Observances.

CHAPTER 2—THE SEAL

Sec.

41. Seal of the United States.

42. Same; custody and use of.

§ 41. Seal of the United States

The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States.

(July 30, 1947, ch. 389, 61 Stat. 643.)

CROSS REFERENCES

National motto, see section 186 of Title 36, Patriotic Societies and Observances.

§ 42. Same; custody and use of

The Secretary of State shall have the custody and charge of such seal. Except as provided by section 2902(a) of title 5, the seal shall not be affixed to any instrument without the special warrant of the President therefor.

(July 30, 1947, ch. 389, 61 Stat. 643; Sept. 6, 1966, Pub. L. 89-554, § 2(a), 80 Stat. 608.)

AMENDMENTS

1966—Pub. L. 89-554 struck out provisions which required the Secretary of State to make out and record, and to affix the seal to, all civil commissions for officers of the United States appointed by the President. See section 2902(a) of Title 5, Government Organization and Employees.

EX. ORD. NO. 10347. AFFIXING OF SEAL WITHOUT SPECIAL WARRANT

Ex. Ord. No. 10347, Apr. 18, 1952, 17 F.R. 3521, as amended by Ex. Ord. No. 11354, May 23, 1967, 32 F.R. 7695; Ex. Ord. No. 11517, Mar. 19, 1970, 35 F.R. 4937, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (section 10, Public Law 248, approved October 31, 1951, 65 Stat. 713), and as President of the United States, I hereby authorize and direct the Secretary of State to affix the Seal of the United States, pursuant to section 42 of title 4 of the United States Code [this section], without any special warrant therefor, other than this order, to each document included within any of the following classes of documents when such document has been signed by the President and, in the case of any such document to which the counter-signature of the Secretary of State is required to be affixed, has been counter-signed by the said Secretary:

1. Proclamations by the President of treaties, conventions, protocols, or other international agreements.
2. Instruments of ratification of treaties.
3. Full powers to negotiate treaties and to exchange ratifications.
4. Letters of credence and recall and other communications from the President to heads of foreign governments.
5. Exequaturs issued to those foreign consular officers in the United States whose commissions bear the signature of the chief of state which they represent.