

Public Law 94-344
94th Congress

Joint Resolution

July 7, 1976

[S.J. Res. 49]

To amend the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America".

- Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", as amended (36 U.S.C. 171-178), is amended—
- (1) by adding after the last sentence of section 1 the following: "The flag of the United States for the purpose of this chapter shall be defined according to title 4, United States Code, chapter 1, section 1 and section 2 and Executive Order 10834 issued pursuant thereto";
- (2) by striking out the second sentence of section 2(a) and inserting in lieu thereof the following: "However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.";
- (3) by inserting in section 2(c) before the period a comma and the following: "except when an all weather flag is displayed";
- (4) by striking out section 2(d) and inserting in lieu thereof the following:
- "(d) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.";
- (5) by striking out " , weather permitting," in section 2(e) ;
- (6) by striking out "radiator cap" in section 3(b) and inserting in lieu thereof "right fender";
- (7) in the last sentence of section 3(f), by striking out "to the right of the flag of the United States." and inserting in lieu thereof the following: "to the United States flag's right.";
- (8) by striking out section 3(i) and inserting in lieu thereof the following:
- "(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.";

U.S. flag, display and use.

36 USC 173.

4 USC 1 note.

Time and occasions for display.
36 USC 174.

Position and manner of display.
36 USC 175.

(9) by striking out section 3(k) and inserting in lieu thereof the following: 36 USC 175.

“(k) When used on a speaker’s platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman’s or speaker’s right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.”;

(10) by striking out section 3(m) and inserting in lieu thereof the following:

“(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. As used in this subsection—

“(1) the term ‘half-staff’ means the position of the flag when it is one-half the distance between the top and bottom of the staff;

“(2) the term ‘executive or military department’ means any agency listed under sections 101 and 102 of title 5, United States Code; and

“(3) the term ‘Member of Congress’ means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.”;

(11) by adding at the end of section 3, a new subsection as follows:

“(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer’s left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.”;

Flag at half-staff.

Definitions.

Display in building corridor or lobby.

Respect for flag.
36 USC 176.

(12) by striking out section 4(a) and inserting in lieu thereof the following:

"(a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.";

Wearing apparel,
bedding, or
drapery,
prohibition.

(13) by striking out section 4(d) and inserting in lieu thereof the following:

"(d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.";

(14) by striking out section 4(e) and inserting in lieu thereof the following:

"(e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.";

Advertising
purposes,
prohibition.

(15) by striking out section 4(i) and inserting in lieu thereof the following:

"(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.";

Costumes or
athletic uniforms,
prohibition.

(16) by redesignating section 4(j) as section 4(k) and by inserting after section 4(i) a new subsection as follows:

"(j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.";

Hoisting,
lowering, and
passing of flag.
36 USC 177.

(17) by striking out section 5 and inserting in lieu thereof the following:

"SEC. 5. During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.";

National anthem,
conduct during
playing.
36 USC 171.

(18) by striking out section 6 and inserting in lieu thereof the following:

"SEC. 6. During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.";

(19) by striking out section 7 and inserting in lieu thereof the following:

"SEC. 7. The Pledge of Allegiance to the Flag, 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all,' should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute."; and

(20) by striking out section 8 and inserting in lieu thereof the following:

"SEC. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation."

Approved July 7, 1976.

Pledge of
Allegiance to the
Flag.
36 USC 172.

Rules and
customs,
modification.
36 USC 178.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94-797 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 122 (1976):

May 10, considered and passed Senate.

June 21, considered and passed House, amended.

June 22, Senate concurred in House amendments.

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: [Up^](#)[Add To My Favorites](#)**GOVERNMENT CODE - GOV****TITLE 1. GENERAL [100 - 7914]** (Title 1 enacted by Stats. 1943, Ch. 134.)**DIVISION 2. STATE SEAL, FLAG, AND EMBLEMS [399 - 447]** (Division 2 enacted by Stats. 1943, Ch. 134.)**CHAPTER 3. Display of Flags [430 - 439]** (Chapter 3 added by Stats. 1953, Ch. 170.)

430. The Flag of the United States and the Flag of the State of California (the Bear Flag) shall be prominently installed, displayed, and maintained in the following places:

- (a) In the courtrooms of all courts of the State.
- (b) In all rooms where any court or any state, county, or municipal commission holds any sessions.

(Added by Stats. 1953, Ch. 170.)

431. The Flag of the United States and the Flag of the State shall be prominently displayed during business hours upon or in front of the buildings or grounds of or at each of the following places:

- (a) Each public building belonging to the State, a county, or a municipality.
- (b) At the entrance and exit of every state park.
- (c) At the entrance or upon the grounds of each campus of the University of California.
- (d) At the entrance or upon the grounds or upon the administration building of every university, college, high school, and elementary school, both public and private, within the State.
- (e) Upon or at every agricultural inspection station just inside California and located on every highway leading into California.
- (f) At the entrance of or within every state highway maintenance station where personnel reside or are on duty at the time necessary to raise and lower the Flag.

(Amended by Stats. 1953, Ch. 1227.)

432. The Flag of the United States and the Flag of the State shall be prominently displayed during any and all games and performances of every kind which take place in a coliseum, stadium, bowl, or other open air sites, and at all race tracks where racing is being conducted.

(Added by Stats. 1953, Ch. 170.)

433. The National and State Flags shall be carried at the head of any procession or parade of:

- (a) The National Guard.
- (b) The California State Guard.
- (c) Any other state military organization.
- (d) Sheriff's posse.
- (e) City police or fire department.

(Added by Stats. 1953, Ch. 170.)

434. Where the installation or display of the Flag of the United States and the Flag of the State in a place publicly owned, whether by the State, a county, or a municipality, is prescribed, public officials charged with furnishing the place shall provide for the acquisition of the flags and their installation, display, and maintenance pursuant to this chapter.

(Added by Stats. 1953, Ch. 170.)

434.5. (a) As used in this section, the following terms have the following meaning:

(1) "Legal right" means the freedom of use and enjoyment generally exercised by owners and occupiers of land.

(2) "Local government agency" means a county, city, whether general law or chartered, city and county, town, municipal corporation, school district or other district, political subdivision, or any board, commission, or agency thereof, or other local agency.

(b) (1) No person, private entity, or governmental agency shall adopt any rule, regulation, or ordinance, or enter into any agreement or covenant, that prevents any person or private entity that would otherwise have the legal right to display a Flag of the United States on private property from exercising that right, unless it is used as, or in conjunction with, an advertising display.

(2) Nothing in this subdivision shall be construed to prevent a city, county, or city and county from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the public's health, safety, or order.

(c) (1) A local government agency may not adopt any policy or regulation that prohibits or restricts an employee of that agency from displaying a Flag of the United States, or a pin of that flag, on his or her person, in his or her workplace, or on a local government agency vehicle operated by that employee.

(2) Nothing in this subdivision shall be construed to prevent a local government agency from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the order or discipline of the workplace.

(d) No restrictions solely to promote aesthetic considerations shall be imposed pursuant to paragraph (2) of subdivision (b) or paragraph (2) of subdivision (c).

(Amended by Stats. 2002, Ch. 73, Sec. 1. Effective January 1, 2003.)

434.7. (a) On and after January 1, 2017, any Flag of the United States or the Flag of the State of California purchased by the state or any local government agency shall be made in the United States.

(b) For purposes of this section, the term "local government agency" means a county, city, city and county, town, municipal corporation, school district or other district, political subdivision, or any board, commission, or agency thereof, or other local agency.

(Added by Stats. 2016, Ch. 717, Sec. 1. (SB 1012) Effective January 1, 2017.)

435. Where a city or county has adopted an official flag, it is unlawful for any other city or county to adopt an official flag so similar that it might deceive or mislead anyone as to the city or county to which it belongs.

(Added by Stats. 1953, Ch. 170.)

436. Where the National and State Flags are used, they shall be of the same size. If only one flagpole is used, the National Flag shall be above the State Flag and the State Flag shall be hung in such manner as not to interfere with any part of the National Flag. At all times the National Flag shall be placed in the position of first honor.

(Added by Stats. 1953, Ch. 170.)

437. The superior court having jurisdiction of the offense shall enforce this chapter on the complaint of any citizen of the county.

(Added by Stats. 1953, Ch. 170.)

438. All United States Flags now in the possession of state, county, city, and district agencies, or hereafter acquired by such agencies under contracts awarded prior to March 18, 1959, may be utilized until unserviceable.

(Added by Stats. 1959, Ch. 1521.)

439. The Adjutant General shall, by regulation, prescribe rules regarding the times, places, and manner in which the State Flag may be displayed. He shall, periodically, compile the laws and regulations regarding the State Flag. Copies of the compilation shall be printed and made available to the public at cost by the Department of General Services.

(Amended by Stats. 1965, Ch. 371.)