

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

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

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### AMENDMENTS

1951—Title analysis amended by act Oct. 31, 1951, ch. 655, § 11, 65 Stat. 713, to add item 5.

### POSITIVE LAW; CITATION

This title has been made positive law by section 1 of act July 30, 1947, c. 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sections or parts thereof of the Statutes at Large or the Revised Statutes covering provisions codified in this Act are repealed insofar as such provisions appeared in former Title 4, and provided that any rights or liabilities now existing under such repealed sections or parts thereof shall not be affected by such repeal.

TABLE I

Showing where former sections of Title 4 and the laws from which such former sections were derived, have been incorporated in revised Title 4

Title 4, former sections	Revised Statutes Statutes at Large	Title 4, new sections
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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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.)

#### § 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.)

#### § 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; 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, 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.)

### 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, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone. But the seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor. (July 30, 1947, ch. 389, 61 Stat. 643.)

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

Ex. Ord. No. 10347, Apr. 18, 1952, 17 F. R. 3521, 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) [3 U. S. C. § 301], 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.
2. Instruments of ratification of treaties.
3. Full powers to negotiate treaties and to exchange ratifications.
4. Presidential warrants for the extradition of fugitives from the justice of the United States.
5. Letters of credence and recall and other communications from the President to heads of foreign governments.
6. Exequaturs issued to those foreign consular officers in the United States whose commissions bear the signature of the chief of state which they represent.

Chapter 3.—SEAT OF THE GOVERNMENT

Sec.

71. Permanent seat of Government.
72. Public offices; at seat of Government.
73. Same; removal from seat of Government.

§ 71. Permanent seat of government.

All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of government of the United States. (July 30, 1947, ch. 389, 61 Stat. 643.)

§ 72. Public offices; at seat of government.

All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law. (July 30, 1947, ch. 389, 61 Stat. 643.)

§ 73. Same; removal from seat of government.

In case of the prevalence of a contagious or epidemic disease at the seat of government, the President may permit and direct the removal of any or all the public offices to such other place or places as he shall deem most safe and convenient for conducting the public business. (July 30, 1947, ch. 389, 61 Stat. 643.)

Chapter 4.—THE STATES

Sec.

101. Oath by members of legislatures and officers.
102. Same; by whom administered.
103. Assent to purchase of lands for forts.
104. Tax on motor fuel sold on military or other reservation; reports to State taxing authority.
105. State, etc., taxation affecting Federal areas; sales or use tax.
106. Same; income tax.
107. Same; exception of United States, its instrumentalities, and authorized purchasers therefrom.
108. Same; jurisdiction of United States over Federal areas unaffected.
109. Same; exception of Indians.
110. Same; definitions.
111. Compacts between States for cooperation in prevention of crime; consent of Congress.

AMENDMENTS

1949—Act May 24, 1949, ch. 139, § 129 (a), 63 Stat. 107, amended analysis by adding item 111.

§ 101. Oath by members of legislatures and officers.

Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, take an oath in the following form, to wit: "I, A B, do solemnly swear that I will support the Constitution of the United States." (July 30, 1947, ch. 389, 61 Stat. 643.)

§ 102. Same; by whom administered.

Such oath may be administered by any person who, by the law of the State, is authorized to administer the oath of office; and the person so administering such oath shall cause a record or certificate thereof to be made in the same manner, as by the law of the State, he is directed to record or certify the oath of office. (July 30, 1947, ch. 389, 61 Stat. 644.)

§ 103. Assent to purchase of lands for forts.

The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, without such consent having been obtained. (July 30, 1947, ch. 389, 61 Stat. 644.)

§ 104. Tax on motor fuel sold on military or other reservation, reports to State taxing authority.

(a) All taxes levied by any State, Territory, or the District of Columbia upon, with respect to, or measured by, sales, purchases, storage, or use of gasoline or other motor vehicle fuels may be levied, in the same manner and to the same extent, with respect to such fuels when sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders, and other similar agencies, located on United States military or other reservations, when such fuels are not for the exclusive use of the United States. Such taxes, so levied, shall be paid to the proper taxing authorities of the State, Territory, or the District of Columbia, within whose borders the reservation affected may be located.

(b) The officer in charge of such reservation shall, on or before the fifteenth day of each month, submit a written statement to the proper taxing authorities of the State, Territory, or the District of