

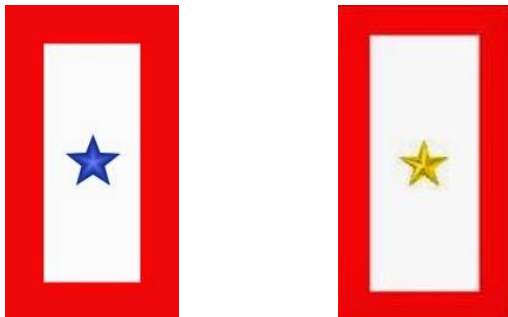


Defense Primer: Gold Star Designation

Background

During the years of U.S. participation in World War I (WWI, 1917-1918), a service banner with a blue star was flown by some families to represent each family member in military service. The white field, edged with red, holds up to five stars. See **Figure 1**. A practice developed that when a servicemember was killed or died the blue star would be replaced with a gold one. The Department of Defense (DOD) policy regarding display of the gold star on the Service Flag is contained in DOD Instruction ((DODI) 1348.36, *Gold Star Lapel Button, Service Flag, and Service*. The policy remains essentially unchanged, stating: “If the Service member symbolized is killed or dies from causes other than dishonorable, the star representing that individual will have a gold star of smaller size superimposed on it, so that the blue forms a border.”

Figure 1. Blue and Gold Star Service Banners (Flags)



Source: Veterans of Foreign Wars (VFW) Auxiliary Programs at <http://vfwauxiliaryprograms.blogspot.com/2014/12/americanism-what-do-gold-star-blue-star.html>.

In a separate but related practice, President Woodrow Wilson approved a recommendation in May 1918 made by the Women’s Committee of the Council for National Defense that American women should wear a black band on the upper left arm, affixed with a gold star to signify the loss of a family member during the war. President Wilson described such women as “Gold Star Mothers” in his letter to the Council.

In October 1942, Congress passed Public Law 77-750 that authorized the Secretary of War to approve a standard design for a service flag and a service lapel button.

Gold Star Lapel Button (GSLB)

The GSLB (also called the Gold Star Pin) was created in 1947, P.L. 80-306, as a means of identification for parents and widows of servicemembers who lost their lives in the U.S. armed services in WWII. The GSLB is a gold star on a field of purple surrounded by laurel leaves. See **Figure 2**. Under 10 U.S.C. §1126(a), “A lapel button, to be known as the gold star lapel button, shall be designed, as approved by the Secretary of Defense, to identify next of kin of members of the armed forces—(1) who lost their lives during World War I, World War II, or during any subsequent period of

armed hostilities in which the United States was engaged before July 1, 1958; (2) who lost or lose their lives after June 30, 1958—(A) while engaged in an action against an enemy of the United States; (B) while engaged in military operations involving conflict with an opposing foreign force; or (C) while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force; or (3) who lost or lose their lives after March 28, 1973, as a result of—(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or (B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.”

Under 10 U.S.C. §1126(d)(1), “The term “next of kin” means individuals standing in such relationship to members of the armed forces described in subsection (a) as the Secretaries concerned shall jointly specify in regulations for purposes of this section.” See DODI 1348.36 in section 3.2.

Families of servicemembers who died in circumstances other than those listed above may not be eligible for the Gold Star Lapel Button. However, they may be eligible to display a gold star on the Service Flag and may qualify for the Next of Kin Lapel Button. See DODI 1348.36 in sections 3.1- 3.3.

Next of Kin Lapel Button

Approved in 1973, the Next of Kin Lapel Button (also referred to as the Next of Kin Pin) is provided to the families of servicemembers who lost their lives while serving on active duty or while serving in a drill status as a member of the National Guard or Reserves in circumstance other than KIA. The Next of Kin Lapel Button is gold, with a star within a circle of sprigs of oak. According to *A Survivor’s Guide to Benefits* by DOD, “The star within the circle commemorates honorable service and the sprigs of oak refer to the Army, Marine Corps, Navy and Air Force.”

Figure 2. Gold Star Lapel Button (left) and Next of Kin Lapel Button (right)



Source: Tragedy Assistance Program for Survivors (TAPS) at <https://www.taps.org/articles/15-2/goldstarpins> and DODI 1348.36 in Section 3: Gold Star Lapel Button.

Military Death Benefits

After the death of a servicemember on active duty, a casualty assistance officer is assigned by the respective military department to assist any surviving spouse, child(ren), or other designated beneficiaries, with all eligible benefits and entitlements. These generally include:

- \$100,000 tax-exempt, lump sum, DOD death gratuity paid to designated beneficiaries.
- Burial assistance including the disposition of remains and travel to the burial site for the servicemember's immediate family.
- Any unpaid pay and allowances at the time of death.
- Basic Allowance for Housing (BAH) [for up to a year.
- Access to commissaries and exchanges.
- TRICARE medical benefits.
- Up to \$400,000 non-taxable Servicemembers' Group Life Insurance (SGLI) payment.
- One or more survivor benefit annuities (DOD Survivor Benefit Plan, Social Security and/or the Department of Veterans Affairs Dependency and Indemnity Compensation).

Each benefit described above has unique eligibility criteria. Survivors may, or may not, qualify for a given benefit based on their unique circumstances. For details on who qualifies for a given benefit, see DOD's *A Survivor's Guide to Benefits*; VA Benefits for Veterans' Spouses, Dependents, and Survivors site; and CRS Report R45325, *Military Survivor Benefit Plan: Background and Issues for Congress*.

Selected Legislation

Gold Star Mothers and Widows Pilgrimage. An Act to enable the mothers and widows of deceased American servicemembers interred in European cemeteries to make a pilgrimage to these cemeteries. Mar. 2, 1929, Public Law 70-952, 45 Stat. 1508.

Gold Star Mother's Day. Designating the last Sunday in September as "Gold Star Mother's Day," and for other purposes. June 23, 1936, Pub. Res. 123, 49 Stat. 1895.

Service Flag and Lapel Button. Authorized the Secretary of War to approve a standard design for a service flag and a lapel button. P.L. 77-750, Oct. 19, 1942, 56 Stat 796.

Gold Star Lapel Button. To provide appropriate lapel buttons for widows, parents, and next of kin of members of the armed forces who lost their lives in the U.S. armed services. Aug. 1, 1947, P.L. 80-306, 61 Stat. 710.

Gold Star Lapel Button and the Cold War. To amend Title 10, United States Code, to provide gold star lapel buttons for the next of kin of members of the armed forces who lost or lose their lives in war or as a result of cold war incidents. Aug. 11, 1966, P.L. 89-534, § 1 (1), 80 Stat. 345.

Gold Star Wives, Inc. To incorporate the Gold Star Wives of America. Dec. 4, 1980, P.L. 96-497, § 14, 94 Stat. 2597.

American Gold Star Mothers, Inc. To recognize the organization known as the American Gold Star Mothers, Incorporated. June 12, 1984, P.L. 98-314, 98 Stat, 237.

National Defense Authorization Act (NDAA) for FY1994, Section 1143. Provides for the award of Gold Star lapel buttons to survivors of military personnel killed by terrorist acts. Nov. 30, 1993, P.L. 103-160, 107 Stat. 1757.

Gold Star Mother's Day Observation. The President is requested to issue a proclamation calling on United States Government officials to display the flag of the United States on all government buildings on Gold Star Mother's Day. Aug. 12, 1998, P.L. 105-225, § 111, 112 Stat. 1292.

NDAA for FY2006, Section 562. Policy and Procedures on Casualty Assistance to Survivors of Military Decedents. P.L. 109-163, div. A, Title V, §562, Jan. 6, 2006, 119 Stat. 3267, as amended by P.L. 109-364, div. A, Title V, §566, Oct. 17, 2006, 120 Stat. 2223.

NDAA for FY2013, Section 2859. Establishment of a national monument to Gold Star Mothers in Washington, DC. Jan. 3, 2013, P.L. 112-239, 126 Stat. 2164.

NDAA for FY2014, Section 633. Improved assistance for Gold Star spouses and other dependents. Requires each secretary of a military department to designate a specific member to assist spouses and dependents of servicemembers, including Reserve Components, who die on active duty. Dec. 26, 2013, P.L. 113-66, 127 Stat. 693.

Gold Star Fathers Act of 2015 (Derived Veterans' Preference for Parents). To amend chapter 21 of Title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service. Oct. 7, 2015, P.L. 114-62, 129 Stat 547.

Gold Star Families Voices Act. Amends the Veterans' Oral History Project Act to allow the collection of video and audio recordings of biographical histories by immediate family members of servicemembers who died as a result of their service during a period of war. Nov. 28, 2016, P.L. 114-246, 130 Stat. 995.

NDAA for FY2020, Section 581. Updates GSLB policy to expand eligibility to include stepsibling(s) and replacement of gold star lapel buttons without cost. Dec. 20, 2019, P.L. 116-92, 133 Stat. 1198.

NDAA for FY2021, Sections 624 and 625. Sec. 624 expands assistance for Gold Star spouses and other dependents. Sec. 625, the Gold Star Families Parks Pass, allows free access to National Parks and Federal Recreational Lands to qualifying family members. Jan. 1, 2021, P.L. 116-283, 134 Stat. 3388. See also CRS Report R46810, *FY2021 National Defense Authorization Act: Selected Personnel and Health Care Issues*, on reports required in sections 629 and 629A of the FY2021 NDAA in the part on "Defense Exchange and Commissary Stores."

Relevant Statutes

Title 10 U.S. Code, § 1126 - Gold star lapel button: eligibility and distribution.

Title 10 U.S. Code § 1475 - Death gratuity: death of members on active duty or inactive duty training.

Title 36 U.S. Code Ch. 211 - American Gold Star Mothers, Inc.

Title 36 U.S. Code Ch. 805 – Gold Star Wives of America, Inc.

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