

For: FSA State and County Offices, RMA Field Offices, and FAS Field Office in Miami, FL

Flying the U.S. Flag at Half-Staff After Deaths of Armed Forces Members

Approved by: Deputy Administrator, Management



1 Authority

A Background

The “Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007” amended 4 U.S.C. to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff after the death of a member of the armed forces from their State, territory, or possession, who dies while serving on active duty. Under this act, a Governor’s proclamation to fly the national flag at half-staff applies to Federal installations and facilities in their jurisdiction.

B Purpose

This notice instructs all FSA State and County Offices, all RMA field offices, and the FAS field office in Miami, Florida, that they shall fly the U.S. Flag at half-staff after the death of a member of the Armed Forces from their State, territory, or possession, who dies while serving on active duty, when the Governor of their State, territory, or possession issues a proclamation that applies to Federal installations and facilities in their area.

C Title 4 U.S.C. Chapter 1, Subsection 7 (m)

Title 4 U.S.C. Chapter 1, Subsection 7 (m) states the following; “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.”

Disposal Date	Distribution
May 1, 2010	All FSA State Offices, State Offices relay to County Offices, RMA Field Offices, and FAS Miami, FL, Field Office

Notice AS-2176

1 Authority (Continued)

C Title 4 U.S.C. Chapter 1, Subsection 7 (m) (Continued)

“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 or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff, and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia. When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation. The flag shall be flown at half-staff 30 days from the death of the President or a former President; 10 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. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. 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.”

D Contact

Direct all questions about this notice to Steve Jones, MSD, Property and Facilities Management Branch by either of the following:

- e-mail to steve.jones@wdc.usda.gov
- telephone at **202-720-8729**.

Pub. L. 110-441

Public Law 110-41

One Hundred Tenth Congress
of the
United States of America

Begun and held at the City of Washington on Thursday,
the fourth day of January, two thousand and seven

An Act

To amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007'.

SEC. 2. FINDING.

Congress finds that members of the Armed Forces of the United States defend the freedom and security of the United States.

SEC. 3. PROCEDURE FOR NATIONAL FLAG TO BE FLOWN AT HALF-STAFF IN THE EVENT OF THE DEATH OF A MEMBER OF THE ARMED FORCES.

- a. issuance of Proclamation- Subsection (m) of section 7 of title 4, United States Code, is amended in the sixth sentence--
 1. by inserting 'or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty' after 'present or former official of the government of any State, territory, or possession of the United States'; and
 2. by inserting before the period the following: ', and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia'.
- b. Federal Facility Consistency With Proclamation- Such subsection is further amended by inserting after the sixth sentence the following new sentence: 'When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation.'

Speaker of the House of Representatives,
Vice President of the United States, and
President of the Senate.