

**Public Buildings Service**

March 27, 2023

MEMORANDUM FOR: PBS REGIONAL COMMISSIONERS

FROM: COURTNEY SPRINGER
ACTING ASSISTANT COMMISSIONER
OFFICE OF FACILITIES MANAGEMENT (PM)

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Courtney Springer

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SUBJECT: Revised Flag Policy

This memorandum transmits a revised policy that contains updated operational guidance for facility managers on flying the Flag of the United States of America (Flag) and other flags and pennants. The revisions clarify that a non-agency pennant or flag may be displayed under limited circumstances and solely at the discretion of the Public Buildings Service (PBS). In addition, the policy now includes the Juneteenth National Independence Day holiday and addresses other suggestions from the regional offices, the Office of Facilities Management, and the Office of the General Counsel.

The attached revised Flag policy cancels and replaces in their entirety all previous flag policies, including the policy issued on July 31, 2020.

Authority: The Administrator of General Services (Administrator) has broad authority to issue policy on building operations,¹ including when to fly the Flag and other flags and pennants at:

- Federal buildings under the jurisdiction, custody, and control of the U.S. General Services Administration (GSA);
- Buildings for which operation and maintenance (O&M) authority is delegated to other Federal agencies by the Administrator; and
- Buildings where GSA has entered into a lease agreement for the accommodation of a Federal agency, if provisions for flying the Flag are addressed in the lease.

The Administrator has delegated this authority to the Commissioner and Deputy Commissioner of PBS. The PBS Commissioner has redelegated this authority to the Assistant Commissioner for the Office of Facilities Management and the Deputy Commissioner has redelegated this authority to the PBS Regional Commissioners.

Policy Revisions: The revised Flag policy further clarifies the procedures associated with responding to requests from occupant agencies to fly non-agency flags and pennants. Flagpoles at GSA-controlled facilities are not intended to serve as a forum for free expression by the public. Rather, approved flags and pennants may be flown as an expression of the

¹ See 40 U.S.C. § 301 note.

Government's official sentiments. To be clear, PBS will make flag and pennant approval decisions on a case-by-case basis, consistent with a determination that flying the flag or pennant is government speech. In addition, although the Juneteenth National Independence Day holiday is not specifically listed in 4 U.S.C. § 6(d), "Time and occasions for display," it is included in our policy as it was designated as a legal public holiday by Public Law 117-17 on June 17, 2021. Finally, the National Fallen Firefighters Memorial Service, as authorized by Public Law 107-51, is now recognized during the first weekend of May as another occasion to fly the Flag at half-staff.

The revised policy applies to real property O&M activities for all buildings under GSA's jurisdiction, custody and control, including those buildings for which O&M authority is delegated to other Federal agencies by the Administrator and at buildings where GSA has entered into a lease agreement for the accommodation of a Federal agency, if provisions for flying the Flag are addressed in the lease.

Should you have questions regarding this policy, please contact Patrick Fee at patrick.fee@gsa.gov.

Attachment