

## INTERIM POLICY UPDATE REGARDING FLAG DISPLAYS IN NATIONAL CEMETERIES

**1. PURPOSE/REASON FOR ISSUE:** This notice provides interim policy guidance to address changes in law related to display of the POW/MIA flag, incorporation of the new United States (U.S.) Space Force flag into the listing of authorized U.S. Armed Forces flags, and acceptance of requests for organized displays of federally recognized Indian Tribal flags by non-VA individuals or groups.

### **2. BACKGROUND:**

a. Public Law 116-67 (enacted November 7, 2019) amended 36 U.S.C. § 902(c) to require the POW/MIA flag to be flown on all days on which the U.S. flag is displayed. (Previously, the POW/MIA flag was only displayed six days a year.) This change impacted unstaffed cemeteries as NCA's policy already required the POW/MIA flag to be flown daily at all NCA-staffed national cemeteries and other NCA property staffed daily by NCA personnel.

b. The U.S. Space Force was established as a branch of the Armed Forces on December 20, 2019, with the enactment of the Fiscal Year 2020 National Defense Authorization Act. The U.S. Space Force was established within the U.S. Air Force under the responsibility of the Secretary of the Air Force. In accordance with NCA policy, the U.S. Space Force flag is authorized for display by national cemeteries either as part of an organized display with the other U.S. Armed Forces flags or as an organized flag display (flag display on standards or gravesite) conducted by non-VA individuals or groups.

c. NCA Directive 3220, Flag Displays by Non-VA Individuals or Groups, is currently being updated to provide for the display of Tribal flags in national cemeteries. In the interim, this notice sets out guidance to allow for the approval of an organized display of a federally recognized Tribal flag(s) in VA national cemeteries by non-VA individuals and groups. Federally recognized Indian Tribal flags means the flags of an American Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. §§ 5130 - 5131.

### **3. POW/MIA FLAG DISPLAYS:**

a. In accordance with 36 U.S.C. § 902(c), the POW/MIA flag will be displayed on all days that the U.S. flag is displayed at all NCA national cemeteries.

b. The POW/MIA flag will be displayed in a manner designed to ensure visibility to the public and will be displayed on a fixed flagpole that is not the main flagpole, if available, or on the main flagpole subordinate to the U.S. Flag if a separate fixed flagpole is not available.

**4. U.S. ARMED FORCES FLAG DISPLAYS:**

a. Cemetery Directors may authorize flags of the U.S. Armed Forces, to include the U.S. Space Force flag, to be flown daily on cemetery grounds. The flags will always be displayed as a group, subject to procurement of the U.S. Space Force flag and the means for integration into an existing display, and in the order of precedence: U.S. Army; U.S. Marine Corps; U.S. Navy; U.S. Air Force; U.S. Space Force; and U.S. Coast Guard. The flags will be the same size and displayed at the same height, and each flag will be flown from its own fixed flagpole. Use of the main flagpole to display a flag of the U.S. Armed Forces is prohibited.

b. Cemetery Directors may approve requests to conduct an organized flag display in a national cemetery consistent with existing policy and procedures associated with the processing of requests for flag displays from non-VA individuals or groups. The type of flags permitted in displays conducted by non-VA individuals and groups includes the flags of the U.S. Armed Forces: U.S. Army; U.S. Marine Corps; U.S. Navy; U.S. Air Force; U.S. Space Force; and U.S. Coast Guard.

**5. INDIAN TRIBAL FLAG DISPLAYS:** Cemetery Directors may approve requests by non-VA individuals or groups to display of federally-recognized Indian Tribal flags as part of the events for Memorial Day, Veterans Day and other special events attended by a senior Tribal official, if the cemetery has flagpoles (other than the main flagpole) or standards on which they may be displayed, as well as the resources to raise and lower such flags during ceremonies or special events. *NOTE: Tribal gravesite flags are not permitted.*

**6. ACTION:** NCA's Office of Cemetery Operations will revise NCA Directive 3220, Flag Displays in National Cemeteries, to reflect the change in law, update the listing of approved U.S. Armed Forces flags and authorize federally recognized Indian Tribal flag displays as requested by non-VA individuals or groups.

**7. RESPONSIBLE OFFICE:** National Cemetery Administration, Office of Finance and Planning, Legislative and Regulatory Service (42E), 810 Vermont Avenue, NW, Washington, DC 20420, is responsible for the contents of this notice. Questions may be referred to the Legislative and Regulatory Service at [NCA42EACTION@va.gov](mailto:NCA42EACTION@va.gov).

**8. EXPIRATION:** This notice will be archived on the last day of May 2023.

/s/

Matthew T. Quinn

Under Secretary for Memorial Affairs

Distribution: Electronic