CEREMONIES AND SPECIAL EVENTS AT VA NATIONAL CEMETERIES

1. REASON FOR ISSUE: This Directive revises and replaces National Cemetery Administration (NCA) Directive 3170/1 that established mandatory policy regarding ceremonies and special events at Department of Veterans Affairs (VA) national cemeteries.

2. SUMMARY MAJOR CHANGES: NCA made the following changes to the Directive:
   a. Established a section for definitions.
   b. Consolidated and updated descriptions of responsibilities.
   c. Removed outdated or redundant information.
   d. Addressed the observance of religious speech during ceremonies.

3. RESPONSIBLE OFFICE: The National Cemetery Administration, Executive Director of Cemetery Operations (41), 810 Vermont Avenue, NW, Washington, DC 20420, is responsible for the contents of this Directive. Questions may be referred to the Deputy Under Secretary for Field Programs and Cemetery Operations.

4. RELATED PUBLICATION: NCA Directive 3220, Flags in VA National Cemeteries [issue date].


6. RECERTIFICATION: This publication is scheduled for recertification on or before the last day of December, 2022.

/s/
Ronald E. Walters
Principal Deputy Under Secretary
for Memorial Affairs

Distribution: Electronic
CEREMONIES AND SPECIAL EVENTS AT VA NATIONAL CEMETERIES

1. PURPOSE/AUTHORITY: This Directive establishes National Cemetery Administration (NCA) policy on the conducting of ceremonies and special events at Department of Veteran Affairs (VA) national cemeteries. The statutory authority for this Directive is title 38 United States Code (U.S.C.) sections 901 and 2404. The policies outlined in this Directive do not apply to committal or memorial services for individual Veterans, which are distinct from ceremonies and special events.

2. POLICY: It is NCA policy that all ceremonies and special events held at VA national cemeteries are compatible with NCA’s mission to maintain the final resting places of America’s Veterans and their dependents as national shrines, by honoring military service and those interred in the cemetery.

3. RESPONSIBILITIES:
   a. Executive Director of Cemetery Operations is responsible for:
      (1) Notifying the Under Secretary for Memorial Affairs, through the Deputy Under Secretary for Field Programs and Cemetery Operations, of requests for ceremonies or special events from non-VA sponsors that are potentially controversial.
      (2) Leading decision making on how to address ceremony participants who violate policy or procedures in this Directive.
      (3) Approving or disapproving requests for ceremonies and special events from non-VA sponsors that are potentially controversial or that include requests for ceremonies recognizing the service of Confederate Servicemembers.
   b. Director, Legislative and Regulatory Service is responsible for reporting requests for ceremonies made by Congressional members or staff, and U.S. Government, State, local, or foreign officials and dignitaries, and NCA’s approval or disapproval of such ceremonies, to the VA Office of Congressional and Legislative Affairs.
   c. District Executive Directors are responsible for:
      (1) Making a recommendation on all requests for ceremonies or special events that are potentially controversial or that include requests for ceremonies recognizing the service of Confederate Servicemembers to the Executive Director of Cemetery Operations for a determination.
      (2) Consulting with the Executive Director of Cemetery Operations on actions to take when ceremony participants violate policy or procedures found within this Directive.
      (3) Approving and disapproving requests for ceremonies or special events that include the carrying or discharge of firearms or cannons with blanks.
d. **Cemetery Directors are responsible for:**

(1) Advising non-VA requestors about the request procedures in Appendix A.

(2) Reviewing requests from non-VA sponsors to hold ceremonies or special events and approving those requests that comply with the requirements in Appendix B.

(3) Responding in writing to requests from non-VA sponsors in accordance with the response procedures in Appendix C.

(4) Providing logistical support for approved ceremonies or special events, if requested and if the cemetery has support resources on-hand and available.

(5) Taking all necessary steps to promote the safety of staff and others present on cemetery grounds during ceremonies and special events.

(6) Monitoring ceremonies for violations of policies or regulations, in accordance with Appendix D.

(7) Submitting a First Notice of Event (FNOE) to report NCA approvals or disapprovals of ceremonies or events requested by Congressional members or staff, and U.S. Government, State, local, or foreign officials and dignitaries, and sending a copy of the FNOE to the Director, Legislative and Regulatory Service and to the NCA Public Affairs Officer.

(8) Planning and executing Memorial Day and other VA-sponsored ceremonies and events, as appropriate.

(9) Making a recommendation on all requests for ceremonies or special events that are potentially controversial or that include requests for ceremonies recognizing the service of Confederate Servicemembers to the applicable District Executive Director.

4. REFERENCES:

a. 38 U.S.C. 901 and 2404.

b. 38 CFR 1.218.

5. DEFINITIONS:

a. **Ceremonies/Special Events** are pre-planned gatherings to commemorate or honor the military service of an individual or group who served or is serving in the Armed Forces of the U.S., or persons who are in interred at a national cemetery. Committal or memorial services for individual Veterans are not considered ceremonies.

b. **National Cemetery** means a property under the jurisdiction of the National Cemetery Administration, including all land acquired under the National Cemeteries Act
of 1973 (Public Law 94-43), and all property later acquired by NCA, for the purpose of interment or memorialization of Veterans and their eligible dependents.
REQUEST PROCEDURES

1. GENERAL GUIDANCE FOR REQUESTS. Non-VA sponsors proposing to hold a ceremony or special event at a specific VA national cemetery must submit a written request to the Director of that cemetery. This written request should be submitted within a reasonable amount of time in advance of the desired date of the ceremony (typically 45 days in advance of the date of the ceremony) to allow NCA to consider the request and coordinate any resources or assistance as required and available for the ceremony.

   a. A Cemetery Director who receives a verbal request to hold a ceremony or special event will advise the requester to submit a written request.

   b. The written request must be dated and signed by an official of the sponsoring organization and must contain the following information:

      (1) Identity of organization requesting to hold a ceremony or event.

      (2) The start and end time (including the setup and breakdown) requested for the event.

      (3) The specific location within the cemetery where the organization would like to hold the event.

      (4) A brief summary of the purpose and nature of the event; for example, how the event would honor the memory of those interred in the cemetery.

      (5) A copy of the event’s agenda, including a list of proposed activities and names and affiliations of potential speakers.

      (6) A description of the estimated audience size and affiliations (if known).

      (7) Any potential logistical or support needs (NCA cemeteries may provide logistical support that includes use of equipment that NCA already has on hand – NCA cannot rent equipment to support ceremonies and special events with non-VA sponsors).

      (8) The name(s) and contact information for the official(s) who will be primarily responsible for organizing the event.

      (9) A statement that the sponsoring organization assumes liability for actions and events that are directly related to the ceremony or special event and must hold VA harmless for any damage to property or injuries that are directly related to the ceremony.

NOTE: Cemetery Directors will contact the sponsoring organizations to request any missing or supplemental information that is needed to make a determination, preferably in writing (email is acceptable). Cemetery Directors will document all contact and contact attempts made to the sponsoring organization by detailing the date, time, name
or organization and representative in order to have a record of agreements, and in the case of non-contact, the effort made by the cemetery.

2. ADDITIONAL GUIDANCE FOR CERTAIN REQUESTS

a. Requests Involving Firearms or Cannons:

   (1) Only blank rounds of ammunition may be carried or discharged on cemetery grounds as part of approved ceremonies or special events. If the requester indicates that the ceremony or special event will include the carrying or discharge of firearms or cannons with blanks, the requester must provide an additional certification that:

   (a) No live ammunition will be carried or discharged on cemetery grounds in the context of ceremonies or special events with the exception of the carrying of side arms and live ammunition by military personnel who are detailed to protect military service members and their equipment during ceremonial firings, or for other official purposes as consistent with 38 CFR 1.218(a)(13).

   (b) The carrying or discharge of firearms or cannons with blanks will be made only in the context of memorializing those buried within the national cemetery.

   (c) The sponsoring organization accepts liability for any harm to persons or property resulting from the carrying or discharge of firearms or cannons on cemetery grounds and must hold VA harmless for any damage to property or injuries resulting from such actions. NOTE: The acceptance of liability involving firearms or cannons is in addition to the acceptance of liability for actions and events directly related to a ceremony or special event as stipulated in paragraph 1.a.(9) of appendix A this Directive.

   (2) Cemetery Directors will forward all requests from non-VA sponsors that include the carrying or discharge of firearms with blanks, with the Cemetery Director’s recommendation for action, to the District Executive Director for determination and response.

b. Confederate Ceremonies. Ceremonies recognizing the service of Confederate Servicemembers are permitted in those national cemeteries in which Confederates are interred. There are no limitations on the number of Confederate ceremonies that can be requested, but flags of the Confederacy can only be displayed two days per year (see NCA Directive 3220, Flags in VA National Cemeteries). The Executive Director for Cemetery Operations is the final approval authority for all Confederate ceremonies.

c. Special U.S. Armed Forces Service Events. Individual Servicemembers and commands of the U.S. Armed Forces may request to hold an enlistment, re-enlistment, retirement, or a similar ceremony for individuals currently serving in the Nation’s Armed Forces, or those who have made a formal commitment to engage in such service. Such ceremonies or special events generally involve the Servicemember(s) along with family, friends, and fellow Servicemembers. Such ceremonies require only minimal logistical support, and Cemetery Directors will accommodate these requests under the policies and procedures for non-VA sponsored ceremonies as outlined in this Directive.
REVIEW CRITERIA AND PROCEDURES

1. BASIC CRITERIA. Cemetery Directors will review all requests to hold ceremonies or special events at VA national cemeteries under their jurisdiction and recommend approval only if:

   a. The request meets all the requirements contained in Appendix A.

   b. The ceremony or special event is compatible with NCA’s mission to maintain the final resting places of America’s Veterans and their dependents as National Shrines. In particular, the ceremony or special event must honor those who serve or have served in the U.S. Armed Forces or are interred or memorialized in that VA national cemetery.

   c. The ceremony or special event will be non-partisan and be conducted in compliance with the security and law enforcement regulations that govern public conduct at VA facilities.

   d. All requested information is provided in a timely manner, dated and signed by an officer or other official of the sponsoring organization. If the matter involves a controversial issue, or a Confederate ceremony, the request must be forwarded to the District Executive Director with a recommendation for action.

   e. The ceremony or special event does not conflict with or intrude upon interments or other cemetery operations and is for a date and time when the cemetery is open.

   f. The ceremony or special event will not place an undue burden on cemetery staff, or adversely affect cemetery resources. Cemeteries will provide minimal staff to assist, observe, and prevent the ceremony from conflicting with other cemetery operations.

   g. The ceremony or special event will not present a threat to health or safety of cemetery staff or visitors, or potentially damage the grounds of the cemetery.

   h. The ceremony or special event will be held in accordance with restrictions on activities occurring on VA property.

   i. There is not a conflict with an already approved ceremony or special event sponsored by another organization.

   j. The request was submitted within a reasonable time in advance of the desired date of the ceremony (typically 45 days in advance of the ceremony date) to allow the Cemetery Director to consider the request and coordinate resources and assistance as required and available for the ceremony.

2. ADDITIONAL CRITERIA. Certain ceremonies or special events must meet additional criteria:
a. Ceremonies or special events to recognize Confederate Servicemembers may be approved only if Confederate Servicemembers are physically interred in the national cemetery chosen for the ceremony.

b. Ceremonies or special events proposed to recognize those foreign individuals who served a government in conflict with the U.S. may be approved only if:

(1) The individuals died as prisoners of war or died on or near U.S. soil, and

(2) Their remains are interred in the national cemetery where the requested event is to take place.

3. VA WILL NOT REVIEW PROPOSED SPEECHES OR ORATIONS

a. The procedures stated below seek to ensure Cemetery Directors and their staff responsible for reviewing and approving ceremonies and special event requests do not engage in improper prior restraint of speech.

b. Cemetery Directors and cemetery staff will not request submission of proposed remarks, orations, prayers, and other forms of expression from ceremony organizers, speakers, clergy or other participants, nor review such documents if provided voluntarily.

c. If ceremony organizers, speakers, clergy, or other participants submit speeches or other items for review prior to a ceremony or special event, the Cemetery Director or cemetery staff will not review or comment on the items but must return the unsolicited material as soon as possible to the submitter, along with a copy of 38 CFR 1.218 and a cover letter that affirmatively notes that the documents were not reviewed for compliance with the regulation and reiterates the responsibility of presenters to abide by the regulation.

d. Cemetery Directors and their staff will monitor remarks as they are given during special events or ceremonies and take appropriate action on any non-compliance, in accordance with Appendix D.

4. OBSERVATION OF RELIGIOUS PRACTICES

a. VA is committed to protecting the dignity and solemnity of VA national cemeteries as national shrines and respecting the diverse beliefs and rights of all employees, Veterans, stakeholders, and visitors. Ceremonies or special events to honor military service, whether sponsored by VA or a non-VA entity, may include religious prayers, recitations, or orations.

b. When VA sponsors an event, VA will seek to foster religious tolerance and inclusion when selecting speakers and developing an agenda for the event.
Cemetery Directors may consult with VA chaplains on effective ways to promote tolerance and achieve the goals of diversity and inclusion.

c. When reviewing a non-VA sponsored ceremony or special event for approval, VA will do so without regard to the inclusion or exclusion of any particular faith tradition in the proposed ceremony.

d. Just as VA does not review proposed orations for partisan speech, Cemetery Directors will not review speeches or prayers for religious content in advance of any ceremony or special event, whether sponsored by VA or a non-VA entity.
RESPONSE PROCEDURES

1. APPROVED REQUESTS

a. The Cemetery Director has the authority to approve requests if they determine that a proposed ceremony or special event is appropriate to NCA’s mission to honor Veterans’ service, except for determinations on requests that are specifically reserved for the District Executive Directors or the Executive Director of Cemetery Operations as described in this Directive.

b. If the Cemetery Director determines that a request, which the Cemetery Director has authority to approve or disapprove, conforms to the requirements in this Directive, or if the Cemetery Director receives an approval from a District Executive Director or the Executive Director of Cemetery Operations, the Cemetery Director will approve the request in writing to the sponsoring organization. The approval letter must be on cemetery letterhead, dated and signed by the Cemetery Director or responsible designee, and include the following information.

(1) The approved date and timeframe for the ceremony or special event.

(2) Information on the type of assistance, if any, the cemetery staff will provide, such as seating, use of a public address system, traffic control, clean-up.

(3) Information on types of assistance the cemetery will not provide, if applicable (NCA cannot rent equipment to support a request from a non-VA sponsor).

(4) Requirements for the condition in which the cemetery grounds must be left after the event.

(5) The name and telephone number of the cemetery staff member who will be the point of contact for the sponsoring organization.

(6) The following, in its entirety, must be included in all approval letters that pertain to ceremonies involving persons interred in national cemeteries: “Pursuant to title 38, United States Code, section 2403(c), all national cemeteries shall be considered national shrines as a tribute to our gallant dead. National cemeteries are non-public forums, and ceremonies must be commemorative in nature and reflect upon the service of the individuals who rest in our cemeteries. Therefore, we expect that the remembrance of their sacrifice will be the focus of any non-partisan remarks made by various speakers during the (insert name of activity). NCA advises that all visitors to National Cemeteries conduct themselves in a manner appropriate for activities occurring at a national shrine and that the decorum of the cemetery and the dignity of those who are buried within its grounds is reflected at all times in the actions from all participants at a ceremony, in accordance with 38 CFR 1.218, Security and law enforcement at VA facilities.”
(7) A statement that appropriate conduct is expected from all participants at the ceremony or special event, in accordance with 38 CFR 1.218, Security and Law Enforcement at VA facilities. Cemeteries will provide a copy of the current regulation to the requestor.

**NOTE:** Cemetery Directors may obtain a copy of the most recent version of the regulation by sending a request to the Legislative and Regulatory Service (42E) via the NCA 42E Action mailgroup or by clicking on the provided link [http://vaww.nca.va.gov/leg_reg/](http://vaww.nca.va.gov/leg_reg/).

c. The Cemetery Director will retain a copy of the signed approval letter in the cemetery’s official records.

2. **DISAPPROVED REQUESTS**

   a. If a Cemetery Director determines that the request for a ceremony or special event, which they have the authority to approve or disapprove, does not conform to the requirements set forth in this Directive, or if the Cemetery Director receives a disapproval from the District Executive Director or Executive Director of Cemetery Operations, the Cemetery Director must prepare a denial letter that includes the following information:

      (1) Reasons and bases for the disapproval.

      (2) Steps the sponsoring organization would need to take for this or future requests to be approved.

   b. The Cemetery Director will submit a draft of the disapproval letter and any background information to the appropriate District Executive Director, or through the appropriate District Executive Director to the Executive Director of Cemetery Operations.

   c. Cemetery Directors must send the final disapproval letter to the requester once a response is received from the District Executive Director (or from the Executive Director of Cemetery Operations through the District Executive Director) to issue the disapproval letter.

   d. The final denial letter must be on cemetery letterhead, dated and signed by the Cemetery Director or responsible designee.

   e. The cemetery must keep a copy of the signed approval or denial letter as the official record copy and is required to send copies to the appropriate District Executive Director.
CEREMONY MONITORING PROCEDURES

1. Cemetery Directors or their designee must monitor approved ceremonies and document any actions that occur in violation of 38 CFR 1.218(a)(14), including but not limited to coarse utterances, violent or threatening words, abusive language, partisan commentary and other forms of restricted speech, including symbolic speech (e.g., unapproved placards, banners, or foreign flags).

2. Cemetery Directors and cemetery staff will allow an approved ceremony to continue despite non-compliance with 38 CFR 1.218(a)(14), unless the non-compliant conduct poses a threat to public health and safety (e.g., use of fighting words that incite or threaten an immediate breach of peace, injury, or confrontation). If necessary, Cemetery Directors may request assistance from law enforcement as described in 38 CFR 1.218(c).

3. Cemetery Directors will use notes taken during or immediately following the ceremony or special event to report non-compliance issues, following the FNOE process. Executive Director of Cemetery Operations will assist Cemetery Directors and District Executive Directors in determining the appropriate action(s) to be taken regarding any violation(s).