

PROTECTING THE RELIGIOUS BELIEFS OF VETERANS, FAMILIES, AND VISITORS AT VA NATIONAL CEMETERIES

1. PURPOSE/REASON FOR ISSUE: The Department of Veterans Affairs (VA) National Cemetery Administration (NCA) is publishing this notice to ensure NCA personnel remain sensitive to religious beliefs of Veterans, families and visitors at VA national cemeteries.

2. BACKGROUND:

a. Section 2404(h)(1)(A) of title 38 United States Code (U.S.C.) requires VA to ensure the expressed wishes of Veterans' families and representatives are respected during interment, funeral, or memorial services. Following enactment of this provision in 2013, NCA issued interim guidance to meet the intent of 38 U.S.C. 2404(h)(1)(A).

b. In 2016, the VA Office of Inspector General (OIG) issued a report titled *Review of Guidance and Protecting Religious Beliefs*, which found that, while NCA's guidance generally aligned with Federal laws and included policies that provided reasonable assurance of ensuring religious sensitivity, the guidance and other relevant NCA policy regarding the protection of religious beliefs were outdated. The OIG recommended that NCA rescind or replace Chapters 6 and 7 from Manual 40-2, National Cemeteries, Administration, Operation, and Maintenance; recertify or rescind Directive 3170/1, Ceremonies and Special Events at VA National Cemeteries (dated February 14, 2013); and incorporate three interim guidance documents into NCA Directives or Handbooks.

c. NCA issued a new Directive 3170, as of December 15, 2017, to replace Directive 3170/1; and issued a rescission notice (NCA Notice 2016-04) for one of the three interim documents. The remaining recommendations are addressed by this notice.

3. RESTATEMENT OF POLICY: It is NCA policy that cemetery directors will ensure to the maximum extent possible that all appropriate public areas of the cemetery, including committal shelters, chapels, benches, and burial sections may be used by the family of the deceased for contemplation, prayer, mourning, or reflection. Additionally, cemetery directors and staff will protect religious beliefs of cemetery visitors as follows in these situations:

a. During VA sponsored ceremonies and non-VA sponsored ceremonies:

(1) Ceremonies or special events to honor military service, whether sponsored by VA or a non-VA entity, may include religious prayers, recitations, or orations.

(2) For VA- or NCA-sponsored ceremonies conducted in VA national cemeteries, NCA will seek to foster religious tolerance and inclusion when selecting speakers and

developing an agenda. Cemetery directors may consult with VA chaplains on effective ways to promote these goals.

(3) When reviewing non-VA or non-NCA sponsored ceremonies or special events for approval, cemetery directors will do so without regard to the inclusion or exclusion of any particular faith tradition in the proposed ceremonies or events.

(4) Cemetery directors will not review speeches or prayers for religious content in advance of any ceremony or special event, whether sponsored by VA, or NCA, or a non-VA entity.

(5) Cemetery directors will not condition a speaker's participation in a VA-sponsored or non-VA-sponsored special ceremony or event at the cemetery on abstaining from religious speech or expression.

b. Memorial services, committal services, and interment operations:

(1) NCA will ensure that the expressed wishes of the decedent's personal representative or other agent of the deceased are respected and given appropriate deference when evaluating whether the proposed interment, memorial service, or committal ceremony affects the safety and security of the national cemetery and visitors to the cemetery.

(2) Cemetery directors may approve a request for a gravesite service (to be held at the gravesite instead of at the committal shelter) if the following conditions are met:

(a) The decedent's personal representative requests the service for religious reasons; and

(b) The request is made sufficiently prior to the scheduled service to ensure the gravesite is accessible; and

(c) The cemetery director has sufficient resources for the gravesite service; and

(d) The site can be safely accessed on the day of the service.

(3) When prior arrangements have not been made and upon request of the family or the person arranging the interment, the cemetery director will assist in arranging for or obtaining the services of a member of the clergy to conduct an appropriate committal or memorial service. The cemetery director will consider the local prevailing situation regarding the availability of VA chaplains, military chaplains on active duty or in Reserve or National Guard status, and local ordained clergy. The cemetery director must ensure that it is understood by all persons involved that payment for clergy services, if any, must be a matter between the clergy and the family or the person requesting the service.

(4) Cemetery directors will ensure that, during a committal or memorial service, the family may choose to display any religious or other symbols.

(5) Cemetery directors will ensure that family wishes are deferred to and that prayers, recitations or words of religious expression will not be banned, regulated or otherwise interfered with at a committal or memorial service.

(6) With respect to requests by families of the deceased for VA employees, including honor guards registered with VA Voluntary Services (VAVS volunteer honor guards), to read “thirteen folds of the flag” recitations or other recitations at committal and memorial services:

(a) NCA will allow VA employees (including VAVS volunteer honor guards) to read recitations at committal and memorial services.

(b) VA employees (including VAVS volunteer honor guards) will not be selective in determining which recitations will be read. VA employees will accept recitations for reading on an equal basis, including those that reflect a particular religious tradition, all religious traditions, or no religious tradition.

(c) VA employees (including VAVS volunteer honor guards) will not read texts that would, as determined by the cemetery director, have an adverse impact on the dignity and solemnity of a cemetery honoring those who served the Nation. Among the texts that would not be read would be those that are obscene, racist, “fighting words”, or are coarse, abusive, or politically partisan.

(7) NCA employees and cemetery directors will not prohibit or otherwise interfere with the action of any NCA employee, including VAVS volunteer honor guards, who, when not performing official duties, provide recitation texts to a funeral home or a decedent’s family for consideration.

(8) Unless otherwise approved by a district executive director for modification to accommodate local logistical or operational requirements, the order of the funeral procession and the order of the committal service will be determined as follows:

(a) At the direction of the cemetery representative, the procession into the committal shelter will begin, led by a member of the clergy, followed by the casket and then the decedent’s personal representative and family and lastly by other friends and mourners of the deceased.

(b) The committal service by the clergy will begin as soon as the family has been seated, the other mourners have gathered around, and all movement has ceased.

(c) The interment flag will be draped over the casket during the committal service unless there is an objection to this by the decedent’s personal representative or the family. There are various reasons offered in support of such objections and the cemetery director should not try to ascertain the reason or attempt to persuade the decedent’s personal representative or family to withdraw the objection.

(d) When the clergy has completed his or her service, military honors, if being provided, will be accorded. At the conclusion of the service, the flag will be folded.

(e) It is the responsibility of the cemetery director or the cemetery representative to see that the flag, when folded, is presented to the decedent's personal representative or to the person who represents the decedent's personal representative. When deemed appropriate in the judgment of the cemetery director, they may yield this honor to the officiating chaplain, clergy, ranking military person or any other dignitary who might be present.

4. RESPONSIBLE OFFICE: National Cemetery Administration, Office of Field Programs and Cemetery Operations, 810 Vermont Ave, NW, Washington, DC, 20420, is responsible for the contents of this notice. Questions may be referred to Executive Director, Cemetery Operations.

5. RESCISSION: This document rescinds and replaces the following documents:

a. Paragraph 6.05 (Use of Clergy for Committal Services) and Subparagraphs 7.03e-i (The Funeral Procession, Committal Service and Interment); NCA Manual 40-2, *National Cemeteries: Administration, Operation, and Maintenance*; May 1, 1984.

b. NCA Policy Memorandum, *Policy on Recitations Presented at VA National Cemetery Committal Services*; December 5, 2011.

c. NCA Policy Memorandum, *Long-Standing Practices With Respect to Family Wishes for Committal Services at VA National Cemeteries*; May 24, 2013.

EXPIRATION: This notice may be archived six months after issue date unless renewed for an additional six month time period. The content will remain in force until incorporated into an NCA Directive or Handbook.

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

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