

INTERIM POLICY UPDATE FOR NAMING CEMETERY FEATURES

1. PURPOSE/REASON FOR ISSUE: This notice provides interim guidance to clarify NCA policy regarding the naming of roads and features within national cemeteries.

2. BACKGROUND:

a. VA's regulation for naming national cemeteries and features was initiated with a proposed rule in January 1978 (43 FR 1628) and made final on June 21, 1978 (43 FR 26571). The existing rule (38 CFR § 38.602) is still current and includes only minimal guidance regarding naming of cemeteries, activities and features therein, such as drives, walks, or special structures. In June 2021, NCA drafted a proposed change to amend the rule to reflect more detailed guidance as published in NCA Directive 3011, Names for Department of Veterans Affairs National Cemeteries and for Roads and Features Within Those Cemeteries, March 3, 2021.

b. When the Office of the General Council (OGC) reviewed the proposed regulatory amendment, they advised NCA that the policy as written and incorporated into the proposed rule exceeds the bounds of VA's authority with respect to naming VA property. OGC explained that because the policy and proposed regulation states that names may be based on a subject or setting that evokes historical figures the policy allows names of individual persons, which goes beyond what is authorized by law. Public Law 105-368 §1001, enacted November 11, 1998, added new Section 531 to Title 38 United States Code, (U.S.C.) which specifically states that facilities, structures, or real property owned by VA may be named only for the geographic area in which the facility, structure or property is located. Real property is typically defined as the land and everything permanently attached to it, including roads and walkways.

c. In addition, OGC advised NCA that it was unnecessary to issue a regulation regarding VA authorities or procedures for naming roads and features within national cemeteries, and recommended NCA consider revoking the existing rule in 38 CFR 38.602.

3. POLICY:

a. In accordance with 38 U.S.C. § 531, effective from the date of this Notice NCA will no longer name road systems and walkways within national cemeteries after individual persons, including significant figures from military or civic history.

b. Existing roads and walkways that have already been named for an individual person or historical figure prior to the date of this Notice will retain their names.

c. Other policy for naming national cemeteries, and features within those cemeteries as outlined in NCA Directive 3011, Names for Department of Veterans Affairs National Cemeteries and for Roads and Features Within Those Cemeteries, remains unchanged.

4. ACTION:

a. NCA Office of Cemetery Operations (41A) will revise NCA Directive 3011, Names for Department of Veterans Affairs National Cemeteries and for Roads and Features Within Those Cemeteries, to reflect the policy changes above and update the accompanying standard operating procedures.

b. NCA Legislative and Regulatory Service (42E) will draft a regulatory package to revoke 38 CFR 38.602.

5. RESPONSIBLE OFFICE: NCA Legislative and Regulatory Service (42E), 810 Vermont Avenue, NW, Washington, DC 20420, is responsible for the contents of this notice.

6. EXPIRATION: This notice will be archived on the last day of September 2023.

/s/
Matthew T. Quinn
Under Secretary for Memorial Affairs

Distribution: Electronic