



Veterans of Special Guerilla Unit and Irregular Forces in Laos Advisory Task Force

Dave Swantek | Director of Memorial Affairs

Provide Background Information with respect to 2025 Legislative Session Law regarding the establishment of the Veterans of Special Guerilla Units and Irregular Forces in Laos Advisory Task Force

Definition: Veteran of the Secret War in Laos

MN Statutes [§ 197.448](#) VETERAN OF THE SECRET WAR IN LAOS.

Subdivision 1. **Definition.** As used in this section, the term "Veteran of the Secret War in Laos" means a person who resides in Minnesota and who:

(1) was naturalized as provided in section 2(1) of the federal Hmong Veterans' Naturalization Act of 2000, Public Law 106-207; or

(2) is a person who the commissioner of veterans affairs determines served honorably with a special guerrilla unit or with irregular forces that operated from a base in Laos in support of the armed forces of the United States at any time during the period beginning February 28, 1961, and ending May 14, 1975, and is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States.

2025 Session Law Provisions

MN Statutes §197.448 Subd 2(d)

- The following statutory benefits and privileges available to a Veteran, as defined in section 197.447, as also available to a Veteran of the Secret War in Laos:
 - Section 171.07 Subd 15 (Veteran designation on drivers' licenses and state identification cards)
 - Section 197.23 (Purchase of grave markers)
 - Section 197.231 (Honor guards)
 - Section 197.236 (State Veterans Cemeteries)
 - Section 197.455 (Veterans preference)
 - Section 197.4551 (Permissive preference for Veterans in private employment)
 - Section 197.63 (Vital records, certified copies)
 - Section 197.65 (Renewal of professional licenses, motor vehicle registration, and drivers' licenses)
 - Section 197.987 (Honor and Remember flag).

Memorial Affairs

- MDVA Director of Memorial Affairs: David Swantek
- The following statutory benefits and privileges are administered by the MDVA Memorial Affairs Division:
 - Section 197.23 (Purchase of grave markers)
 - Section 197.231 (Honor guards)
 - Section 197.236 (State Veterans Cemeteries)

2025 Session Law Provisions

MN Statutes §197.23 (Purchase of Grave Markers)

- Statutory Language: 197.23 PURCHASE OF GRAVE MARKERS.
 - Subdivision 1. **Authorization.** The commissioner of veterans affairs may provide, within available funds and upon request of a county veterans service officer or any congressionally chartered veterans organization, an appropriate marker for the grave of any veteran as defined under section 197.447. Any marker provided must be used for memorial purposes to permanently mark the grave of a veteran buried within the limits of the state.
- State program ancestry pre-dates World War I, established via MN Statutes Chapter 299 (SF No 56), passed into law on 21 Apr 1909, and subsequently updated to the current MN Statutes § 197.23 (Purchase of Grave Markers)
- Intent: marking graves of Veterans interred in private cemeteries
- Process: provisioning of Bronze Star Grave Markers is initiated upon request by County Veterans Service Officers (CVSO), located in each of the 87 counties across the state

2025 Session Law Provisions

MN Statutes §197.23 (Purchase of Grave Markers)

Requirements

- Be a Veteran per MN Statutes § 197.447 (or 197.448)
- Passed away and buried within the calendar year. In other words, the request must be submitted to the County Veteran Service Officer (CVSO) within the same calendar year
 - If a Veteran passes away late in the year and isn't interred before the lists are submitted by the CVSO, they may submit the Veteran the following year
- Interred in a cemetery within Minnesota
- Restrictions – Bronze Star Grave Markers not provisioned for:
 - Interments in Federal or State Veterans cemeteries
 - Cremations (unless cremains are interred)
 - Private property burials (i.e., must be interred in an official cemetery)

2025 Session Law Provisions

MN Statutes §197.23 (Purchase of Grave Markers)

- Status: MDVA unable to provision Bronze Star Grave Markers (BSGM) over the past three (3) years as a result of:
 - Skyrocketing costs per item
 - Diminishing manufacturing sources (at the production scale required)
 - Increasingly tight fiscal constraints faced by the State vis-à-vis budget forecasts

2025 Session Law Provisions

MN Statutes §197.231 (Honor Guards)

- Statutory Language: 197.231 HONOR GUARDS
 - The commissioner of veterans affairs shall pay, within available funds and upon request by a local unit of a congressionally chartered veterans organization or its auxiliary, up to \$50 to the local unit for each time that local unit provides an honor guard detail at the funeral of a deceased veteran. If the local unit provides a student to play "Taps," the local unit may pay some or all of the \$50 to the student.
- Details:
 - Military funeral honors for Veterans are provided by volunteers with local Veteran Service Organizations
 - Provisioning/scheduling arranged through the funeral home
 - Per MN Statute, a stipend is available to Congressionally chartered Veterans Service Organizations who meet the requirements

2025 Session Law Provisions

MN Statutes §197.236 (State Veterans Cemeteries)

- Statutory Language: 197.236 STATE VETERANS CEMETERIES

Subd. 1-7. (Addresses: Operations and Maintenance, Rules, & the Permanent Development and Maintenance Account)

Subd. 8. Eligibility. Cemeteries must be operated solely for the burial of service members who die on active duty, eligible veterans, and their spouses and dependent children, as defined in [United States Code, title 38, section 2402, paragraph \(a\)](#), subparagraphs 1 to 5 and 7.

Subd. 9. Burial fees. (a) The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible spouses and dependent children. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot.

(b) Upon application, the commissioner may waive or reduce the burial fee for an indigent eligible person. The commissioner shall maintain a policy, eligibility standards, and application form for requests to waive or reduce the burial fee to indigent eligible applicants.

(c) No plot or interment fees may be charged for the burial of service members who die on active duty or eligible veterans, as defined in United States Code, title 38, section 2402, paragraph (a), subparagraphs 1 to 4 and 7.

Subd. 10. [Repealed]

Subd. 11. Plot allowance claims. The commissioner of veterans affairs must apply to the Veterans Benefits Administration for a plot or interment allowance payable to the state for expenses incurred by the state in the burial of eligible veterans in cemeteries owned and operated by the state if the burial is performed at no cost to the veteran's next of kin.

State Veterans Cemetery Burial Benefits

Current/Standing

- Burial at the MN State Veterans Cemeteries open to:
 - All Veterans discharged from active military service under conditions other than dishonorable
 - Spouses, minor children, and under certain conditions, unmarried adult children
 - Members of the reserve components of the Armed Forces, the National Guard, and the Reserve Officer Training Corps who die while on active duty for training or performing service, or who have 20 years of service in reserve components of the Armed Forces creditable for retired pay
- Cost:
 - Veteran (per 38 USC 2402 (a)): \$0 for all burial options (i.e., casket, in-ground cremation, or columbarium niche)*
 - Spouse/Eligible Dependent: \$978 for all burial options (As of 01 Nov 2025: \$1,002)
- Provided by the State Veterans Cemetery:
 - Gravesite/Columbarium Niche
 - Committal Services
 - Headstone/Niche Cover
 - Perpetual Care

* Per MN Statutes § 197.236 Subd 11, cost for Veteran interment in a State Veterans Cemetery is offset by the Federal Burial Allowance subsidy; currently \$1,002 for Federal FY26

VA - National Cemetery Administration Guidance

Hmong Burial and Memorial Benefits (2018)

- March 2018: 38 USC § 2402 was amended (per Public Law 115-141) to allow interment in a VA national cemetery only for those who (1) died on or after 23 Mar 2018, (2) resided in the US at the time of death, and (3) were naturalized under Section 2(1) of the Hmong Veterans' Naturalization Act of 2000
 - Excludes spouses and surviving spouses
 - Regulations further codified in 38 CFR § 38.619(a)(2) and § 38.620(j)
- Individuals determined to be eligible under 38 USC § 2402(a)(10) may receive the following VA benefits:
 - Casket or cremation burial in a VA national cemetery with available grave space and Government-furnished headstone or marker, or
 - A Government-furnished headstone or marker for eligible individuals who are buried in a private cemetery
- VA programs not affected by 38 U.S.C. § 2402(a)(10):
 - Burial in a VA-grant funded State or Tribal Veterans cemetery
 - Medallion
 - Memorial Headstone (i.e., "In Memory Of" markers w/out interment)
 - Burial Flag
 - Presidential Memorial Certificate
 - Military Funeral Honors provided by the Department of Defense

Updated VA Guidance – State/Tribal Grant Cemeteries

FY25 National Defense Authorization Act (NDAA)

- December 2024: 38 USC § 2402 was further amended (per the FY25 NDAA/Public Law 118-159) to allow interment of individuals described in paragraph (10) in a VA State/Tribal grant cemetery (i.e., Public Law 115-141, previous slide)
 - Allows interment of individuals naturalized pursuant to section 2(1) of the Hmong Veterans' Naturalization Act of 2000 without risk of future development grants or recovery of past development grant funding
 - When requested by a State/Tribal grant cemetery, the VA will determine whether a person is eligible for burial at a National Cemetery under para (10) of section 2402(a) and advise the recipient of the determination. A State/Tribal grant cemetery may use that determination as verification of eligibility for interment at a State/Tribal grant cemetery
 - Does NOT include provisions for:
 - Federal burial allowance
 - Medallion/"In Memory Of" Memorial Headstone/Burial Flag/Presidential Memorial Certificate/Military Funeral Honors provided by the Department of Defense
 - Spouses and surviving spouses

State Veterans Cemetery Burial Benefits

2025 Legislative Session Law Implications

- Burial Eligibility:
 - FY25 NDAA allows interment of individuals naturalized pursuant to section 2(1) of the Hmong Veterans' Naturalization Act of 2000 (equivalent to MN 2025 Session Law Chapter 30, section 9, Subd 1(1))
 - MDVA assesses that an individual defined by MN 2025 Session Law Chapter 30, section 9, Subd 1(2) is not eligible for interment in a National or State/Tribal grant cemetery, based on current FY25 NDAA language.
- Process:
 - Federal: VA Form 40-10007 (Application for Pre-Need Determination of Eligibility for Burial in a VA National Cemetery)
 - State: MNSVC Form (Pre-Registration Application)
- Cost: \$1,002 - Federal burial allowance offset (based on Federal FY26 allowance)



Questions?