



U.S. Department
of Veterans Affairs

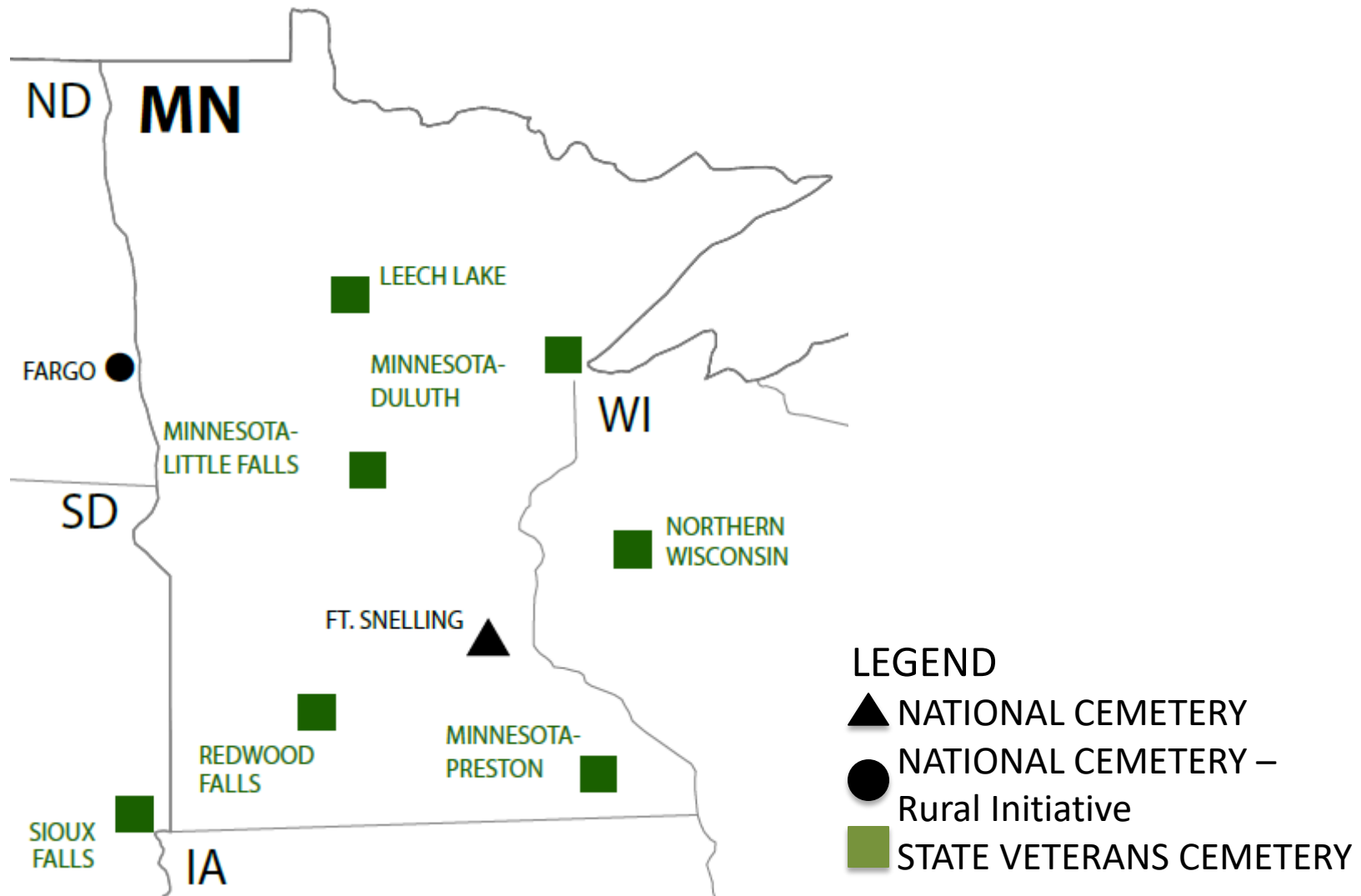
Interment and Memorial Benefit Eligibility of Vietnam-Era Laotian Hmong

Minnesota Dept. of Veterans Affairs | December 10, 2025

National Cemetery Scheduling Office
National Cemetery Administration



Veterans Cemetery Locations





2018 Legislation

Effective March 23, 2018, the Consolidated Appropriations Act of 2018 (Public Law 115-141) added a new category of persons eligible for interment in VA national cemeteries.

The new category under 38 USC 2402(a)(10) included individuals who:

- died on or after March 23, 2018,
- resided in the U.S. at the time of death, and
- were naturalized under Section 2(1) of the Hmong Veterans' Naturalization Act of 2000

The newly eligible individuals could receive:

- Burial in a VA national cemetery and Government-furnished headstone or marker, or
- A Government-furnished headstone or marker for eligible individuals buried in a private cemetery



2018 Legislation (Continued)

The Hmong Veterans' Naturalization Act of 2000 eased certain naturalization requirements for persons who served with special guerrilla units or irregular forces operating from Laos in support of the U.S. military between February 28, 1961, and September 18, 1978.

PL 115-141 did not describe service as a requirement for interment or memorial eligibility. Naturalization under the specific section of the 2000 Act, which was based on this service, was the primary criteria.

Only the U.S. Citizenship and Immigration Service can verify the specific means of naturalization. NCA collaborated with USCIS to establish a process for NCA to request this information from USCIS to facilitate VA's eligibility determinations.



2021 Legislation

Individuals who served in the special guerrilla units or irregular forces but were naturalized in another manner were not eligible for benefits under the 2018 legislation.

Effective December 27, 2021, the National Defense Authorization Act for Fiscal Year 2022 (PL 117-81) expanded eligibility for interment in national cemeteries for Vietnam-Era Laotian Hmong under 38 USC 2402(a)(10) to include individuals “the Secretary determines served honorably with a special guerrilla unit or irregular forces operating from a base in Laos in support of the Armed Forces at any time during the period beginning on February 28, 1961, and ending on May 7, 1975.”

VA now had to define and regulate how it would determine if an individual had qualifying service as described above.



2023 Regulation

On August 3, 2023, VA published a final rule amending 38 CFR 38.619 to fully implement the provisions of the FY22 NDAA.

The rule created the new Section 38.619 (a)(2), which

- For eligibility based on naturalization under the Hmong Veterans' Naturalization Act, specified that VA will verify with the U.S. Citizenship and Immigration Services that the naturalization was pursuant to section 2(1) of the Act (which NCA was already doing)
- For eligibility based on honorable service with a special guerrilla unit or irregular forces, specified the types of documentation VA will accept as evidence of such service



2023 Regulation (Continued)

VA will accept the following types of documentation as evidence of service

- (A) Original documentation issued by a government agency officially documenting the service type, location, and dates served;
- (B) An affidavit of the decedent's superior officer attesting to the type of service, location, and dates served;
- (C) Two affidavits from other individuals who were also serving with such a special guerilla unit or irregular forces and who personally knew of the decedent's service; or
- (D) Other appropriate evidence that factually documents the service, location, and dates served.

See Examples of Documents Used to Determine Eligibility for Interment of Vietnam-Era Laotian Hmong in VA National Cemeteries for examples.

Note: The DD Form 214, Certificate of Release or Discharge from Active Duty, is not appropriate documentation of this type of service for VA purposes.



Key Concepts

No federal legislation has addressed eligibility of spouses of members of the special guerrilla units and irregular forces. These spouses are not eligible for burial and memorial benefits.

No federal legislation has classified the members of the special guerrilla units and irregular forces as Veterans for the purpose of federal Veterans benefits.

38 CFR 39.10, *Cemetery requirements and prohibitions and recapture provisions*, specifies that “In order to qualify for a grant, a State or Tribal veterans cemetery must be operated solely for the interment of veterans, their spouses, surviving spouses, minor children, unmarried adult children who were physically or mentally disabled and incapable of self-support, and eligible parents of certain deceased service members.”

VA grant-funded cemeteries, therefore, could not inter these individuals under the terms of their grants, until ...



2024 Legislation

The Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (PL 118-159), enacted December 23, 2024, included provisions which amended 38 USC 2408 by creating a new Section 2408(k), prohibiting VA from establishing any condition for a cemetery grant that would restrict the ability of a State, county or tribal organization receiving such a grant to inter individuals described in 38 U.S.C. 2402(a)(10).

- The law does not require grant-funded cemeteries to accept these interments, but
- VA grant-funded Veterans cemeteries can now inter the subject individuals in accordance with the terms of their grants.



2024 Legislation (Continued)

The amended 38 USC 2408 also includes a provision requiring VA to provide, when requested from a grant-funded cemetery official, a determination of whether a person is eligible for burial in a national cemetery under 38 U.S.C. 2402(a)(10).

NCA strongly encourages grant-funded cemeteries to request these determinations from the National Cemetery Scheduling Office prior to scheduling an interment.



Requests for Interment in National Cemeteries

Through FY 2025, NCA has received 39 requests for interments of Vietnam-Era Laotian Hmong, resulting in 9 interments, as shown below.

Time of Need Requests	
Approved and Interred in Nat Cem	9
Approved but Interred Elsewhere	4
Denied	26
Total Requests	39

- 6 of the 9 interments are at Fort Snelling National Cemetery.

Through FY 2025, NCA has received 421 requests for pre-need determinations of eligibility for interment from Vietnam-Era Laotian Hmong, resulting in 85 approvals, as shown below.

Pre-Need Requests	
Approved	85
Denied	336
Total Requests	421



Requests for Headstones and Markers

Through FY 2025, NCA has received 9 requests for headstones and markers for Vietnam-Era Laotian Hmong interred in private cemeteries, resulting in 2 approved and issued markers.

NCA will inscribe the following Branch of Service abbreviations on Government furnished headstones and markers

- SGU LAOS (Special Guerilla Unit - Laos)
- IRR FORCES LAOS (Irregular Forces - Laos)

NCA will inscribe the War Service inscription VIETNAM if requested

VA grant-funded Veterans cemeteries have access to VA's headstone and marker ordering system and should ensure the inscriptions above are used on these headstones and markers.



Contacting NCA for Assistance

- For burial in a national cemetery, funeral home or next of kin may contact the National Cemetery Scheduling Office at 1-800-535-1117.
- For pre-need determination of eligibility for burial in a VA national cemetery, claimant may submit request at <https://www.va.gov/burials-and-memorials/pre-need/form-10007-apply-for-eligibility/introduction>
- For burial in a VA grant-funded Veterans cemetery, cemetery personnel may submit Request for Verification of Military Service Worksheet to eligibility1@va.gov along with the following documentation:
 - Form N-550, Certificate of Naturalization
 - Death Certificate
 - Any documents provided by next of kin or funeral home
- For a headstone or marker for a private cemetery, families may complete the [VA Form 40-1330](#) and mail to this address:
NCA Evidence Intake Center
PO Box 5237
Janesville, WI 53547



Questions/Discussion