

VETERANS OF SPECIAL GUERRILLA UNITS AND IRREGULAR FORCES IN LAOS

Advisory Task Force

Report to the Minnesota Legislature

Appendix B – Enabling State Legislation and referenced Federal Law

2025 Session Law Excerpts Regarding “Veteran of the Secret War in Laos”

Reference: Chapter 30 – SF Number 1959, Article 2 (Military Affairs and Veterans Affairs Policy)

Section 9. [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.

Subd. 2. **Eligibility for benefits and privileges.**

(a) A veteran of the Secret War in Laos, as defined in subdivision 1, clause (1), is entitled to the benefits and privileges listed in paragraph (d) the day following the effective date of this act.

(b) A veteran of the Secret War in Laos, as defined in subdivision 1, clause (2), is entitled to the benefits and privileges listed in paragraph (d) after the commissioner of veterans affairs verifies the person's veteran status. The commissioner must not begin accepting applications for verification under this paragraph until the legislature enacts criteria and a protocol to determine:

(1) which Minnesotans served in special guerrilla units or with irregular forces in Laos; and

(2) which of the Minnesotans who served in special guerrilla units or with irregular forces in Laos are deserving of Minnesota veterans benefits.

(c) If the commissioner verifies a person's status as a veteran of the Secret War in Laos, the commissioner must provide the person with a certificate of eligibility for the benefits and privileges listed in paragraph (d) on a form developed by the commissioner for this purpose. The commissioner must develop the form required under this paragraph no later than September 15, 2025.

(d) The following statutory benefits and privileges available to a veteran, as defined in section 197.447, are also available to a veteran of the Secret War in Laos: section 171.07, subdivision 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); and section 197.987 (honor and remember flag).

Sec. 13. ADVISORY TASK FORCE ESTABLISHED; VETERANS OF SPECIAL GUERRILLA UNITS AND IRREGULAR FORCES IN LAOS.

Subdivision 1. Establishment; membership.

(a) The commissioner of veterans affairs must establish a Veterans of Special Guerrilla Units and Irregular Forces in Laos Advisory Task Force.

(b) The advisory task force must consist of the commissioner, or a designee, and the following additional 12 members appointed by the commissioner, except as otherwise provided:

(1) a representative of the Minnesota Commanders Task Force designated by the Commanders Task Force;

(2) one member with direct experience in Military Assistance Command Vietnam Special Forces operations during the dates established in Minnesota Statutes, section 197.448, subdivision 1, clause (2);

(3) a United States armed forces veteran who served on active duty in Vietnam during the Vietnam War;

(4) a Hmong American Minnesota resident who served in the United States armed forces;

(5) two veterans of a special guerrilla unit or irregular forces in Laos;

(6) one member with expertise in the history of allied irregular and surrogate forces during the dates established in Minnesota Statutes, section 197.448, subdivision 1, clause (2);

(7) one member with direct experience in United States intelligence or special operations in Southeast Asia during the dates established in Minnesota Statutes, section 197.448, subdivision 1, clause (2);
and

(8) four legislators, with one member each appointed by the speaker of the house of representatives, the house Democratic-Farmer-Labor leader, the senate majority leader, and the senate minority leader.

Subd. 2. Duties; report.

(a) The task force must:

(1) establish criteria for determining which Minnesotans served in the special guerrilla units or with irregular forces in Laos; and

(2) establish criteria and a protocol to determine which Minnesotans who served in the special guerrilla units or with irregular forces in Laos are deserving of the benefits of a veteran under Minnesota law and which veterans benefits should be extended to these Minnesotans.

(b) The task force must prepare a report to the legislature that includes the findings, criteria, protocol, and recommendations required under paragraph (a). The commissioner must deliver the report to the chairs and ranking minority members of the legislative committees with jurisdiction over veterans affairs policy and finance by February 15, 2026.

Subd. 3. **Administration; terms of membership.** The commissioner shall convene the first meeting of the advisory task force by September 15, 2025, and provide staff support to the advisory task force. Minnesota Statutes, section 15.059, subdivision 6, governs the terms and removal of members of the advisory task force. Members of the task force serve without compensation or per diem.

Subd. 4. **Expiration.** The task force expires February 15, 2026.

Public Law 106-207 (Hmong Veteran’s Naturalization Act of 2000)

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hmong Veterans’ Naturalization Act of 2000”.

SEC. 2. EXEMPTION FROM ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)) shall not apply to the naturalization of any person—

(1) who—

(A) was admitted into the United States as a refugee from Laos pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) served with a special guerrilla unit, or irregular forces, operating from a base in Laos in support of the United States military at any time during the period beginning February 28, 1961, and ending September 18, 1978; or

(2) who—

(A) satisfies the requirement of paragraph (1)(A); and

(B) was the spouse of a person described in paragraph (1) on the day on which such described person applied for admission into the United States as a refugee.

SEC. 3. SPECIAL CONSIDERATION CONCERNING CIVICS REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The Attorney General shall provide for special consideration, as determined by the Attorney General, concerning the requirement of paragraph (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(2)) with respect to the naturalization of any person described in paragraph (1) or (2) of section 2 of this Act.

SEC. 4. DOCUMENTATION OF QUALIFYING SERVICE.

A person seeking an exemption under section 2 or special consideration under section 3 shall submit to the Attorney General documentation of their, or their spouse's, service with a special guerrilla unit, or irregular forces, described in section 2(1)(B), in the form of—

- (1) original documents;
- (2) an affidavit of the serving person's superior officer;
- (3) two affidavits from other individuals who also were serving with such a special guerrilla unit, or irregular forces, and who personally knew of the person's service; or
- (4) other appropriate proof.

SEC. 5. DETERMINATION OF ELIGIBILITY FOR EXEMPTION AND SPECIAL CONSIDERATION.

(a) In determining a person's eligibility for an exemption under section 2 or special consideration under section 3, the Attorney General—

- (1) shall review the refugee processing documentation for the person, or, in an appropriate case, for the person and the person's spouse, to verify that the requirements of section 2 relating to refugee applications and admissions have been satisfied;
- (2) shall consider the documentation submitted by the person under section 4;
- (3) may request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B); and
- (4) may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.

(b) The Secretary of Defense shall provide any opinion requested under paragraph (3) to the extent practicable, and the Attorney General shall take into account any opinion that the Secretary of Defense is able to provide.

SEC. 6. DEADLINE FOR APPLICATION AND PAYMENT OF FEES.

This Act shall apply to a person only if the person’s application for naturalization is filed, as provided in section 334 of the Immigration and Nationality Act (8 U.S.C. 1445), with appropriate fees not later than 18 months after the date of the enactment of this Act.

SEC. 7. LIMITATION ON NUMBER OF BENEFICIARIES.

Notwithstanding any other provision of this Act, the total number of aliens who may be granted an exemption under section 2 or special consideration under section 3, or both, may not exceed 45,000.

Approved May 26, 2000.

Public Law 115-141 (Consolidated Appropriations Act of 2018)

Reference: PL 115-141, Division J, Title II, Sec 251, dated 23 March 2018.

SEC. 251. (a) IN GENERAL.—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(10) Any individual—

“(A) who—

“(i) was naturalized pursuant to section 2(1) of the Hmong Veterans’ Naturalization Act of 2000 (Public Law 106–207; 8 U.S.C. 1423 note); and

“(ii) at the time of the individual’s death resided in the United States.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act.

Public Law 117-81 (FY22 National Defense Authorization Act)

Reference: PL 117-81, Division F, Title LXVI, Sec 6601, dated 27 December 2021.

SEC. 6601. ELIGIBILITY OF CERTAIN INDIVIDUALS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS FOR INTERMENT IN NATIONAL CEMETERIES.

- a. IN GENERAL.—Section 2402(a)(10) of title 38, United States Code, is amended –
1. by striking the period at the end and inserting “; or”; and
 2. by adding at the end the following new subparagraph:

“(B) who—

“(i) 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; and

“(ii) at the time of the individual’s death—

“(I) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

“(II) resided in the United States.”.

- b. EFFECTIVE DATE.—The amendments made by this section shall have effect as if included in the enactment of section 251(a) of title II of the Military Construction, Veterans Affairs,

and Related Agencies Appropriations Act, 2018 (division J of Public Law 115– 141; 132 Stat. 824).

Public Law 118-159 (FY25 National Defense Authorization Act)

Reference: PL 117-81, Division F, Title LXVI, Sec 6601, dated 27 December 2021.

SEC. 5001. GRANTS FOR STATE, COUNTY, AND TRIBAL VETERANS' CEMETERIES THAT ALLOW INTERMENT OF CERTAIN PERSONS ELIGIBLE FOR INTERMENT IN NATIONAL CEMETERIES.

Section 2408 of title 38, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

“(k)(1) The Secretary may not establish a condition for a grant under this section that restricts the ability of a State, county, or tribal organization receiving such a grant to allow the interment of any person described in paragraph (8) or (10) of section 2402(a) of this title in a veterans’ cemetery owned by that State or county or on trust land owned by, or held in trust for, that tribal organization.

“(2) The Secretary may not deny an application for a grant under this section solely on the basis that the State, county, or tribal organization receiving such grant may use funds from such grant to expand, improve, operate, or maintain a veterans’ cemetery in which interment of persons described in paragraph (8) or (10) of section 2402(a) of this title is allowed.

“(3)(A) When requested by a State, county, or tribal organization that is the recipient of a grant made under this section, the Secretary shall—

“(i) determine whether a person is eligible for burial in a national cemetery under paragraph (8) or (10) of section 2402(a) of this title; and

“(ii) advise the recipient of the determination.

“(B) A recipient described in subparagraph (A) may use a determination of the Secretary under such subparagraph as a determination of the eligibility of the person concerned for burial in the cemetery for which the grant was made.”.

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