

PUBLIC LAW 117-81
THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022

1. PURPOSE/REASON FOR ISSUE: This notice provides information about Public Law 117-81, the National Defense Authorization Act (NDAA) for Fiscal Year 2022 (FY22), that is of significance to the Department of Veterans Affairs (VA) National Cemetery Administration (NCA). The NDAA is an annual legislative vehicle which provides for defense programs, policies, projects, or activities at the Department of Defense (DOD). The FY22 NDAA includes several sections related to VA, one of which directly affects NCA as described below.

2. SUMMARY OF SECTION 6601, PUBLIC LAW 117-81:

Section 6601. Eligibility of Certain Individuals Who Served With Special Guerrilla Units or Irregular Forces in Laos for Interment in National Cemeteries.

This provision amends Section 2402(a)(10) of title 38, United States Code (U.S.C.) to expand eligibility for interment in national cemeteries 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; and at the time of the individual's death was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and resided in the United States.

The effective date is retroactive to March 23, 2018 to align with 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) which allowed burial of naturalized Hmong citizens.

3. ACTION: NCA's Legislative and Regulatory Service (42E) will work with the Office of Engagement and Memorial Innovations (44) to update the publicly-available [Hmong Burial Memorial Benefits Facts page](#) to provide information about the new authority. 42E will also work with the Office of the Executive Director of Field Programs (41B) and consult with the Benefits Law Group regarding VA's ability to decide cases retroactive to 2018 and determine eligibility. As needed, 41B will incorporate this change into eligibility intake processes, procedures and training. Finally, as needed, 42E will amend regulations to implement the new authority.

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

5. RESCISSION: None.

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

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

Distribution: Electronic