

PROC. NO. 4373. TERMINAL DATE RESPECTING SERVICE  
DURING VIETNAM ERA

Proc. No. 4373, May 7, 1975, 40 F.R. 20257, provided:

The Congress has provided that entitlement to certain veterans benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have entered the active military, naval, or air service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101(29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101(29), that May 7, 1975, is designated as the last day of the "Vietnam era."

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD.

SECRETARY AND DEPARTMENT DEFINED

Pub. L. 106-117, § 3, Nov. 30, 1999, 113 Stat. 1547, provided that: "For purposes of this Act [see Tables for classification]—

"(1) the term 'Secretary' means the Secretary of Veterans Affairs; and

"(2) the term 'Department' means the Department of Veterans Affairs."

DEFINITION OF ADMINISTRATOR FOR 1988 AMENDMENTS

Pub. L. 100-687, div. B, § 1002, Nov. 18, 1988, 102 Stat. 4122, provided that: "For purposes of this division [see Tables for classification], the term 'Administrator' means the Administrator of Veterans' Affairs."

Pub. L. 100-322, § 3, May 20, 1988, 102 Stat. 489, provided that: "For purposes of this Act [see Tables for classification], the term 'Administrator' means the Administrator of Veterans' Affairs."

**§ 102. Dependent parents**

(a) Dependency of a parent, which may arise before or after the death of a veteran, shall be determined in accordance with regulations prescribed by the Secretary.

(b) Dependency of a parent shall not be denied (1) solely because of remarriage, or (2) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Secretary shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support.

(c) For the purposes of this section, in determining monthly income the Secretary shall not consider any payments under laws administered by the Secretary because of disability or death or payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1109; Pub. L. 89-358, § 4(e), (f), Mar. 3, 1966, 80 Stat. 24; Pub. L. 92-540, title IV, § 408, Oct. 24, 1972, 86 Stat.

1092; Pub. L. 94-432, title IV, § 402, Sept. 30, 1976, 90 Stat. 1372; Pub. L. 99-576, title VII, § 701(1), Oct. 28, 1986, 100 Stat. 3289; Pub. L. 102-54, § 14(a)(2), June 13, 1991, 105 Stat. 282; Pub. L. 102-83, § 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405.)

AMENDMENTS

1991—Subsecs. (a), (b), Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (c), Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary shall" for "Administrator shall".

Pub. L. 102-83, § 4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

Pub. L. 102-54 substituted "(c)" for "(C)" as subsec. designation.

1986—Pub. L. 99-576, § 701(1)(B), substituted "Dependent parents" for "Dependent parents; husbands" in section catchline.

Subsec. (a), Pub. L. 99-576, § 701(1)(A)(ii), (iii), (v), struck out par. (1) designation and redesignated par. (2) of subsec. (a) as subsec. (b) and par. (3) of subsec. (a) as subsec. (C).

Subsec. (b), Pub. L. 99-576, § 701(1)(A)(i), (iii), (iv), redesignated former subsec. (a)(2) as subsec. (b) and substituted "(1)" and "(2)" for "(A)" and "(B)", respectively. Former subsec. (b), which read "For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran", was struck out.

Subsec. (c), Pub. L. 99-576, § 701(1)(A)(v), redesignated former subsec. (a)(3) as subsec. (C) and substituted "For the purposes of this section," for "For the purposes of this subsection".

1976—Subsec. (a)(2), Pub. L. 94-432 substituted prohibition against denial of dependency of a parent "(B) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Administrator shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support" for such prohibition "(B) in any case in any State where the monthly income for a mother or father, not living together, is not more than \$105, or where the monthly income for a mother and father living together, is not more than \$175, plus, in either case, \$45, for each additional member of the family whom the father or mother is under a moral or legal obligation to support, as determined by the Administrator".

1972—Pub. L. 92-540, § 408(2), substituted "Dependent parents; husbands" for "Dependent parents and dependent husbands" in section catchline.

Subsec. (b), Pub. L. 92-540, § 408(1), struck out exception which made definition of terms inapplicable to chapter 19 of this title and struck out from definitions of "wife" and "widow" provisions relating to the ability of such persons to maintain and support themselves.

1966—Subsec. (a)(2), Pub. L. 89-358, § 4(e), substituted "Dependency" for "Except for the purposes of chapter 33 of this title, dependency".

Subsec. (b), Pub. L. 89-358, § 4(f), struck out from introductory parenthetical phrase reference to chapter 33 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-432 effective Sept. 30, 1976, see section 405(a) of Pub. L. 94-432, set out as a note under section 1521 of this title.

**§ 103. Special provisions relating to marriages**

(a) Whenever, in the consideration of any claim filed by a person as the widow or widower of a veteran for gratuitous death benefits under laws administered by the Secretary, it is estab-