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REVISE DEFINITION OF VIETNAM ERA

House Bill 4646 with committee amendment First Analysis (5-8-97)

Sponsor: Rep. Bob Brown
**Committee: Senior Citizens and Veterans’
Affairs**

THE APPARENT PROBLEM:

Up until recently both the federal law and Michigan law defined the Vietnam era as beginning August 5, 1964 and ending May 7, 1975. (These dates are important in determining eligibility for certain types of veterans’ benefits.) However, on January 1, 1997, Section 505 of the federal Veterans’ Benefits Improvements Act of 1996 took effect, changing the date set as the beginning of the Vietnam era in federal law from August 5, 1964 to February 28, 1961. Given the change in the federal definition, legislation was introduced to move the state’s definition back as well. However, after committee discussion, it was suggested that the state definition should be moved back to October 25, 1956. (This change will make the state’s definition of the beginning of the Vietnam era correspond with the date that the first full unit of soldiers was reportedly sent to Vietnam. However, it should be noted that some assert that the 1961 date in the federal law more accurately reflects the arrival of the first American troops.)

THE CONTENT OF THE BILL:

In order to provide uniformity of service dates for veterans, Public Act 190 of 1965 sets the definitions, including dates and terms to be applied to all acts of the state that relate to veterans. House Bill 4646 would amend Public Act 190 of 1965 to change the definition of the Vietnam era. Currently, the act defines the Vietnam era as the period beginning August 5, 1964 and ending May 7, 1975; the bill would move the beginning date back to October 25, 1956.

MCL 35.61

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill could increase the pool of veterans eligible for the Veterans’ Trust Fund emergency grant program by approximately 106,000 people. This increase could have a significant impact on the distribution of trust fund emergency

grants. In addition, the increase in the number of eligible veterans could cause a decrease in the grant amounts provided by the Veterans’ Trust Fund. Furthermore, although the impact to the local units of government cannot be accurately determined, the bill could result in significant cost increases for county veterans’ programs. (5-7-97)

ARGUMENTS:

For:

Given that the federal government has moved back the official date it sets for the beginning of the Vietnam era, it is only appropriate that the date in state law be moved back as well. In fact, since it is argued that there were U.S. soldiers in Vietnam far earlier than February 28, 1961, the date set by federal law, an earlier date that would extend wartime service benefits to a greater number would be preferable. The bill would set the beginning of the Vietnam era at October 25, 1956, a date that reportedly corresponds with the arrival of the first American troops in Vietnam.

Response:

While it is certainly a good idea to amend the state’s definition of the Vietnam era to correspond with the federal definition for the sake of administrative convenience, it is another thing entirely to move the starting date back past the date in the federal definition. The date suggested in the bill moves the beginning of the Vietnam era back so far that it very nearly overlaps with the Korean War. Isn’t it more reasonable to simply set a date that matches the date set by federal law?

Against:

Reportedly, the federal change in the starting date of the Vietnam era applies only to those persons who were actually servicing in Vietnam during the time period, while the state law applies to all persons servicing in the military during the time period, whether in Vietnam or elsewhere. This makes a huge difference in the number

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of people that the bill would treat as Vietnam era veterans. By changing the beginning date to October 25, 1956, it is suggested that the bill could lead to 106,000 more veterans becoming eligible for state veterans' benefits like emergency grants from the Veterans' Trust Fund and tuition grants; further, it could affect county programs that also use the state definition to determine eligibility. This influx of eligible veterans could significantly drain the resources of the Veterans' Trust Fund.

POSITIONS:

The Department of Military and Veterans' Affairs opposes the bill as amended (with the 1956 date). (5-7-97)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.