

Public Law 92-540

October 24, 1972
[H. R. 12828]

AN ACT

To amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes.

Vietnam Era
Veterans' Read-
justment Assist-
ance Act of 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Era Veterans' Readjustment Assistance Act of 1972".

TITLE I—VOCATIONAL REHABILITATION AND EDUCATIONAL ASSISTANCE RATE ADJUSTMENTS

SEC. 101. Chapter 31 of title 38, United States Code, is amended as follows:

72 Stat. 1171;
82 Stat. 1331.

(1) by adding at the end of subsection 1502 a new subsection as follows:

"(d) Veterans pursuing a program of vocational rehabilitation training under the provisions of this chapter shall also be eligible, where feasible, to perform veteran-student services pursuant to section 1685 of this title and for advance subsistence allowance payments as provided by section 1780 of this title.";

Post, p. 1076.
84 Stat. 76.

(2) by amending section 1504(b) to read as follows:

"(b) The subsistence allowance of a veteran-trainee is to be determined in accordance with the following table, and shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of training as specified in column I:

"Column I	Column II	Column III	Column IV	Column V
Type of training	No dependents	One dependent	Two dependents	More than two dependents
Institutional:				The amount in column IV, plus the following for each dependent in excess of two:
Full-time-----	\$170	\$211	\$248	\$18
Three-quarter-time-----	128	159	187	14
Half-time-----	85	106	124	9
Farm cooperative, apprentice, or other on-job training:				
Full-time-----	148	179	207	14";

72 Stat. 1173.

and

(3) by deleting in section 1507 "\$100" and inserting in lieu thereof "\$200".

SEC. 102. Chapter 34 of title 38, United States Code, is amended as follows:

(1) by deleting in the last sentence of section 1677(b) "\$175" and inserting in lieu thereof "\$220";

Flight training.
84 Stat. 76.

(2) by amending the table contained in paragraph (1) of section 1682(a) to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
Institutional:				The amount in column IV, plus the following for each dependent in excess of two:
Full-time-----	\$220	\$261	\$298	\$18
Three-quarter-time-----	165	196	224	14
Half-time-----	110	131	149	9
Cooperative-----	177	208	236	14";

(3) by deleting in section 1682(b) "\$175" and inserting in lieu thereof "\$220";

(4) by amending the table contained in paragraph (2) of section 1682(c), as redesignated by this Act, to read as follows:

Post, p. 1081.

"Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time-----	\$177	\$208	\$236	\$14
Three-quarter-time-----	133	156	177	11
Half-time-----	89	104	118	7";

and

(5) by deleting in section 1696(b) "\$175" and inserting in lieu thereof "\$220".

84 Stat. 81.

SEC. 103. Chapter 35 of title 38, United States Code, is amended as follows:

(1) by amending section 1732(a)(1) to read as follows:

"(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be computed at the rate of (A) \$220 per month

Allowance computation.
84 Stat. 77.

if pursued on a full-time basis, (B) \$165 per month if pursued on a three-quarter-time basis, and (C) \$110 per month if pursued on a half-time basis.”;

Allowance
computation.
84 Stat. 77.
38 USC 1732.

(2) by deleting in section 1732(a) (2) “\$175” and inserting in lieu thereof “\$220”;

(3) by deleting in section 1732(b) “\$141” and inserting in lieu thereof “\$177”; and

Special training
allowance.
84 Stat. 78.

(4) by amending section 1742(a) to read as follows:

“(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of \$220 per month. If the charges for tuition and fees applicable to any such course are more than \$69 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed \$69 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each \$7.35 that the special training allowance paid exceeds the basic monthly allowance.”

TITLE II—ADVANCE PAYMENT OF EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCES; VETERAN-STUDENT SERVICES

80 Stat. 21;
84 Stat. 83.
38 USC 1781.

SEC. 201. Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting immediately before section 1781 the following new section:

“§ 1780. Payment of educational assistance or subsistence allowances

“Period for Which Payment May Be Made

38 USC 1501,
1651, 1700.
Ante, pp. 1074,
1075; *Post*,
p. 1081.

“(a) Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence or a program of flight training, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 1504, 1682, 1691, or 1732 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment, but no amount shall be paid—

“(1) to any eligible veteran or eligible person enrolled in a course which leads to a standard college degree for any period when such veteran or person is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter or of chapter 34 or 35 of this title; or

“(2) to any eligible veteran or eligible person enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1787 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session.

Post, p. 1085.

"Correspondence Training Certifications

"(b) No educational assistance allowance shall be paid to an eligible veteran or wife or widow enrolled in and pursuing a program of education exclusively by correspondence until the Administrator shall have received—

"(1) from the eligible veteran or wife or widow a certificate as to the number of lessons actually completed by the veteran or wife or widow and serviced by the educational institution; and

"(2) from the training establishment a certification or an endorsement on the veteran's or wife's or widow's certificate, as to the number of lessons completed by the veteran or wife or widow and serviced by the institution.

"Apprenticeship and Other On-Job Training

"(c) No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Administrator shall have received—

"(1) from such veteran or person a certification as to his actual attendance during such period; and

"(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate, that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

"Advance Payment of Initial Educational Assistance or Subsistence Allowance

"(d) (1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

"(2) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a serviceman on active duty, who is pursuing a program of education (other than under subchapter VI of chapter 34), the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. The application for advance payment, to be made on a form prescribed by the Administrator, shall—

Post, p. 1082.

"(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of his intention to attend that institution; and

"(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible

to continue his program of education or training and (ii) intends to re-enroll in the same institution, and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

Post, p. 1082.

“(3) Subject to the provisions of this subsection, and under regulations which the Administrator shall prescribe, a person eligible for education or training under the provisions of subchapter VI of chapter 34 of this title shall be entitled to a lump-sum educational assistance allowance advance payment. Such advance payment shall in no event be made earlier than thirty days prior to the date on which pursuit of the person's program of education or training is to commence. The application for the advance payment, to be made on a form prescribed by the Administrator, shall, in addition to the information prescribed in paragraph (2) (A), specify—

“(A) that the program to be pursued has been approved;

“(B) the anticipated cost and the number of Carnegie, clock, or semester hours to be pursued; and

“(C) where the program to be pursued is other than a high school credit course, the need of the person to pursue the course or courses to be taken.

“(4) For purposes of the Administrator's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish his eligibility unless there is evidence in his file in the processing office establishing that he is not eligible for such advance payment.

“(5) The advance payment authorized by paragraphs (2) and (3) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon his registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

“(6) Upon delivery of the advance payment pursuant to paragraph (5) of this subsection, the institution shall submit to the Administrator a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Administrator forthwith.

“Prepayment of Subsequent Educational Assistance or Subsistence Allowance

“(e) Except as provided in subsection (g) of this section, subsequent payments of educational assistance or subsistence allowance to an eligible veteran or eligible person shall be prepaid each month, subject to such reports and proof of enrollment in and satisfactory pursuit of such programs as the Administrator may require. The Administrator may withhold the final payment for a period of enrollment until such proof is received and the amount of the final payment appropriately adjusted.

“Recovery of Erroneous Payments

“(f) If an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are

due to erroneous information required to be furnished under subsection (d) (2) and (3) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 3102 of this title, from any benefit otherwise due him under any law administered by the Veterans' Administration or may be recovered in the same manner as any other debt due the United States.

Ante, p. 396.

"Payments for Less Than Half-Time Training

"(g) Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis (except as provided by subsection (d) (3) of this section) shall be made in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 1682(b) or 1732(a) (2) of this title, as applicable.

Ante, pp. 1075, 1076.

"Determination of Enrollment, Pursuit, and Attendance

"(h) The Administrator may, pursuant to regulations which he shall prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or training or course by an eligible veteran or eligible person for any period for which he receives an educational assistance or subsistence allowance under this chapter for pursuing such program or course."

SEC. 202. Section 1681 of title 38, United States Code, is amended to read as follows:

80 Stat. 17;
84 Stat. 81, 1576.

"§ 1681. Educational assistance allowance

"General

"(a) The Administrator shall, in accordance with the applicable provisions of this section and section 1780 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

Ante, p. 1076.

"Institutional Training

"(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence or a program of flight training, at an educational institution shall be paid as provided in section 1780 of this title.

"Flight Training

"(c) No educational assistance allowance for any month shall be paid to an eligible veteran who is pursuing a program of education consisting exclusively of flight training until the Administrator shall have received a certification from the eligible veteran and the institution as to actual flight training received by, and the cost thereof to, the veteran during that month."

SEC. 203. Subchapter IV of chapter 34 of title 38, United States Code, is amended by deleting section 1685 in its entirety and inserting in lieu thereof the following:

80 Stat. 19;
81 Stat. 186.

“§ 1685. Veteran-student services

“(a) Veteran-students utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereafter referred to as ‘work-study allowance’). Such work-study allowance shall be paid in advance in the amount of \$250 in return for such veteran-student’s agreement to perform services, during or between periods of enrollment, aggregating one hundred hours during a semester or other applicable enrollment period, required in connection with (1) the outreach services program under subchapter IV of chapter 3 of this title as carried out under the supervision of a Veterans’ Administration employee, (2) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Veterans’ Administration, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, or (4) any other activity of the Veterans’ Administration as the Administrator shall determine appropriate. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred hours, the amount of such advance to bear the same ratio to the number of hours of work agreed to be performed as \$250 bears to one hundred hours.

“(b) Notwithstanding any other provision of law, the Administrator shall utilize, in connection with the activities specified in subsection (a) of this section, the services of veteran-students who are pursuing full-time programs of education or training under chapters 31 and 34 of this title. In carrying out this section, the Administrator, wherever feasible, shall give priority to veterans with disabilities rated at 30 per centum or more for purposes of chapter 11 of this title.

“(c) The Administrator shall determine the number of veterans whose services the Veterans’ Administration can effectively utilize (not to exceed eight hundred man-years or their equivalent in man-hours during any fiscal year) and the types of services that such veterans may be required to perform, on the basis of a survey, which he shall conduct annually, of each Veterans’ Administration regional office in order to determine the numbers of veteran-students whose services can effectively be utilized during an enrollment period in each geographical area where Veterans’ Administration activities are conducted, and shall determine which veteran-students shall be offered agreements under this section in accordance with regulations which he shall prescribe, including as criteria (1) the need of the veteran to augment his educational assistance or subsistence allowance; (2) the availability to the veteran of transportation to the place where his services are to be performed; (3) the motivation of the veteran; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran’s physical condition.

“(d) While performing the services authorized by this section, veteran-students shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Civil Service Commission.”

TITLE III—EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS

SEC. 301. Subsection (b) of section 1502 of title 38, United States Code, is amended by striking out “34 or 35” and inserting in lieu thereof “34, 35, or 36”.

SEC. 302. Section 1671 of title 38, United States Code, is amended to read as follows:

84 Stat. 84.
38 USC 240.

72 Stat. 1140;
83 Stat. 836.
38 USC 601.

72 Stat. 1170;
80 Stat. 12.
38 USC 1501,
1651.
Ante, p. 394.

80 Stat. 531;
82 Stat. 98.
5 USC 8101.

82 Stat. 1331.

80 Stat. 15.

"Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veteran or person is not eligible for or entitled to the educational assistance applied for, or that his program of education fails to meet any of the requirements of this chapter, or that he is already qualified. The Administrator shall notify the veteran or person of the approval or disapproval of his application."

SEC. 303. Section 1682 of title 38, United States Code, is amended by striking out subsection (c) and redesignating subsection (d), as amended by section 102(4) of title I of this Act, as subsection (c), and, as redesignated, amending paragraph (1) of such subsection—

80 Stat. 18;
82 Stat. 1333;
84 Stat. 77, 1577.
Ante, p. 1075.

(1) by striking out the parenthetical phrase in clause (A) and inserting in lieu thereof: "(a minimum of ten clock hours per week or four hundred and forty clock hours in such year pre-scheduled to provide not less than eighty clock hours in any three-month period)";

(2) by striking out "9" and "6" in clauses (B) and (C), respectively, and inserting in lieu thereof "7" and "5", respectively; and

(3) by adding the following sentence at the end thereof: "In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled."

SEC. 304. Chapter 34 of title 38, United States Code, is amended by striking out section 1684 in its entirety and inserting in lieu thereof the following:

80 Stat. 19;
81 Stat. 186;
84 Stat. 1577.

"§ 1684. Apprenticeship or other on-job training; correspondence courses

"Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 1787 or 1786 of this title."

Post, p. 1084.
84 Stat. 79.

SEC. 305. Section 1691 of title 38, United States Code, is amended by amending subsection (b) to read as follows:

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) of this title."

SEC. 306. Section 1692 of title 38, United States Code, is amended by—

(1) striking out "marked" wherever it appears; and

(2) inserting a comma in subsection (b) immediately after "month" and by inserting immediately after "nine months," in such subsection, the following: "or until a maximum of \$450 is utilized,".

SEC. 307. Section 1696 of title 38, United States Code, is amended by inserting at the end of subsection (b) the following sentence: "Where it is determined that there is no same program, the Administrator shall establish appropriate rates for tuition and fees designed to allow reimbursement for reasonable costs for the education or training institution."

84 Stat. 80.
38 USC 1695.

SEC. 308. Subchapter VI of chapter 34 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“§ 1697A. Coordination with and participation by Department of Defense

“(a) The Administrator shall designate an appropriate official of the Veterans’ Administration who shall cooperate with and assist the Secretary of Defense and the official he designates as administratively responsible for such matters, in carrying out functions and duties of the Department of Defense under the PREP program authorized by this subchapter. It shall be the duty of such official to assist the Secretary of Defense in all matters entailing cooperation or coordination between the Department of Defense and the Veterans’ Administration in providing training facilities and released time from duty necessary to carry out the purposes of the program.

Reports to
congressional
committees.

“(b) Educational institutions and training establishments administered by or under contract to the Department of Defense providing education and training to persons serving on active duty with the Armed Forces shall, in accordance with regulations jointly prescribed by the Administrator and the Secretary of Defense, be approved for the enrollment of eligible persons only at such time as the Secretary submits to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report containing such Department’s plan for implementation of the program established under this subchapter (except that on-going programs of education and training at such institutions or establishments may be continued for ninety days after the date of enactment of this section and prior to the submission of such report), and periodically thereafter submits progress reports with respect to the implementation of such plan, which plan shall include provision for—

84 Stat. 79.

“(1) each Secretary concerned to undertake an information and outreach program designed to advise, counsel, and encourage each eligible person within each branch of the Armed Forces with respect to enrollment in a program under this subchapter, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title, and in all other programs for which such person, prior to or following discharge or release from active duty, may be eligible under chapters 31 and 34 of this title;

72 Stat. 1170;
80 Stat. 12.
38 USC 1501,
1651.

“(2) each Secretary concerned to undertake, in coordination with representatives of the Veterans’ Administration, to arrange and carry out meetings with each approved educational institution located in the vicinity of an Armed Forces installation (or, in the case of installations overseas, which have the capacity to carry out such programs at such overseas installations) to encourage the establishment of a program by such institution under this subchapter and subchapter V of this chapter in connection with persons stationed at such installation, with particular emphasis upon programs under sections 1691(a)(2) and 1696(a)(2) of this title;

“(3) the release from duty assignment of any such eligible person for at least one-half of the hours required for such person to enroll in a full-time program of education or training under this subchapter during his military service, unless, pursuant to regulations prescribed by the Secretary concerned, it is determined that such release of time is inconsistent with the interests of the national defense; and

“(4) establishment of an Inter-Service and Agency Coordinating Committee, under the co-chairmanship of an Assistant Secre-

Inter-Service
and Agency
Coordinating
Committee,
establishment.

tary of Defense and the Chief Benefits Director of the Veterans' Administration, to promote and coordinate the establishment and conduct of programs under this subchapter and other provisions of this title and the implementation of the plan submitted pursuant to this section."

SEC. 309. Subsection (a) of section 1701 of title 38, United States Code, is amended as follows:

(1) by amending paragraph (6) to read as follows:

"(6) The term 'educational institution' means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above."; and

(2) by adding at the end thereof the following new paragraph:

"(9) For the purposes of this chapter and chapter 36 of this title, the term 'training establishment' means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training."

SEC. 310. Section 1720 of title 38, United States Code, is amended by inserting after the first sentence in subsection (a) thereof a new sentence as follows: "Such counseling shall not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution."

SEC. 311. Section 1723 of title 38, United States Code, is amended by—

(1) amending subsection (c) to read as follows:

"(c) The Administrator shall not approve the enrollment of an eligible person in any course of institutional on-farm training, any course to be pursued by correspondence (except as provided in section 1786 of this title), open circuit television (except as herein provided), or a radio, or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines (except as herein provided). The Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance. The Administrator may approve the enrollment at an educational institution which is not located in a State or in the Republic of the Philippines if such program is pursued at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the educational assistance under this chapter of any eligible person in a foreign educational institution if he finds that such enrollment is not in the best interest of the eligible person or the Government."; and

(2) inserting "(except as provided in section 1733 of this title)" after "regular secondary school education" in subsection (d).

SEC. 312. Section 1731 of title 38, United States Code, is amended by—

(1) inserting in subsection (a) immediately after the word "shall" a comma and the following: "in accordance with the provisions of section 1780 of this title,";

Definitions.

72 Stat. 1193.

80 Stat. 20;
82 Stat. 1331.
38 USC 1770.

50 Stat. 664.
29 USC 50.

72 Stat. 1195;
82 Stat. 1333.

72 Stat. 1196;
76 Stat. 216.

Post, p. 1084.

Post, p. 1084.

72 Stat. 1197.

Ante, p. 1076.

72 Stat. 1197;
80 Stat. 24.

(2) striking out subsections (b), (c), and (e) in their entirety;
and

84 Stat. 1577.

(3) redesignating subsection (d) as subsection (b).

SEC. 313. Sections 1733 and 1734 of title 38, United States Code, are amended to read as follows:

“§ 1733. Special assistance for the educationally disadvantaged

Ante, p. 1081.

Ante, p. 1075.

“(a) Any eligible wife or widow shall, without charge to any entitlement she may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1691 (if pursued in a State) of this title and be paid an educational assistance allowance under the provisions of section 1732(a) of this title.

84 Stat. 80.

“(b) Any eligible person shall, without charge to any entitlement he may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran under section 1692 of this title.

“§ 1734. Apprenticeship or other on-job training; correspondence courses

Post, p. 1085.

“(a) Any eligible person shall be entitled to pursue, in a State, a program of apprenticeship or other on-job training and be paid a training assistance allowance as provided in section 1787 of this title.

Infra.

81 Stat. 186;
84 Stat. 83.

“(b) Any eligible wife or widow shall be entitled to pursue a program of education exclusively by correspondence and be paid an educational assistance allowance as provided in section 1786 of this title.”

SEC. 314. Section 1777 of title 38, United States Code, is amended by inserting “or person” after “veteran” each place it appears.

80 Stat. 22;
81 Stat. 189.

SEC. 315. Section 1784 of title 38, United States Code, is amended by—

38 USC 1651,
1700, 1770.

(1) striking out “34 or 35” and inserting in lieu thereof “34, 35, or 36” in subsection (a) and in the first sentence of subsection (b);

(2) inserting “or eligible persons” after “veterans” in the second sentence of subsection (b); and

84 Stat. 1075.

(3) striking out “enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title” and inserting in lieu thereof “or eligible persons enrolled under chapters 34, 35, and 36 of this title, or \$4 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title” in subsection (b).

Ante, p. 1076.

SEC. 316. Subchapter II of chapter 36 of title 38, United States Code, is amended by—

80 Stat. 23.

(1) striking out sections 1786 and 1787 and inserting in lieu thereof the following:

“§ 1786. Correspondence courses

80 Stat. 13.
82 Stat. 1332;
84 Stat. 1575.

“(a) (1) Each eligible veteran (as defined in section 1652(a) (1) and (2) of this title) and each eligible wife or widow (as defined in section 1701(a) (1) (B), (C), or (D) of this title) who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 90 per centum of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or wife or widow. The term ‘established charge’ as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran or wife or widow, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis

“Established charge.”

for the lessons completed by the veteran or wife or widow and serviced by the institution.

“(2) The period of entitlement of any veteran or wife or widow who is pursuing any program of education exclusively by correspondence shall be charged with one month for each \$220 which is paid to the veteran or wife or widow as an educational assistance allowance for such course.

“(b) The enrollment agreement shall fully disclose the obligation of both the institution and the veteran or wife or widow and shall prominently display the provisions for affirmance, termination, refunds, and the conditions under which payment of the allowance is made by the Administrator to the veteran or wife or widow. A copy of the enrollment agreement shall be furnished to each such veteran or wife or widow at the time such veteran or wife or widow signs such agreement. No such agreement shall be effective unless such veteran or wife or widow shall, after the expiration of ten days after the enrollment agreement is signed, have signed and submitted to the Administrator a written statement, with a signed copy to the institution, specifically affirming the enrollment agreement. In the event the veteran or wife or widow at any time notifies the institution of his intention not to affirm the agreement in accordance with the preceding sentence, the institution, without imposing any penalty or charging any fee shall promptly make a full refund of all amounts paid.

“(c) In the event a veteran or wife or widow elects to terminate his enrollment under an affirmed enrollment agreement, the institution (other than one subject to the provisions of section 1776 of this title) may charge the veteran or wife or widow a registration or similar fee not in excess of 10 per centum of the tuition for the course, or \$50, whichever is less. Where the veteran or wife or widow elects to terminate the agreement after completion of one or more but less than 25 per centum of the total number of lessons comprising the course, the institution may retain such registration or similar fee plus 25 per centum of the tuition for the course. Where the veteran or wife or widow elects to terminate the agreement after completion of 25 per centum but less than 50 per centum of the lessons comprising the course, the institution may retain the full registration or similar fee plus 50 per centum of the course tuition. If 50 per centum or more of the lessons are completed, no refund of tuition is required.

77 Stat. 159.
38 USC 1776.

“§ 1787. Apprenticeship or other on-job training

“(a) An eligible veteran (as defined in section 1652(a)(1) of this title) or an eligible person (as defined in section 1701(a) of this title) shall be paid a training assistance allowance as prescribed by subsection (b) of this section while pursuing a full-time—

80 Stat. 13;
84 Stat. 1577.
82 Stat. 1332;
84 Stat. 1575.

“(1) program of apprenticeship approved by a State approving agency as meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 50a of title 29, or

50 Stat. 665.

“(2) program of other on-job training approved under provisions of section 1777 of this title,
subject to the conditions and limitations of chapters 34 and 35 with respect to educational assistance.

81 Stat. 186;
84 Stat. 83.
38 USC 1651,
1700.

“(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

“Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
First 6 months-----	\$160	\$179	\$196	\$8.
Second 6 months-----	120	139	156	8.
Third 6 months-----	80	99	116	8.
Fourth and any succeeding 6-month periods-----	40	59	76	8.
				The amount in column IV, plus the following for each dependent in excess of two:

“(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be (A) \$160 during the first six-month period, (B) \$120 during the second six-month period, (C) \$80 during the third six-month period, and (D) \$40 during the fourth and any succeeding six-month period.

“(3) In any month in which an eligible veteran or person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b) (1) or (2) of this section, as applicable, shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

Definitions.

“(c) For the purpose of this chapter, the terms ‘program of apprenticeship’ and ‘program of other on-job training’ shall have the same meaning as ‘program of education’; and the term ‘training assistance allowance’ shall have the same meaning as ‘educational assistance allowance’ as set forth in chapters 34 and 35 of this title.”;

(2) redesignating sections 1788, 1789, 1790, and 1791 as sections 1792, 1793, 1794, and 1795, respectively, and inserting after section 1787 the following new sections:

“§ 1788. Measurement of courses

“(a) For the purposes of this chapter and chapters 34 and 35 of this title—

“(1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with no more than two and one-half hours of rest periods per week allowed;

“(2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction pre-

80 Stat. 12;
72 Stat. 1193.
38 USC 1651,
1700.
80 Stat. 23;
82 Stat. 1331.

dominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction (which may include customary intervals not to exceed ten minutes between hours of instruction) is required;

“(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of education leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary school years. For the purpose of subclause (A) of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

“(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof (including such hours for which no credit is granted but which are required to be taken to correct an educational deficiency and which the educational institution considers to be quarter or semester hours for other administrative purposes), for which credit is granted toward a standard college degree, is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course;

“(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran or person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining; and

“(6) an institutional course offered as part of a program of education below the college level under section 1691(a)(2) or 1696(a)(2) of this title shall be considered a full-time course on the basis of measurement criteria provided in clause (2), (3), or (4) as determined by the educational institution.

84 Stat. 79.
38 USC 1691
1696.

“(b) The Administrator shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter or chapter 34 or 35 of this title.

80 Stat. 12;
72 Stat. 1193.
38 USC 1651,
1700.

“§ 1789. Period of operation for approval

“(a) The Administrator shall not approve the enrollment of an eligible veteran or eligible person in any course offered by an educational institution when such course has been in operation for less than two years.

“(b) Subsection (a) shall not apply to—

“(1) any course to be pursued in a public or other tax-supported educational institution;

“(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;

“(3) any course which has been offered by an institution for a period of more than two years, notwithstanding the institution has moved to another location within the same general locality, or has made a complete move with substantially the same faculty, curricula, and students, without change in ownership;

“(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree; or

“(5) any course offered by a proprietary nonprofit educational institution which qualifies to carry out an approved program of education under the provisions of subchapter V or VI of chapter 34 of this title (including those courses offered at other than the institution's principal location) if the institution offering such course has been in operation for more than two years.

84 Stat. 79.
38 USC 1690.
Ante, p. 1082.

“§ 1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

“Overcharges by Educational Institutions

“(a) If the Administrator finds that an educational institution has—

“(1) charged or received from any eligible veteran or eligible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, or

“(2) instituted, after the effective date of section 1780 of this title, a policy or practice with respect to the payment of tuition, fees, or other charges in the case of eligible veterans and the Administrator finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance and prepayment allowances under such section,

he may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled therein under this chapter or chapter 31, 34, or 35, of this title.

Ante, p. 1076.

38 USC 1501,
1651, 1700.

“Discontinuance of Allowances

“(b) The Administrator may discontinue the educational assistance allowance of any eligible veteran or eligible person if he finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if he finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35, or fails to meet any of the requirements of such chapters.

“Examination of Records

“(c) The records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapter 31, 34, or 35 of this title shall be available for examination by duly authorized representatives of the Government.

38 USC 1501,
1651, 1700.

“False or Misleading Statements

“(d) Whenever the Administrator finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

Report.

“§ 1791. Change of program

“(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and eligible person may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application shall not be entitled to any such change.

“(b) The Administrator may approve one additional change (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if he finds that—

“(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and

“(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, his program due to his own misconduct, his own neglect, or his own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

“(c) The Administrator may also approve additional changes in program if he finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

“(d) As used in this section the term ‘change of program of education’ shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second.”; and

(3) Section 1792 of title 38, United States Code (as redesignated by section 316(2) of this Act) is amended by inserting between the first and second sentences of such section the following: “The Committee shall also include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, and the Vietnam era.”

Ante, p. 1086.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS TO THE VETERANS' AND WAR ORPHANS' AND WIDOWS' EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 401. Chapter 34 of title 38, United States Code, is amended by—

(1) inserting after “this chapter” in subsection (a) of section 1661 “or chapter 36”;

80 Stat. 13;
84 Stat. 79.

80 Stat. 16.
38 USC 1673.

81 Stat. 185.

81 Stat. 184.

84 Stat. 79.

80 Stat. 15;

81 Stat. 186.

(2) deleting "31 or 35" and inserting "31, 34, or 36" in subsection (d) of section 1673;

(3) striking out all after "certification" down to the period and inserting in lieu thereof "as required by section 1681(c) of this title" in the second sentence of section 1677(b);

(4) striking out "(c) (1), or (d)" and inserting in lieu thereof "or (c)" and striking out "1683" and inserting in lieu thereof "1787" in subsection 1682(a) (1);

(5) striking out the last sentence of section 1682(b);

(6) striking out sections 1672, 1675, 1683, and 1687 in their entirety; and

(7) redesignating section 1686 as section 1683.

SEC. 402. Chapter 35 of title 38, United States Code, is amended by—

72 Stat. 1194.

(1) deleting "1737" and inserting "1736" in section 1712(a) (2);

(2) striking out sections 1722, 1725, and 1736 in their entirety;

(3) redesignating section 1737 as section 1736; and

(4) striking out "1737" and inserting "1736" in section 1735.

SEC. 403. Chapter 36 of title 38, United States Code, is amended by—

80 Stat. 20.

(1) striking out "1686" and inserting "1683" in section 1770(b);

(2) inserting "this chapter and" after "purposes of" in section 1771(a);

77 Stat. 158;
80 Stat. 20.

(3) inserting "this chapter and" before "chapters 34 and 35" each place it appears in section 1772;

(4) striking out "1737" and inserting in lieu thereof "1736" in section 1772(a);

84 Stat. 83.

(5) striking out "1683(a) (1)" and inserting in lieu thereof "1787(a) (1)" in section 1772(c);

(6) inserting "this chapter and" before "chapters 34 and 35" in subsection (a) of section 1773;

82 Stat. 1334.

(7) inserting "this chapter and" before "chapters 34 and 35" the first time it appears in section 1774(a);

(8) striking out "or special training allowance granted under chapter 34 or 35" and inserting in lieu thereof "granted under chapter 34, 35, or 36" in section 1781;

80 Stat. 21.

(9) inserting "this chapter or" before "chapter 34 or 35" in section 1782;

(10) inserting "this chapter or" before "chapter 34 or 35" each place it appears in section 1783;

(11) inserting "this chapter or" before "chapter 34 or 35" in section 1785;

Ante, p. 1086.

(12) inserting "this chapter or" before "chapter 34 or 35" in section 1793 (as redesignated by section 316(2) of this Act); and

(13) striking out "Chapters 31, 34, and 35" and inserting in lieu thereof "chapters 31, 34, 35, and 36" in section 1795 (as redesignated by section 316(2) of this Act).

SEC. 404. (a) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by—

(1) striking out:

"1672. Change of program."

and

"1675. Period of operation for approval.";

(2) striking out:

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS

"1681. Educational assistance allowance.

"1682. Computation of educational assistance allowances.

"1683. Apprenticeship or other on-job training.

"1684. Measurement of courses.

"1685. Overcharges by educational institutions.

"1686. Approval of courses.

"1687. Discontinuance of allowances."

and inserting in lieu thereof the following:

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

"1681. Educational assistance allowance.

"1682. Computation of educational assistance allowances.

"1683. Approval of courses.

"1684. Apprenticeship or other on-job training; correspondence courses.

"1685. Veteran-student services.";

and

(3) adding at the end thereof the following:

"1697A. Coordination with and participation by Department of Defense."

(b) The subchapter heading above section 1681 of such title is amended to read as follows:

"Subchapter IV—Payments to Eligible Veterans; Veteran-Student Services

SEC. 405. The table of sections at the beginning of chapter 35 of title 38, United States Code, is amended by—

(1) striking out:

"1722. Change of program."

and

"1725. Period of operation for approval.";

(2) striking out:

"1733. Measurement of courses.

"1734. Overcharges by educational institutions.

"1735. Approval of courses.

"1736. Discontinuance of allowances.

"1737. Specialized vocational training courses."

and inserting in lieu thereof:

"1733. Special assistance for the educationally disadvantaged.

"1734. Apprenticeship or other on-job training; correspondence courses.

"1735. Approval of courses.

"1736. Specialized vocational training courses."

SEC. 406. The table of sections at the beginning of chapter 36 of title 38, United States Code, is amended by—

(1) inserting:

"1780. Payment of educational or subsistence assistance allowances."

immediately above

"1781. Limitations on educational assistance.";

and

(2) striking out:

- "1786. Examination of records.
- "1787. False or misleading statements.
- "1788. Advisory committee.
- "1789. Institutions listed by Attorney General.
- "1790. Use of other Federal agencies.
- "1791. Limitation on period of assistance under two or more programs."

and inserting in lieu thereof:

- "1786. Correspondence courses.
- "1787. Apprenticeship or other on-job training.
- "1788. Measurement of courses.
- "1789. Period of operation for approval.
- "1790. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements.
- "1791. Change of program.
- "1792. Advisory committee.
- "1793. Institutions listed by Attorney General.
- "1794. Use of other Federal agencies.
- "1795. Limitation on period of assistance under two or more programs."

Adopted
child.
84 Stat. 256.

SEC. 407. Section 101 of title 38, United States Code, is amended by striking out the last sentence of paragraph (4) and inserting in lieu thereof the following sentences: "A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement."

SEC. 408. Section 102 of title 38, United States Code, is amended as follows:

72 Stat. 1109.
"Wife."
"Widow."

(1) Subsection (b) thereof is amended to read as follows:

"(b) 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."; and

(2) The heading of such section is amended to read as follows:

"§ 102. Dependent parents; husbands".

SEC. 409. The table of sections at the beginning of chapter 1 of title 38, United States Code, is amended by striking out:

"102. Dependent parents and dependent husbands."

and inserting in lieu thereof:

"102. Dependent parents; husbands."

84 Stat. 84.

SEC. 410. (a) The first sentence of section 240 of title 38, United States Code, is amended by inserting "and encourage" after "aid".

Ante, p. 1080.

(b) Section 241 of such title is amended by striking out "give priority to so advising" and inserting in lieu thereof "insure, through the utilization of veteran-student services under section 1685 of this title, that contact, in person or by telephone, is made with" in clause (1).

82 Stat. 1334.

SEC. 411. Subsection (b) of section 1774 of title 38, United States Code, is amended to read as follows:

“(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Total salary cost reimbursable under this section	Allowance for administrative expense
\$5,000 or less	\$500.
Over \$5,000 but not exceeding \$10,000	\$900.
Over \$10,000 but not exceeding \$35,000	\$900 for the first \$10,000 plus \$800 for each additional \$5,000 or fraction thereof.
Over \$35,000 but not exceeding \$40,000	\$5,250.
Over \$40,000 but not exceeding \$75,000	\$5,250 for the first \$40,000 plus \$700 for each additional \$5,000 or fraction thereof.
Over \$75,000 but not exceeding \$80,000	\$10,450.
Over \$80,000	\$10,450 for the first \$80,000 plus \$600 for each additional \$5,000 or fraction thereof.”

SEC. 412. Section 3301 of title 38, United States Code, is amended—

72 Stat. 1236;
76 Stat. 557.

(1) by inserting after “Veterans’ Administration” where it first appears, the language: “and the names and addresses of present or former personnel of the armed services, and their dependents, in the possession of the Veterans’ Administration”; and

(2) by adding at the end of such section the following new clause (9):

“(9) the Administrator may, pursuant to regulations he shall prescribe, release the names and addresses of present or former personnel of the armed services, and/or dependents to any non-profit organization but only if the release is directly connected with the conduct of programs and the utilization of benefits under this title. Any such organization or member thereof which uses such names and addresses for purposes other than those specified in this clause shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of subsequent offenses.”

Penalty.

SEC. 413. The Administrator, in consultation with the advisory committee formed pursuant to section 1792 of this title (as redesignated by section 316(2) of this Act), shall provide for the conduct of an independent study of the operation of the post-Korean conflict program of educational assistance currently carried out under chapters 31, 34, 35, and 36 of this title in comparison with similar programs of educational assistance that were available to veterans of World War II and of the Korean conflict from the point of view of administration; veteran participation; safeguards against abuse; and adequacy of benefit level, scope of programs, and information and outreach efforts to meet the various education and training needs of eligible veterans. The results of such study, together with such recommendations as are warranted to improve the present program, shall be transmitted to the President and the Congress within six months after the date of enactment of this Act.

Study.

Ante, p. 1086.

38 USC 1501,
1651, 1700,
1770.

Transmittal to
President and
Congress.

TITLE V—VETERANS' EMPLOYMENT ASSISTANCE AND PREFERENCE

Citation of title.

72 Stat. 1217;
76 Stat. 558;
80 Stat. 27.
38 USC 2001.

SEC. 501. This title may be cited as the "Veterans' Employment and Readjustment Act of 1972".

SEC. 502. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41.—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.

"2001. Definitions.

"2002. Purpose.

"2003. Assignment of veterans' employment representative.

"2004. Employees of local offices.

"2005. Cooperation of Federal agencies.

"2006. Estimate of funds for administration; authorization of appropriations.

"2007. Administrative controls; annual report.

"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. Definitions

"For the purposes of this chapter—

"(1) The term 'eligible veteran' means a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than a dishonorable discharge.

"(2) The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end policies shall be promulgated and administered through a Veterans Employment Service within the Department of Labor, so as to provide such veterans the maximum of employment and training opportunities through existing programs, coordination and merger of programs and implementation of new programs.

"§ 2003. Assignment of veterans' employment representative

"The Secretary of Labor shall assign to each State a representative of the Veterans' Employment Service to serve as the veterans' employment representative, and shall further assign to each State one assistant veterans' employment representative per each 250,000 veterans of the State veterans population, and such additional assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and

shall be paid in accordance with the provisions of chapter 51 of subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

80 Stat. 443,
467.
5 USC 5101,
5331.

“(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

“(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

84 Stat. 84.
38 USC 240.

“(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's particular qualifications with an available job or on-job training or apprenticeship opportunity which is commensurate with those qualifications;

“(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

“(5) maintain regular contact with employers, labor unions, training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

“(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

“§ 2004. Employees of local offices

“Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

“§ 2005. Cooperation of Federal agencies

“All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

“§ 2006. Estimate of funds for administration; authorization of appropriations

“(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor. Estimated funds necessary for proper counseling, placement, and training services to veterans provided by the various State public employment service agencies shall be separately identified in the budgets of those agencies as approved by the Department of Labor.

“(b) There are authorized to be appropriated such sums as may be necessary for the proper and efficient administration of this chapter.

“(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate submitted pursuant to subsection (a) of this section.

“(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary of Labor based on a demonstrated lack of need for such funds for such purposes.

“§ 2007. Administrative controls; annual report

“(a) The Secretary of Labor shall establish administrative controls for the following purposes:

“(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling services.

“(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary of Labor to be inadequate.

“(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2006 of this title and a statement of the reasons for such determination.

“§ 2008. Cooperation and coordination with the Veterans’ Administration

“In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and all data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans’ Administration.”

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by striking out:

“41. Job Counseling and Employment Placement Service for Veterans ----- 2001”

and inserting

“41. Job Counseling, Training, and Placement Service for Veterans ----- 2001”

SEC. 503. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

72 Stat. 1170;
Ante, p. 1094.
38 USC 1501.

“Chapter 42.—EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

“Sec.

“2011. Definitions.

“2012. Veterans’ employment emphasis under Federal contracts.

“2013. Eligibility requirements for veterans under certain Federal manpower training programs.

“§ 2011. Definitions

“As used in this chapter—

“(1) The term ‘disabled veteran’ means a person entitled to disability compensation under laws administered by the Veterans’ Administration for a disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

“(2) The term ‘veteran of the Vietnam era’ means a person (A) who (i) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era, and (B) who was so discharged or released within the 48 months preceding his application for employment covered under this chapter.

“(3) The term ‘department and agency’ means any department or agency of the Federal Government or any federally owned corporation.

“§ 2012. Veterans’ employment emphasis under Federal contracts

“(a) Any contract entered into by any department or agency for the procurement of personal property and non-personal services (including construction) for the United States, shall contain a provision requiring that, in employing persons to carry out such contract, the party contracting with the United States shall give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the procurement of personal property and non-personal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within 60 days after the date of enactment of this

section, which regulations shall require that (1) each such contractor undertake in such contract to list immediately with the appropriate local employment service office all of its suitable employment openings, and (2) each such local office shall give such veterans priority in referral to such employment openings.

“(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the Veterans’ Employment Service of the Department of Labor. Such complaint shall be promptly referred to the Secretary who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

“§ 2013. Eligibility requirements for veterans under certain Federal manpower training programs

“Any (1) amounts received as pay or allowances by any person while serving on active duty, (2) period of time during which such person served on such active duty, and (3) amounts received under chapters 11, 13, 31, 34, 35, and 36 of this title by a veteran (as defined in section 101(2) of this title) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds.”

(b) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part III of such title are each amended by adding at the end thereof a new item as follows:

“42. Employment and Training of Disabled and Vietnam Era Veterans— 2011”.

SEC. 504. The Soldiers’ and Sailors’ Civil Relief Act of 1940, as amended (50 U.S.C. App. 501 et seq.), is amended as follows:

(1) Section 101(1) (50 U.S.C. App. 511(1)) is amended by striking out “The term ‘persons in military service’” and inserting in lieu thereof “The term ‘person in the military service’, the term ‘persons in military service’,”.

(2) The following new section is inserted after section 700:

“SEC. 701. (a) Notwithstanding any other provision of law, a power of attorney which—

“(1) was duly executed by a person in the military service who is in a missing status (as defined in section 551(2) of title 37, United States Code);

“(2) designates that person’s spouse, parent, or other named relative as his attorney in fact for certain specified, or all, purposes; and

“(3) expires by its terms after that person entered a missing status, and before or after the effective date of this section; shall be automatically extended for the period that the person is in a missing status.

“(b) No power of attorney executed after the effective date of this section by a person in the military service may be extended under subsection (a) if the document by its terms clearly indicates that the

38 USC 301,
401, 1501, 1651,
1700, 1770.
72 Stat. 1106.

78 Stat. 508.
42 USC 2701
note.
76 Stat. 23.
42 USC 2571
note.

54 Stat. 1179.

56 Stat. 777.
50 USC app.
590.

80 Stat. 625.

power granted expires on the date specified even though that person, after the date of execution of the document, enters a missing status.

“(c) This section applies only to persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code).”

SEC. 505. Section 3107 of title 38, United States Code, is amended by inserting after “title” the words “or that portion of the educational assistance allowance payable on account of dependents under chapter 34 of this title”.

81 Stat. 181.

72 Stat. 1231.

TITLE VI—EFFECTIVE DATES AND SAVINGS PROVISIONS

SEC. 601. (a) The rate increases provided in Title I of this Act and the rate increases provided by the provisions of section 1787, title 38, United States Code (as added by section 316 of this Act) shall become effective October 1, 1972; except, for those veterans and eligible persons in training on the date of enactment, the effective date shall be the date of the commencement of the current enrollment period, but not earlier than September 1, 1972.

(b) The provisions of title V of this Act shall become effective 90 days after the date of enactment of this Act.

SEC. 602. (a) The provisions of section 1786 of title 38, United States Code (as added by section 316 of this Act), which apply to programs of education exclusively by correspondence, shall, as to those wives and widows made eligible for such training by that section, become effective January 1, 1973, and, as to eligible veterans, shall apply only to those enrollment agreements which are entered into on or after January 1, 1973.

(b) Notwithstanding the provisions of subsection (a) of this section, any enrollment agreement entered into by an eligible veteran prior to January 1, 1973, shall continue to be subject to the provisions of section 1682(c) of title 38, United States Code, prior to its repeal by section 303 of this Act.

SEC. 603. (a) The prepayment provisions of subsection (e) of section 1780 of title 38, United States Code (as added by section 201 of this Act), shall become effective on November 1, 1972.

(b) The advance payment provisions of section 1780 of title 38, United States Code (as added by section 201 of this Act), shall become effective on August 1, 1973, or at such time prior thereto as the Administrator of Veterans' Affairs shall specify in a certification filed with the Committees on Veterans' Affairs of the Congress.

SEC. 604. (a) Notwithstanding the provisions of section 1712(b) of title 38, United States Code, a wife or widow (1) eligible to pursue a program of education exclusively by correspondence by virtue of the provisions of section 1786 of such title (as added by section 316 of this Act) or (2) entitled to receive the benefits of subsection (a) of section 1733 of this title (as added by section 313 of this Act), shall have eight years from the date of the enactment of this Act in which to complete such a program of education or receive such benefits.

(b) Notwithstanding the provisions of section 1712(a) or 1712(b) of title 38, United States Code, an eligible person, as defined in section 1701(a)(1) of such title, who is entitled to pursue a program of apprenticeship or other on-job training by virtue of the provisions of section 1787 of such title (as added by section 316 of this Act) shall have eight years from the date of the enactment of this Act in which to complete such a program of training, except that an eligible person defined in section 1701(a)(1)(A) of such title may not be afforded educational assistance beyond his thirty-first birthday.

82 Stat. 1333.

72 Stat. 1194;
82 Stat. 1333.
84 Stat. 1575.

Approved October 24, 1972.