

Public Law 88-361

AN ACT

July 7, 1964
[H. R. 221]

To amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1701(a)(1) of title 38, United States Code, is amended by inserting the following new sentence after the first sentence thereof: "Such term also includes the child of a person who has a total disability permanent in nature resulting from a service-connected disability arising out of service as described in the first sentence hereof, or who died while a disability so evaluated was in existence."

Veterans' children.
Educational assistance.
72 Stat. 1193.

(b) Section 1701(a) of title 38, United States Code, is amended by adding at the end thereof the following:

"(10) The term 'total disability permanent in nature' means any disability rated total for the purposes of disability compensation which is based upon an impairment reasonably certain to continue throughout the life of the disabled person."

(c) Section 1701(d) of title 38, United States Code, is amended by striking out the word "death" both places it appears and inserting in lieu thereof "disability or death".

SEC. 2. Section 1711 of title 38, United States Code, is amended by adding a new subsection (d) as follows:

"(d) If any child pursuing a program of education, or of specialized restorative training, under this chapter ceases to be an 'eligible person' because the parent from whom eligibility is derived is found to no longer have a 'total disability permanent in nature', as defined in section 1701(a)(10) of this title, then such child (if he has sufficient remaining entitlement) may, nevertheless, be afforded educational assistance under this chapter until the end of a quarter or semester for which enrolled if the educational institution in which he is enrolled is operated on a quarter or semester system, or if the educational institution is not so operated until the end of the course, or until nine weeks have expired, whichever first occurs."

Loss of eligibility.

SEC. 3. (a) Section 1712(a)(3) of title 38, United States Code, is amended to read as follows:

76 Stat. 926.

"(3) if the Administrator first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or if the death of the parent from whom eligibility is derived occurs, after the eligible person's eighteenth birthday but before his twenty-third birthday, then (unless paragraph (4) applies) such period shall end five years after, whichever date first occurs (A) the date on which the Administrator first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or (B) the date of death of the parent from whom eligibility is derived."

Children between ages of 18 to 23.

(b) Section 1712 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection by a period of time equivalent to any period of time which elapses between the eighteenth birthday of such eligible person or the date on which an application for benefits of this chapter is filed on behalf of such eligible person, whichever is later, and the date of final approval

Assistance beyond age limitation.

of such application by the Administrator; but in no event shall educational assistance under this chapter be afforded an eligible person beyond his thirty-first birthday by reason of this subsection."

Nonduplication
of benefits.
72 Stat. 1201.

SEC. 4. Section 1762(a) of title 38, United States Code, is amended by adding the following clause before the period at the end thereof: "whether eligibility is based upon the death or upon the total permanent disability of the parent".

Eligibility
proviso.

SEC. 5. In the case of any individual who is an "eligible person" within the meaning of section 1701(a)(1) of title 38, United States Code, solely by virtue of the amendments made by this Act, and who is above the age of seventeen years and below the age of twenty-three years on the date of enactment of this Act, the period referred to in section 1712 of title 38, United States Code, shall not end with respect to such individual until the expiration of the five-year period which begins on the date of enactment of this Act, excluding from such five-year period any period of time which may elapse between the date on which application for benefits of chapter 35, United States Code, is filed on behalf of an eligible person and the date of final approval of such application by the Administrator of Veterans' Affairs; but in no event shall educational assistance under chapter 35, title 38, United States Code, be afforded to any eligible person beyond his thirty-first birthday by reason of this section.

38 USC 1701-
1778.

72 Stat. 1200.

SEC. 6. Section 1741(b) of title 38, United States Code, is amended to read as follows:

Special restora-
tive training.

"(b) The total period of educational assistance under this subchapter and other subchapters of this chapter may not exceed the amount of entitlement as established in section 1711 of this title, except that the Administrator may extend such period in the case of any person if he finds that additional assistance is necessary to accomplish the purpose of special restorative training as stated in subsection (a) of this section."

72 Stat. 1183.

SEC. 7. Section 1643 of title 38, United States Code, is amended by adding at the end thereof the following:

State coopera-
tion.

"(c) In order that effective State control may be maintained over educational institutions participating in educational programs carried on under this title, the Administrator shall continue to utilize State approving agencies in the administration of such programs."

Approved July 7, 1964.

Public Law 88-362

AN ACT

July 7, 1964
[H. R. 9311]

To continue for two years the existing suspensions of duty on certain alumina and bauxite.

Alumina and
bauxite, duty.

77A Stat. 432,
433.
19 USC 1202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) items 907.15, 909.30, and 911.05 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, pages 432 and 433, Aug. 17, 1963) are each amended by striking out "On or before 7/15/64" and inserting in lieu thereof "On or before 7/15/66".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1964.

Approved July 7, 1964.