

Public Law 90-77

August 31, 1967
[S. 16]

AN ACT

To amend title 38 of the United States Code in order to increase the rates of pension payable to certain veterans and their widows, to provide additional readjustment assistance for veterans of service after January 31, 1955, and for other purposes.

Veterans' Pension and Readjustment Assistance Act of 1967.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Pension and Readjustment Assistance Act of 1967".

TITLE I—PENSION BENEFITS

ENLARGING WIDOWS' ELIGIBILITY FOR BENEFITS

72 Stat. 1119;
73 Stat. 435.

SEC. 101. (a) Paragraphs (2) and (3) of sections 302(a), 404, 532(d), 534(c), 536(c), and 541(e) of title 38, United States Code, are amended to read as follows:

"(2) for one year or more; or

"(3) for any period of time if a child was born of the marriage, or was born to them before the marriage."

72 Stat. 1109.

(b) Subsection 103(a) of title 38, United States Code, is amended by striking out "cohabitated with him for five or more years immediately before his death," and inserting in lieu thereof "cohabited with him for one year or more immediately before his death, or for any period of time if a child was born of the purported marriage or was born to them before such marriage,".

PERMANENT AND TOTAL DISABILITY AT AGE SIXTY-FIVE; AID AND ATTENDANCE ALLOWANCE FOR PERSONS IN NURSING HOMES

72 Stat. 1134.

SEC. 102. (a) Subsection (a) of section 502 of title 38, United States Code, is amended by inserting immediately after "disabled if he is" the following: "sixty-five years of age or older or".

(b) Subsection (b) of such section 502 is amended by inserting "(1) a patient in a nursing home or (2)" immediately after "if he is".

EXCLUSIONS FROM ANNUAL INCOME

73 Stat. 432.

SEC. 103. (a) Paragraph (7) of section 503 of title 38, United States Code, is amended by inserting immediately after "amounts paid by" the following: "a wife of a veteran for the expenses of his last illness, and by".

78 Stat. 1094.

(b) Paragraph (9) of such section 503 is amended by inserting "(A)" immediately after "amounts paid" and by inserting the following immediately before the semicolon at the end thereof: "or (B) by a widow or a wife of a veteran for the last illness and burial of a child of such veteran".

PENSION INCREASES FOR VETERANS OF WORLD WAR I, WORLD WAR II, AND
THE KOREAN CONFLICT

SEC. 104. (a) The table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

Non-service
connected disa-
bility.
78 Stat. 1094.

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
\$600	\$600	\$104
1, 200	1, 200	79
	1, 800	45".

(b) The table in subsection (c) of such section 521 is amended to appear as follows:

Veteran, with
dependents.

"Column I		Column II	Column III	Column IV
Annual income				
More than—	but Equal to or less than—	One dependent	Two dependents	Three or more dependents
\$1, 000	\$1, 000	\$109	\$114	\$119
2, 000	2, 000	84	84	84
	3, 000	50	50	50".

(c) Subsection (e) of such section 521 is amended by striking out "\$35" and inserting in lieu thereof "\$40".

Housebound
veterans.
78 Stat. 1095.

PENSION INCREASES FOR WIDOWS OF VETERANS OF WARS BEFORE WORLD
WAR I

SEC. 105. Sections 531, 532(a) (2), 534(a) (2), and 536(a) of title 38, United States Code, are each amended by striking out "\$65" and inserting in lieu thereof in each such section "\$70".

72 Stat. 1137.

PENSION INCREASES FOR WIDOWS OF VETERANS OF WORLD WAR I, WORLD
WAR II, AND THE KOREAN CONFLICT

SEC. 106. (a) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

78 Stat. 1095.

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
\$600	\$600	\$70
1, 200	1, 200	51
	1, 800	29".

78 Stat. 1095.

(b) The table in subsection (c) of such section 541 is amended to appear as follows:

"Column I		Column II
Annual income		
More than—	but Equal to or less than—	
	\$1, 000	\$86
\$1, 000	2, 000	67
2, 000	3, 000	45".

73 Stat. 435.

(c) Subsection (d) of such section 541 is amended by striking out "\$15" and inserting in lieu thereof "\$16".

PENSION INCREASES FOR CHILDREN OF DECEASED VETERANS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT

78 Stat. 1095.

SEC. 107. Subsection (a) of section 542 of title 38, United States Code, is amended by striking out "\$38" and "\$15" and inserting in lieu thereof "\$40" and "\$16", respectively.

AID AND ATTENDANCE ALLOWANCE FOR WIDOWS OF VETERANS OF ALL PERIODS OF WAR

38 USC 531 et seq.

SEC. 108. (a) Subchapter III of chapter 15 of title 38, United States Code, is amended by adding at the end thereof the following:

"WIDOWS OF VETERANS OF ALL PERIODS OF WAR

"§ 544. Aid and attendance allowance

"If any widow is entitled to pension under this subchapter and is in need of regular aid and attendance, the monthly rate of pension payable to her shall be increased by \$50."

(b) The analysis of such subchapter III, after the heading of such chapter, is amended by adding at the end thereof the following:

"Widows of Veterans of All Periods of War

"544. Aid and attendance allowance."

73 Stat. 436.
38 USC 521
note.

(c) If any widow is entitled to pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 and is in need of regular aid and attendance, the monthly rate of pension payable to her shall be increased by \$50.

THERAPEUTIC AND REHABILITATIVE DEVICES FOR CERTAIN VETERANS

78 Stat. 504.

SEC. 109. Subsection (b) of section 617 of title 38, United States Code, is amended by striking out "to any veteran" and all that follows through the end thereof and inserting in lieu thereof the following: "to any veteran in receipt of pension under chapter 15 of this title based on need of regular aid and attendance."

PENSION FOR "OLD LAW" VETERANS WHO ARE HOUSEBOUND

SEC. 110. The Administrator of Veterans' Affairs shall pay to a veteran who is entitled to pension under the first sentence of section 9 (b) of the Veterans' Pension Act of 1959 and who—

(1) has, in addition to a disability rated as permanent and total, additional disability or disabilities independently ratable at 60 per centum or more, or

(2) by reason of his disability or disabilities, is permanently housebound but does not qualify for pension based on need of regular aid and attendance,
in lieu of the pension otherwise payable to him, a pension at the monthly rate of \$100.

AID AND ATTENDANCE ALLOWANCE—INDIAN AND SPANISH AMERICAN WAR VETERANS

SEC. 111. (a) Section 511(c) of title 38, United States Code, is amended by (1) inserting "(1)" immediately before "Any"; (2) inserting ", except as provided in paragraph (2)" immediately before the period at the end thereof; and (3) adding at the end thereof the following:

74 Stat. 545.

"(2) The Administrator shall pay each month to each veteran of the Indian Wars who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that provided by paragraph (2) of subsection (a) of this section, or (B) that which is payable to the veteran under section 521 of this title if he has elected, or would be payable if he were to elect, to receive pension under such section pursuant to paragraph (1) of this subsection. Each change in the amount of pension payment required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor."

72 Stat. 1136.

(b) Section 512(a) (3) of title 38, United States Code, is amended by (1) inserting "(A)" immediately before "Any"; (2) inserting ", except as provided in subparagraph (B)" immediately before the period at the end thereof; and (3) adding at the end thereof the following:

74 Stat. 545.

"(B) The Administrator shall pay each month to each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (i) that provided by subparagraph (B) of subsection (a) (1) of this section, or (ii) that which is payable to the veteran under section 521 of this title if he has elected, or would be payable if he were to elect, to receive pension under such section pursuant to subparagraph (A) of this paragraph. Each change in the amount of pension payment required by this subparagraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor."

TITLE II—ADDITIONAL READJUSTMENT ASSISTANCE FOR VETERANS

DEFINITIONS

SEC. 201. (a) Paragraph (11) of section 101 of title 38, United States Code, is amended to read as follows:

72 Stat. 1107.

"(11) The term 'period of war' means the Spanish-American War, World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress."

"Period of war."

(b) Such section is further amended by adding at the end thereof the the following new paragraph:

"Vietnam era."

"(29) The term 'Vietnam era' means the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

ELIGIBILITY FOR PENSION

72 Stat. 1136.

SEC. 202. (a) Subsection (a) of section 521 of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall pay to each veteran of World War I, World War II, the Korean conflict, or the Vietnam era, who meets the service requirements of this section, and who is permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct or vicious habits, pension at the rate prescribed by this section."

73 Stat. 433;
75 Stat. 218;
78 Stat. 1095.

(b) Such section is further amended by amending subsection (g) to read as follows:

"(g) A veteran meets the service requirements of this section if he served in the active military, naval, or air service—

"(1) for ninety days or more during either World War I, World War II, the Korean conflict, or the Vietnam era;

"(2) during World War I, World War II, the Korean conflict, or the Vietnam era, and was discharged or released from such service for a service-connected disability;

"(3) for a period of ninety consecutive days or more and such period ended during World War I, or began or ended during World War II, the Korean conflict, or the Vietnam era; or

"(4) for an aggregate of ninety days or more in two or more separate periods of service during more than one period of war."

(c) The catchline of section 521 of title 38, United States Code, is amended to read as follows:

"§ 521. Veterans of World War I, World War II, the Korean conflict, or the Vietnam era".

73 Stat. 434.

(d) Subsection (a) of section 541 of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall pay to the widow of each veteran of World War I, World War II, the Korean conflict, or the Vietnam era who met the service requirements of section 521 of this title, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section."

(e) Paragraph (1) of subsection (e) of such section is amended to read as follows:

"(1) before (A) December 14, 1944, in the case of a widow of a World War I veteran, or (B) January 1, 1957, in the case of a widow of a World War II veteran, or (C) February 1, 1965, in the case of a widow of a Korean conflict veteran, or (D) before the expiration of ten years following termination of the Vietnam era in the case of a widow of a Vietnam era veteran; or"

(f) The catchline of section 541 of title 38, United States Code, is amended to read as follows:

"§ 541. Widows of World War I, World War II, Korean conflict, or Vietnam era veterans".

(g) Subsection (a) of section 542 of title 38, United States Code, is amended by striking out "or the Korean conflict" and inserting in lieu thereof "the Korean conflict, or the Vietnam era".

(h) The catchline of section 542 of title 38, United States Code, is amended to read as follows:

“§ 542. Children of World War I, World War II, Korean conflict, or Vietnam era veterans”.

(i) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended by striking out

38 USC 501 et
seq.

“521. Veterans of World War I, World War II, or the Korean conflict.”

and substituting in lieu thereof

“521. Veterans of World War I, World War II, the Korean conflict, or the Vietnam era.”;

by striking out the subheading

“World War I, World War II and the Korean conflict”

and substituting in lieu thereof

“World War I, World War II, the Korean conflict, and the Vietnam era”;

by striking out

“541. Widows of World War I, World War II, or Korean conflict veterans.”

and substituting in lieu thereof

“541. Widows of World War I, World War II, Korean conflict, or Vietnam era veterans.”;

and by striking out

“542. Children of World War I, World War II, or Korean conflict veterans.”

and substituting in lieu thereof

“542. Children of World War I, World War II, Korean conflict, or Vietnam era veterans.”

(j) Chapter 15 of title 38, United States Code, is amended by striking out the subheading “WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT” immediately preceding section 541 of such title, and substituting in lieu thereof “WORLD WAR I, WORLD WAR II, THE KOREAN CONFLICT, AND THE VIETNAM ERA”.

PRESUMPTION ; DRUGS AND MEDICINES

SEC. 203. (a) Section 602 of title 38, United States Code, is amended to read as follows:

72 Stat. 1141.

“§ 602. Presumption relating to psychosis

“For the purposes of this chapter, any veteran of World War II, the Korean conflict, or the Vietnam era who developed an active psychosis (1) within two years after his discharge or release from the active military, naval, or air service, and (2) before July 26, 1949, in the case of a veteran of World War II, or February 1, 1957, in the case of a veteran of the Korean conflict, or before the expiration of two years following termination of the Vietnam era in the case of a Vietnam era veteran, shall be deemed to have incurred such disability in the active military, naval, or air service.”

(b) Subsection (h) of section 612 of title 38, United States Code, is amended to read as follows:

78 Stat. 1096.

“(h) The Administrator shall furnish to each veteran who is receiving additional compensation or allowance under chapter 11, or increased pension as a veteran of World War I, World War II, the Korean conflict, or the Vietnam era, by reason of being in need of regular aid and attendance, such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of any illness or injury suffered by such veteran.”

38 USC 301 et
seq.

SPECIALLY EQUIPPED AUTOMOBILES

72 Stat. 1215.

SEC. 204. (a) Section 1901 of title 38, United States Code, is amended by redesignating subsection (b) as subsection (c), and by adding after subsection (a) the following new subsection (b):

"(b) The benefits of this chapter shall also be made available to each veteran who is suffering from any disability described in subsection (a), if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty."

(b) Section 1905 of title 38, United States Code, is amended to read as follows:

"§ 1905. Applications

"The benefits of this chapter shall be made available to any veteran who meets the eligibility requirements of this chapter and who makes application for such benefits in accordance with regulations prescribed by the Administrator."

TITLE III—EDUCATION AND TRAINING

EDUCATIONAL ASSISTANCE ALLOWANCES

80 Stat. 18.

SEC. 301. (a) Paragraph (1) of section 1682(a) of title 38, United States Code, is amended by striking out "Except as provided in subsection (b) or (c) (1)" and inserting in lieu thereof "Except as provided in subsection (b), (c) (1), or (d) of this section, or section 1677 or 1683 of this title", and by striking out "column II, III, or IV" where it first appears therein and inserting in lieu thereof "column II, III, IV, or V".

(b) The table contained in paragraph (1) of section 1682(a) of title 38, United States Code, relating to educational assistance allowances, is amended 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.....	\$130	\$155	\$175	\$10
Three-quarter time..	95	115	135	7
Half time.....	60	75	85	5
Cooperative.....	105	125	145	7".

(c) Section 1682(b) of such title is amended by striking out "\$100" in clause (2) (B), and inserting in lieu thereof "\$130".

Post, p. 185.

Post, p. 186.

FLIGHT TRAINING

SEC. 302. (a) Section 1673(b) of title 38, United States Code, is amended to read as follows:

80 Stat. 16.

"(b) Except as provided in section 1677 of this title, the Administrator shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking."

Infra.

(b) Subchapter III of chapter 34, United States Code, is amended by adding at the end thereof a new section as follows:

80 Stat. 12.
38 USC 1670-
1676.

"§ 1677. Flight training

"(a) The Administrator may approve the pursuit by an eligible veteran of flight training generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation, subject to the following conditions:

"(1) the eligible veteran must possess a valid private pilot's license or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license, and meet the medical requirements necessary for a commercial pilot's license; and

"(2) the flight school courses must meet the Federal Aviation Administration standards and be approved both by that Agency and the appropriate State approving agency.

"(b) Each eligible veteran who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of subsection (a) hereof, shall be paid an educational assistance allowance to be computed at the rate of 90 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight course are required to pay. Such allowance shall be paid quarterly upon receipt of a certification from the eligible veteran and the institution as to actual flight training received by, and the cost thereof to, the veteran during such quarter. In each such case the eligible veteran's period of entitlement shall be charged with one month for each \$130 which is paid to the veteran as an educational assistance allowance for such course."

(c) The analysis of subchapter III of chapter 34 is amended by inserting immediately after

"1676. Education outside the United States."

the following:

"1677. Flight training."

FARM COOPERATIVE TRAINING

SEC. 303. (a) Section 1673(c) of title 38, United States Code, is amended by striking out "of apprentice or other training on the job, any course of institutional on-farm training, or any course".

(b) Section 1682 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

80 Stat. 18.

"(d) An eligible veteran enrolled in an educational institution for a 'farm cooperative' program consisting of institutional agricultural courses for a minimum of 12 clock hours per week, shall be eligible to receive an educational assistance allowance at the appropriate rate provided in the table in subsection (a)(1) of this section opposite the word 'Cooperative' under Column I of such table, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator."

Ante, p. 184.

APPRENTICESHIP OR OTHER ON-JOB TRAINING

80 Stat. 12.
38 USC 1651 et
seq.

SEC. 304. (a) Chapter 34 of title 38, United States Code, is amended by redesignating sections 1683, 1684, 1685, and 1686 as section 1684, 1685, 1686, and 1687, respectively, and by inserting immediately after section 1682 thereof the following new section:

“§ 1683. Apprenticeship or other on-job training

“(a) Any eligible veteran may receive the benefits of this chapter while pursuing a full-time—

50 Stat. 665.

“(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, United States Code, or

Post, p. 187.

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

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

“Periods of training	No dependents	One dependent	Two or more dependents
First 6 months.....	\$80	\$90	\$100
Second 6 months.....	60	70	80
Third 6 months.....	40	50	60
Fourth and any succeeding 6-month periods.....	20	30	40

Definitions.
80 Stat. 20.
38 USC 1770
et seq.

“(c) For purposes of this chapter and chapter 36 of this title, 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’.”

(b) The table of sections of chapter 34 of title 38, United States Code, is amended by striking out “1683” and all that follows and inserting in lieu thereof the following:

- “1683. Apprenticeship or other on-job training.
- “1684. Measurement of courses.
- “1685. Overcharges by educational institutions.
- “1686. Approval of courses.
- “1687. Discontinuance of allowances.”

80 Stat. 13.

(c) Section 1652 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

“Training establishment.”

“(e) 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, United States Code, or any agency of the Federal Government authorized to supervise such training.”

50 Stat. 664.
29 USC 50, 50a,
50b.

(d) Chapter 36 of title 38, United States Code, is amended by redesignating sections 1777 and 1778 as sections 1778 and 1779, respectively, and by inserting immediately after section 1776 the following new section:

77 Stat. 162.

“§ 1777. Approval of training on the job

“(a) Any State approving agency may approve a program of training on the job (other than a program of apprenticeship) only when it finds that the job which is the objective of the training is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job and not on such factors as length of service and normal turnover, and that the provisions of subsections (b) and (c) of this section are met.

“(b) The training establishment offering training which is desired to be approved for the purposes of this chapter must submit to the appropriate State approving agency a written application for approval which, in addition to furnishing such information as is required by the State approving agency, contains a certification that—

“(1) the wages to be paid the eligible veteran (A) upon entrance into training, are not less than wages paid nonveterans in the same training position and are at least 50 per centum of the wages paid for the job for which he is to be trained, and (B) such wages will be increased in regular periodic increments until, not later than the last full month of the training period, they will be at least 85 per centum of the wages paid for the job for which such eligible veteran is being trained; and

“(2) there is reasonable certainty that the job for which the eligible veteran is to be trained will be available to him at the end of the training period.

“(c) As a condition for approving a program of training on the job (other than a program of apprenticeship) the State approving agency must find upon investigation that the following criteria are met:

Investigation by
State-approving
agency.

“(1) The training content of the course is adequate to qualify the eligible veteran for appointment to the job for which he is to be trained.

“(2) The job customarily requires full-time training for a period of not less than six months and not more than two years.

“(3) The length of the training period is not longer than that customarily required by the training establishments in the community to provide an eligible veteran with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the eligible veteran will need to learn in order to become competent on the job for which he is being trained.

“(4) Provision is made for related instruction for the individual eligible veteran who may need it.

“(5) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

“(6) Adequate records are kept to show the progress made by each eligible veteran toward his job objective.

“(7) No course of training will be considered bona fide if given to an eligible veteran who is already qualified by training and experience for the job.

“(8) A signed copy of the training agreement for each eligible veteran, including the training program and wage scale as approved by the State approving agency, is provided to the veteran and to the Administrator and the State approving agency by the employer.

“(9) That the course meets such other criteria as may be established by the State approving agency.”

80 Stat. 20.
38 USC 1770
et seq.

(e) The table of sections of chapter 36 of title 38, United States Code, is amended by striking out "1777" and all that follows through "Disapproval of courses." and inserting in lieu thereof the following:

"1777. Approval of training on the job.

"1778. Notice of approval of courses.

"1779. Disapproval of courses."

DELIMITING PERIOD

SEC. 305. Subsection (c) of section 1662 of title 38, United States Code is amended by adding at the end thereof the following new sentence: "In the case of any eligible veteran who was discharged or released from active duty before the date of enactment of this sentence and who pursues a course of farm cooperative training, apprenticeship or other training on the job, or flight training within the provisions of section 1677 of this chapter, the eight-year delimiting period shall run from the date of enactment of this sentence, if it is later than the date which would otherwise be applicable."

Ante, p. 185.

SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

SEC. 306. (a) Subchapter III of chapter 34 of title 38, United States Code, as amended by section 302(b) of this Act, is amended by adding at the end thereof the following new section:

"§ 1678. Special training for the educationally disadvantaged

"(a) In the case of any eligible veteran who—

"(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge from active duty, or

"(2) in order to pursue a program of education for which he would otherwise be eligible, needs additional secondary school training, either refresher courses or deficiency courses, to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is 'already qualified', approve the enrollment of such veteran in an appropriate course or courses; except that no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title.

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

"(c) The educational assistance allowance authorized by this section shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this chapter."

(b) (1) The analysis at the head of chapter 34, title 38, United States Code, as amended by section 302(c) of this Act, is amended by adding immediately after

"1677. Flight training."

the following:

"1678. Special training for the educationally disadvantaged."

(2) Section 1661(b) of title 38, United States Code, is amended by inserting immediately after "subsection (c)" the following: "and in section 1678 of this chapter".

(c) Where the Administrator of Veterans' Affairs finds that an eligible veteran has since June 1, 1966, and prior to the enactment of this section, received educational assistance while pursuing a course

Supra.

or courses of education to which he would have been entitled under section 1678 of title 38, United States Code, without charge to entitlement, he may restore to the veteran any period of entitlement expended in the pursuit of such course or courses.

Ante, p. 188.

PERIOD OF ELIGIBILITY, WAR ORPHANS' EDUCATIONAL ASSISTANCE
PROGRAM

SEC. 307. (a) Section 1712(a) of title 38, United States Code, is amended by striking out "twenty-third birthday" each place where it appears therein and inserting in lieu thereof "twenty-sixth birthday".

72 Stat. 1194.

(b) In the case of any eligible person (within the meaning of section 1701(a)(1) or 1765(a) of title 38, United States Code) who is made eligible for educational assistance under the provisions of chapter 35 of title 38, United States Code, solely by virtue of the amendments made by subsection (a) of this section, and who on the effective date of this Act is below the age of twenty-six years, the period referred to in section 1712 of such title shall not end with respect to such person until the expiration of the five-year period which begins on the effective date 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 such chapter 35 is filed on behalf of such person and the date of final approval of such application by the Administrator of Veterans' Affairs; but in no event shall educational assistance under such chapter 35 be afforded to any eligible person beyond his thirty-first birthday by reason of this section.

79 Stat. 1313;
80 Stat. 861.

38 USC 1701
et seq.

REPORTING FEE

SEC. 308. (a) Section 1784 of title 38, United States Code, is amended by—

(1) adding at the end of the catchline the following: "reporting fee";

(2) striking out "Educational" at the beginning of such section and inserting in lieu thereof: "(a) Educational"; and

(3) adding at the end thereof a new subsection (b) as follows:

"(b) The Administrator may pay to any educational institution furnishing education under either chapter 34 or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution is required to report to him by law or regulation. Such reporting fee shall be computed for each calendar year by multiplying \$3 by the number of eligible veterans enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title, on October 31 of that year; except that the Administrator may, where it is established by the educational institution that eligible veteran plus eligible person enrollment on such date varies more than 15 per centum from the peak eligible veteran plus eligible person enrollment in such institution during such calendar year, establish such other date as representative of the peak enrollment as may be justified for that institution. The reporting fee shall be paid to the educational institution as soon as feasible after the end of the calendar year for which it is applicable."

(b) The table of sections at the head of chapter 36 of title 38, United States Code, is amended by striking out:

"1784. Reports by institutions."

and inserting in lieu thereof:

"1784. Reports by institutions; reporting fee."

TITLE IV—MISCELLANEOUS PROVISIONS

STATUTORY AWARDS

72 Stat. 1120.

SEC. 401. Section 314(k) of title 38, United States Code, is amended to read as follows:

“(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction, the rate of compensation therefor shall be \$47 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) through (j) or subsection (s) of this section but in no event to exceed \$400 per month; and in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection, in addition to the requirement for any of the rates specified in subsections (l) through (n) of this section, the rate of compensation shall be increased by \$47 per month for each such loss or loss of use, but in no event to exceed \$600 per month;”.

BURIAL FLAGS FOR CERTAIN IN-SERVICE DEATHS

72 Stat. 1169;
75 Stat. 512.

SEC. 402. Section 901 of title 38, United States Code, is amended by adding a new subsection “(d)” at the end thereof to read as follows:

“(d) In the case of any person who died while in the active military, naval, or air service after May 27, 1941, the Administrator shall furnish a flag to the next of kin, or to such other person as the Administrator deems most appropriate, if such next of kin or other person is not otherwise entitled to receive a flag under this section, or under section 1482(a) of title 10, United States Code.”

70A Stat. 113.

EXTENSION OF LOAN PROGRAM FOR CERTAIN WORLD WAR II VETERANS

72 Stat. 1204;
75 Stat. 201.

SEC. 403. (a) The second sentence of section 1802(b) of title 38, United States Code, is amended by striking out “July 26, 1967” and inserting in lieu thereof “July 26, 1970”.

(b) Clauses (i) and (ii) of section 1803(a)(3)(A) of such title are each amended by striking out “July 25, 1967” and inserting in lieu thereof “July 25, 1970”.

(c) The World War II loan benefit entitlement of any veteran whose period of entitlement as computed under the provisions of section 1803(a)(3)(A) of title 38, United States Code, as amended by this section, extended beyond July 25, 1967, shall not be deemed to expire earlier than ninety days after the effective date of this section.

INCREASE IN AMOUNT OF DIRECT LOANS

72 Stat. 1208;
80 Stat. 26.

SEC. 404. (a) Section 1811(d)(2) of title 38, United States Code, is amended by inserting before the period at the end thereof the following: “; except that the Administrator may increase the \$17,500 limitations specified in this paragraph to an amount not to exceed \$25,000 where he finds that cost levels so require”.

(b) Section 1811(d)(3) of such title is amended by inserting before the period at the end thereof the following: “; except that the Administrator may increase such aggregate amount to an amount not to exceed \$25,000 where he finds that cost levels so require”.

EFFECTIVE DATES

SEC. 405. (a) Except as provided in subsections (b) and (c) of this section, this Act shall become effective on the first day of the first calendar month which begins more than ten days after the date of enactment of this Act.

(b) The amendments made by section 203 of this Act shall become effective upon enactment.

(c) The amendments made by title II of this Act relating to the payment of burial benefits in the case of veterans of the Vietnam era shall become effective on the date of enactment of this Act. If the burial allowance authorized by section 902 of title 38, United States Code, is payable solely by virtue of the enactment of this Act, the two-year period for filing applications, referred to in section 904 of such title 38, shall not end, with respect to an individual whose death occurred prior to the enactment of this Act, before the expiration of the two-year period which begins on the date of enactment of this Act, or, in any case involving the correction of a discharge after the date of enactment of this Act, before the expiration of two years from the date of such correction.

Approved August 31, 1967.

72 Stat. 1169;
80 Stat. 29.

77 Stat. 4.

Public Law 90-78

AN ACT

August 31, 1967
[H. R. 6056]

To amend the Internal Revenue Code of 1954 to provide rules relating to the deduction for personal exemptions for children of parents who are divorced or separated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 152 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

Income taxes.
Exemptions for
children of di-
vorced parents.
68A Stat. 43.
26 USC 152.

“(e) SUPPORT TEST IN CASE OF CHILD OF DIVORCED PARENTS, ETC.—

“(1) GENERAL RULE.—If—

26 USC 151.

“(A) a child (as defined in section 151(e)(3)) receives over half of his support during the calendar year from his parents who are divorced or legally separated under a decree of divorce or separate maintenance, or who are separated under a written separation agreement, and

“(B) such child is in the custody of one or both of his parents for more than one-half of the calendar year, such child shall be treated, for purposes of subsection (a), as receiving over half of his support during the calendar year from the parent having custody for a greater portion of the calendar year unless he is treated, under the provisions of paragraph (2), as having received over half of his support for such year from the other parent (referred to in this subsection as the parent not having custody).

“(2) SPECIAL RULE.—The child of parents described in paragraph (1) shall be treated as having received over half of his support during the calendar year from the parent not having custody if—

“(A) (i) the decree of divorce or of separate maintenance, or a written agreement between the parents applicable to the taxable year beginning in such calendar year, provides that