

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4768

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IN THE SENATE OF THE UNITED STATES

AUGUST 2 (legislative day, JULY 20), 1994

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To amend title 38, United States Code, to make changes in veterans' education programs, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the "Veterans' Education  
5        and Training Act of 1994".

6        **SEC. 2. FLIGHT TRAINING.**

7        (a) ACTIVE DUTY PROGRAM.—Section 3034(d) of  
8        title 38, United States Code, is amended—

1 (1) by striking out paragraph (2);

2 (2) by striking out “(d)(1)” and inserting in  
3 lieu thereof “(d)”; and

4 (3) by redesignating subparagraphs (A), (B),  
5 and (C) as paragraphs (1), (2), and (3), respectively.

6 (b) POST-VIETNAM ERA.—Section 3241(b) of such  
7 title is amended—

8 (1) by striking out paragraph (2);

9 (2) by striking out “(b)(1)” and inserting in  
10 lieu thereof “(b)”; and

11 (3) by redesignating subparagraphs (A), (B),  
12 and (C) as paragraphs (1), (2), and (3), respectively.

13 (c) RESERVE PROGRAM.—Section 2136(c) of title 10,  
14 United States Code, is amended—

15 (1) by striking out paragraph (2);

16 (2) by striking out “(c)(1)” and inserting in  
17 lieu thereof “(c)”; and

18 (3) by redesignating subparagraphs (A), (B),  
19 and (C) as paragraphs (1), (2), and (3), respectively.

20 **SEC. 3. TRAINING AND REHABILITATION FOR VETERANS**  
21 **WITH SERVICE-CONNECTED DISABILITIES.**

22 (a) REHABILITATION RESOURCES.—Section 3115 of  
23 title 38, United States Code, is amended—

1           (1) in subsection (a)(1), by striking “assist-  
2           ance,” and inserting in lieu thereof “assistance or  
3           any federally recognized Indian tribe,”;

4           (2) in subsection (a)(4), by inserting “any fed-  
5           erally recognized Indian tribe,” after “contribu-  
6           tions,”; and

7           (3) by adding at the end the following:

8           “(c) As used in this section, the term ‘federally recog-  
9           nized Indian tribe’ means any Indian tribe, band, nation,  
10          pueblo, or other organized group or community, including  
11          any Alaska Native village or regional corporation as de-  
12          fined in or established pursuant to the Alaska Native  
13          Claims Settlement Act, which is recognized as eligible for  
14          the special programs and services provided by the United  
15          States to Indians because of their status as Indians.”.

16          (b) ALLOWANCES.—Section 3108(c)(2) of such title  
17          is amended by inserting “or federally recognized Indian  
18          tribe” after “local government agency”.

19          (c) TECHNICAL CORRECTION.—(1) Section 404(b) of  
20          the Veterans’ Benefits Act of 1992 (106 Stat. 4338) is  
21          amended by striking out the period at the end thereof and  
22          inserting in lieu thereof “, but shall not apply to veterans  
23          and other persons who originally applied for assistance  
24          under chapter 31 of title 38, United States Code, before  
25          November 1, 1990.”.

1           (2) The amendment made by paragraph (1) shall  
2 take effect as of October 29, 1992.

3 **SEC. 4. ALTERNATIVE TEACHER CERTIFICATION PRO-**  
4 **GRAMS.**

5           (a) **IN GENERAL.**—Section 3452(c) of title 38,  
6 United States Code, is amended by adding at the end the  
7 following: “For the period ending on September 30, 1996,  
8 such term includes entities that provide training required  
9 for completion of any State-approved alternative teacher  
10 certification program (as determined by the Secretary).”.

11           (b) **CLARIFYING AMENDMENT.**—Section 3002 of title  
12 38, United States Code, is amended by adding at the end  
13 thereof the following:

14                   “(8) The term ‘educational institution’ has the  
15 meaning given such term in section 3452(c) of this  
16 title.”.

17           (c) **EFFECTIVE DATE.**—The amendments made by  
18 this section shall be effective on the date of enactment of  
19 this Act.

20 **SEC. 5. EDUCATION OUTSIDE THE UNITED STATES.**

21           (a) **IN GENERAL.**—The first sentence of section 3476  
22 of title 38, United States Code, is amended to read as  
23 follows: “An eligible veteran may not enroll in any course  
24 offered by an educational institution not located in a State  
25 unless that educational institution is an approved institu-

1 tion of higher learning and the course is approved by the  
2 Secretary.”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall apply with respect to courses approved  
5 on or after the date of the enactment of this Act.

6 **SEC. 6. CORRESPONDENCE COURSES.**

7 (a) APPROVAL OF PROGRAMS OF EDUCATION.—(1)  
8 Section 3672 of title 38, United States Code, is amended  
9 by adding at the end the following:

10 “(e) A program of education exclusively by cor-  
11 respondence, and the correspondence portion of a com-  
12 bination correspondence-residence course leading to a vo-  
13 cational objective, that is offered by an educational institu-  
14 tion (as defined in section 3452(c) of this title) may be  
15 approved only if (1) the educational institution is accred-  
16 ited by an agency recognized by the Secretary of Edu-  
17 cation, and (2) at least 50 percent of those pursuing such  
18 a program or course require six months or more to com-  
19 plete the program or course.”.

20 (2)(A) Section 3675(a)(2)(B) of such title is amend-  
21 ed by striking out “A State” and inserting in lieu thereof  
22 “Except as provided in section 3672(e), a State”.

23 (B) Section 3680(a) of such title is amended—

24 (i) by striking out “; or” at the end of para-  
25 graph (3) and inserting in lieu thereof a period; and

1 (ii) by striking out paragraph (4).

2 (C) Section 3686(c) of such title is amended by strik-  
3 ing out “(other than one subject to the provisions of sec-  
4 tion 3676 of this title)”.

5 (b) EFFECTIVE DATE.—The amendments made by  
6 subsection (a) shall apply with respect to programs of edu-  
7 cation exclusively by correspondence and to correspond-  
8 ence-residence courses commencing after 90 days after the  
9 date of the enactment of this Act.

10 **SEC. 7. STATE APPROVING AGENCIES.**

11 (a) REIMBURSEMENT.—(1) Section 3674(a)(4) of  
12 title 38, United States Code, is amended by striking out  
13 “\$12,000,000” each place it appears and inserting in lieu  
14 thereof “\$13,000,000”.

15 (2) The amendment made by subsection (a) shall  
16 apply with respect to services provided under such section  
17 after September 30, 1994.

18 (b) ELIMINATION OF REPORT TO CONGRESS RE-  
19 QUIREMENT.—Section 3674(a)(3) of such title is amend-  
20 ed—

21 (1) by striking out subparagraph (B); and

22 (2) by striking out “(3)(A)” and inserting in  
23 lieu thereof “(3)”.

24 (c) EVALUATION OF AGENCY PERFORMANCE.—Sec-  
25 tion 3674A(a) of such title is amended by striking out

1 paragraph (3) and redesignating paragraphs (4) and (5)  
2 as paragraphs (3) and (4), respectively.

3 **SEC. 8. MEASUREMENT OF COURSES.**

4 Section 3688(b) of title 38, United States Code, is  
5 amended—

6 (1) by striking out “this chapter or” and insert-  
7 ing in lieu thereof “this chapter,”; and

8 (2) by inserting before the period at the end  
9 thereof the following: “, or chapter 106 of title 10”.

10 **SEC. 9. VETERANS’ ADVISORY COMMITTEE ON EDUCATION.**

11 Section 3692 of title 38, United States Code, is  
12 amended—

13 (1) in subsections (a) and (b)—

14 (A) by striking out “34,” both places it ap-  
15 pears; and

16 (B) by striking out “title.” and inserting  
17 in lieu thereof “title and chapter 106 of title  
18 10.” both places it appears; and

19 (2) in subsection (c), by striking out “1994”  
20 and inserting in lieu thereof “2003”.

21 **SEC. 10. CONTRACT EDUCATIONAL AND VOCATIONAL**  
22 **COUNSELING.**

23 (a) PAYMENT LIMITATION.—Section 3697(b) of title  
24 38, United States Code, is amended by striking out  
25 “\$5,000,000” and inserting in lieu thereof “\$6,000,000”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on October 1, 1994.

3 **SEC. 11. SERVICE MEMBERS OCCUPATIONAL CONVERSION**  
4 **AND TRAINING ACT OF 1992.**

5 (a) PERIOD OF TRAINING.—(1) Section 4485(d) of  
6 the Service Members Occupational Conversion and Train-  
7 ing Act of 1992 (106 Stat. 2759; 10 U.S.C. 1143 note)  
8 is amended by striking out “or more than 18 months”.

9 (2)(A) Section 4486(d)(2) of such Act (102 Stat.  
10 2760; 10 U.S.C. 1143 note) is amended by striking out  
11 the period at the end thereof and inserting in lieu thereof  
12 the following: “in the community for the entire period of  
13 training of the eligible person.”.

14 (B) The amendment made by subparagraph (A) shall  
15 apply with respect to programs of training under the Serv-  
16 ice Members Occupational Conversion and Training Act  
17 of 1992 beginning after the date of enactment of this Act.

18 (b) PAYMENTS.—Section 4487 of such Act (106 Stat.  
19 2762; 10 U.S.C. 1143 note) is amended—

20 (1) in subsection (a)(1)—

21 (A) by striking out “subparagraph (B)” in  
22 subparagraph (A) and inserting in lieu thereof  
23 “subparagraphs (B) and (C)”;

24 (B) by inserting before the period at the  
25 end of subparagraph (A) the following: “but in



1 no event to exceed 18 months (or the equivalent  
2 training hours)”; and

3 (C) by adding at the end thereof the fol-  
4 lowing new subparagraph:

5 “(C) Assistance may be paid under this  
6 subtitle on behalf of an eligible person to that  
7 person’s employer for training under two or  
8 more programs of job training under this sub-  
9 title if such employer has not received (or is not  
10 due) on that person’s behalf assistance in an  
11 amount aggregating the applicable amount set  
12 forth in subparagraph (B).”; and

13 (2) in subsection (b)(3), by inserting before the  
14 period at the end thereof “, or upon the completion  
15 of the 18th month of training under the last training  
16 program approved for the person’s pursuit with that  
17 employer under this subtitle, whichever is earlier”.

18 (c) ENTRY INTO PROGRAM OF JOB TRAINING.—Sec-  
19 tion 4488(a) of such Act (106 Stat. 2764; 10 U.S.C. 1143  
20 note) is amended by striking out the third sentence thereof  
21 and inserting in lieu thereof “The eligible person may  
22 begin such program of job training with the employer on  
23 the day that notice is transmitted to such official by means  
24 prescribed by such official. However, assistance under this  
25 subtitle may not be provided to the employer if such offi-

1 cial, within two weeks after the date on which such notice  
2 is transmitted, disapproves the eligible person's entry into  
3 that program of job training in accordance with this sec-  
4 tion.".

Passed the House of Representatives August 1,  
1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*