

SEC. 5. Section 4 of the River and Harbor Act, approved June 25, 1910 (36 Stat. 676), as amended by the Act of June 5, 1920 (41 Stat. 1015; 33 U. S. C. 564), is hereby repealed.

SEC. 6. The Act of March 3, 1885 (23 Stat. 350), as amended by the Act of July 9, 1918 (40 Stat. 880), and by the Act of March 4, 1921 (41 Stat. 1436), is hereby amended by adding, after section 5, the following sections:

"SEC. 5a. Any authorization or direction in this Act to the Secretary of War, and any reference herein to a decision, declaration, or other action by the Secretary of War, shall include authorization or direction to, and action by, as the case may be, such other officer or officers as he may designate for such purposes, acting under such regulations as he may prescribe. Any settlement made by the Secretary of War, or his designee, under the authority of this Act, under such regulations as he may prescribe, shall be final and conclusive for all purposes, notwithstanding any other provisions of law to the contrary.

"SEC. 5b. The provisions of this Act shall be applicable also to civilian personnel and civilian employees of the War Department or of the Army, including such personnel and employees engaged on civil works."

SEC. 7. The Act of February 13, 1936 (49 Stat. 1138; 31 U. S. C. 224a), shall hereafter be inapplicable to acts of officers, enlisted men, and employees of the Army and officers, employees, or agents of the War Department.

Approved July 3, 1943.

[CHAPTER 190]

AN ACT

To amend the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920, as amended (U. S. C., title 29, ch. 4), is amended to read as follows:

"AVAILABILITY OF FUNDS

"SECTION 1. Moneys made available for the purpose pursuant to this Act shall be used for making payments to States (and Alaska, Hawaii, and Puerto Rico, herein referred to as 'States') which have submitted, and had approved by the Federal Security Administrator (herein referred to as the 'Administrator'), State plans for vocational rehabilitation of disabled individuals.

"STATE PLANS

"SEC. 2. (a) To be approvable under this Act, a State plan for vocational rehabilitation shall—

"(1) designate the State board of vocational education (herein referred to as the 'State board') as the sole agency for the administration, supervision, and control of the State plan; except that where under the State's law, the State blind commission, or other agency which provides assistance or services to the adult blind is authorized to provide them vocational rehabilitation, the plan

31 U. S. C. §§ 218-222.
Loss of property in military service.

Delegation of functions.

Settlement to be final.

Applicability to civilian personnel.

Claims for injury or death abroad.

July 6, 1943
[H. R. 2536]
[Public Law 113]

Vocational Rehabilitation Act Amendments of 1943.

41 Stat. 735.
29 U. S. C. §§ 31-38,
41-44.

Post, pp. 502, 536, 616.

Requirements.

State board as sole agency.

Agency assisting adult blind.

shall provide for administration by such State blind commission or other State agency of the part of the plan under which vocational rehabilitation is provided the blind: *Provided*, That in any State which by law has established a rehabilitation commission prior to the date of enactment of this Act, with authority to provide rehabilitation services to disabled individuals, the State board may delegate to such commission all or any part of the operation of the State plan, under a written agreement of cooperation approved by the Administrator;

Operation by rehabilitation commission.

"(2) provide that the State treasurer (or, if there be no State treasurer, the officer exercising similar functions for the State) be appointed as custodian of funds received under this Act from the Federal Government and receive and provide for the proper custody of such funds;

State treasurer as custodian of Federal funds.

"(3) show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision;

Policies, etc., under State plan.

"(4) provide that vocational rehabilitation under the plan shall be made available only to classes of employable individuals defined by the Administrator;

Limitation.

"(5) contain such provisions as to the qualification of personnel for appointment in administering the plan as are necessary to the establishment and maintenance of personnel standards; the duty of the Administrator in approving a plan shall be solely the determination of whether the plan contains such provisions, but the Administrator shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

Qualification of personnel.

"(6) provide such methods of administration, other than establishment and maintenance of personnel standards, as are found by the Administrator to be necessary for the proper and efficient administration of the plan;

Administrative methods.

"(7) provide that the State board will make such reports, in such form and containing such information, as the Administrator may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

Reports.

"(8) provide that no portion of any money paid to the State under this Act shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings, or for the purchase or rental of any land for administrative purposes;

Purchase, etc., of buildings and land.

"(9) provide such rules, regulations, and standards with respect to expenditures upon which Federal grants are made available under section 3 (a) as the Administrator may find reasonable and necessary, including (A) provisions designed to secure good conduct, regular attendance, and cooperation of trainees and reduction of allowance in the case of on-the-job training; (B) maximum fees which may be paid for training and maximum duration of training; (C) maximum schedules of fees for surgery, therapeutic treatment, hospitalization, and medical examination, and for prosthetic devices; and (D) maximum rates of compensation of personnel; and

Rules, regulations, and standards.

"(10) provide that vocational rehabilitation provided under the State plan shall be available, under such rules and regulations as the Administrator shall prescribe, to any civil employee of the United States disabled while in the performance of his duty and to any war disabled civilian (as defined in section 10).

Civil employees of U. S. and war disabled civilians.

Approval of plans.

“(b) The Administrator shall approve any plan which he believes to be feasible and which fulfills the conditions specified in subsection (a) of this section, except that he shall not approve any plan which he finds contains such restrictions with respect to the expenditure of funds under such plan as would (1) substantially increase the costs of vocational rehabilitation in the State, or (2) seriously impair the effectiveness of the State plan in carrying out the purposes of this Act.

“PAYMENTS TO STATES

“SEC. 3. (a) From the sums made available pursuant to section 2, the Secretary of the Treasury shall pay to each State which has an approved plan for vocational rehabilitation, for each quarter or other shorter payment period prescribed by the Administrator, the sum of amounts he determines to be—

War disabled civilians.
Necessary cost to State.

“(1) the necessary cost (exclusive of administrative expenses) to such State under the plan of providing vocational rehabilitation during the period for which such payment is to be made to disabled individuals certified to the State by the Administrator as war disabled civilians;

Other disabled individuals.
One-half of necessary expenditures.

“(2) one-half of necessary expenditures under such plan in such period (exclusive of administrative expense) for rehabilitation training and medical examinations where necessary to determine eligibility for vocational rehabilitation, the nature of rehabilitation services required, or occupational limitations, in the case of other disabled individuals; and

Physical restoration services.
One-half of necessary expenditures.

“(3) one-half of necessary expenditures under such plan in such period (exclusive of administrative expense) for rehabilitation services specified in subparagraphs (A), (B), (C), (D), and (E), to disabled individuals (not including war disabled civilians) found to require financial assistance with respect thereto, after full consideration of the eligibility of such individual for any similar benefit by way of pension, compensation, or insurance, such rehabilitation services being—

“(A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical condition which is static and constitutes a substantial handicap to employment, but is of such a nature that such correction or modification should eliminate or substantially reduce such handicap within a reasonable length of time;

“(B) necessary hospitalization, in no case to exceed ninety days, in connection with surgery or treatment specified in subparagraph (A);

“(C) transportation, occupational licenses and customary occupational tools and equipment not mentioned elsewhere in this subsection;

“(D) such prosthetic devices as are essential to obtaining or retaining employment;

“(E) maintenance not exceeding the estimated cost of subsistence during training, including the cost of any necessary books and other training material.

Administrative expenses.

“(4) expenditures in such period necessary for the proper and efficient administration of the plan, including necessary administrative costs in connection with providing the foregoing services to, and guidance and placement of, disabled individuals.

Increase of Federal share.

“(b) In the case of any State found by the Administrator to have substantially exhausted its funds available for necessary expenditures specified in subsection (a), he may increase amounts payable to such State under such subsection during periods prior to July 1, 1945, under

such conditions as shall be prescribed in general regulations promulgated by him.

“(c) The method of computing and paying amounts pursuant to subsections (a) and (b) shall be as follows:

Computation and payment.

“(1) The Administrator shall from time to time estimate the amount to be paid to each State under the provisions of this Act, such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended for vocational rehabilitation during the period for which such estimate is made, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such period, (B) a report filed by the State containing its estimate for such period of the administrative expenses to be incurred by the State board in carrying out its functions under such State plan, (C) records showing the number of individuals in the State needing and eligible under the State plan for vocational rehabilitation, and (D) such other investigation as the Administrator may find necessary.

Estimates.

“(2) The Administrator shall then certify to the Secretary of the Treasury the amount so estimated by the Administrator for any period, reduced or increased, as the case may be, by any sum by which he finds that his estimate for any prior period was greater or less than the amount which should have been paid to the State for such prior period, except that such increases or reductions shall not be made to the extent that such sums have been applied to make the amount certified for any prior period greater or less than the amount estimated by the Administrator for such prior period.

Certification.

“(3) The Secretary of the Treasury shall, upon receiving such certification, pay, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, to the State, at the time or times fixed by the Administrator, the amounts so certified. The money so received by the State shall be paid out in accordance with the provisions of the State plan.

Payments.

“OPERATION OF STATE PLANS

“SEC. 4. Whenever the Administrator, after reasonable notice and opportunity for hearing to the State board, finds that in the administration of the plan there is—

Withholding of funds.

“(1) a failure to comply substantially with any provision of the plan approved by the Administrator under section 2; or

“(2) a failure to afford reasonable cooperation with other Federal and State agencies providing vocational rehabilitation or similar services,

the Administrator shall notify such State board that further payments will not be made to the State under this Act until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Administrator shall make no further certification to the Secretary of the Treasury with respect to such State under this Act.

“SERVICES FOR STATE BOARDS

“SEC. 5. To facilitate the operation of State plans under this Act, the Administrator is hereby authorized to enter into agreements with two or more State boards needing access to special facilities and services and to furnish to such boards, on a cost basis, services and facilities; and is hereby authorized to establish such needed facilities.

Agreements to furnish services and facilities.

Reimbursement. Costs of establishing such facilities and furnishing such services for any State shall be paid from funds appropriated pursuant to this Act, but shall be deemed expenditures under the State plan, and reimbursement with respect to such cost shall be made by deducting an amount equal to such cost from payments made to such State under this Act.

Ante, p. 336.
Post, pp. 379, 502,
536, 616.
Disabled residents.

Cooperation with
U. S. Employees'
Compensation Com-
mission.

"DISTRICT OF COLUMBIA

"SEC. 6. Out of funds made available for the purpose, the Administrator is authorized to provide vocational rehabilitation services to disabled persons actually residing in the District of Columbia and to formulate and carry out a plan of cooperation with the United States Employees' Compensation Commission with respect to the vocational rehabilitation of any such disabled residents as are civil employees of the United States disabled while in the performance of duty. In carrying out his functions under this section, the Administrator is authorized to utilize and enlarge facilities of appropriate units of the Federal Security Agency, and to enter into agreements and cooperative working arrangements with public agencies and private persons, agencies, and institutions, within the United States, its Territories, and possessions, for services and use of facilities of such persons, agencies, and institutions and to compensate them and such units for such services and use.

"ADMINISTRATION

Authority of Ad-
ministrator.

Aptitude studies,
etc.

Instruction courses.
Post, p. 616.

Books and tuition.

Travel status.

Method of payment
for use of facilities, etc.

"SEC. 7. (a) In carrying out his duties under this Act, the Administrator is authorized—

"(1) to make studies, investigations, and reports with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, and their utilization in gainful and suitable employment;

"(2) until July 1, 1945, to conduct appropriate courses of instruction for any personnel who participate or will participate in carrying out the purposes of this Act, and to detail such personnel to attend such courses and appropriate courses of not more than six weeks' duration conducted by other public agencies and private agencies and organizations, which detail shall be part of the official duties of such employees;

"(3) until July 1, 1945, to provide personnel so detailed with necessary books and other material and pay their tuition, or reimburse them for expenditures therefor; and, in any case where such detail is away from an employee's official station he may, for purposes of subsistence and traveling expenses, be deemed on travel status.

"(b) Payment for use of facilities, and services obtained pursuant to this Act by the Administrator from units of the Federal Security Agency or other Federal agencies, shall be by check either in advance or as reimbursement, for the actual or estimated cost of such facilities and services, and amounts so paid shall be credited, as determined by such Administrator, either to special working funds as provided in existing law or to the appropriation or appropriations against which charges are to be made or have been made in providing the facilities or services, and payment for services and facilities of other agencies shall be made by check to the payee or payees specified by such agencies.

"(c) The Administrator is hereby authorized to make rules and regulations governing the administration of this Act, and to delegate to any officer or employee of the United States such of his powers and

Rules and regula-
tions; delegation of
powers.

duties, except the making of rules and regulations, as he finds necessary in carrying out the purposes of this Act.

“REPORTS

“SEC. 8. Annual reports shall be made to the Congress by the Administrator as to the administration of this Act.

“APPROPRIATION

“SEC. 9. There are hereby authorized to be included for each fiscal year in the appropriations for the Federal Security Agency such sums as are necessary to carry out the provisions of this Act, including an equitable share from District of Columbia funds of the sums made available for carrying out the purposes of section 6.

Annual appropriations.
Post, pp. 502, 616.
Share from D. C. funds.
Ante, p. 378.

“DEFINITIONS

“SEC. 10. As used in this Act—

“(a) The term ‘vocational rehabilitation’ and the term ‘rehabilitation services’ means any services necessary to render a disabled individual fit to engage in a remunerative occupation; and

“(b) The term ‘war disabled civilian’ means—

“(1) Any civilian (except a person who is paid by the United States, or any department, agency, or instrumentality thereof, for services as a civilian defense worker) disabled while serving at any time after December 6, 1941, and prior to the termination of the present war as declared by Presidential proclamation or concurrent resolution of the Congress—

“(A) in the Aircraft Warning Service; or

“(B) as a member of the Civil Air Patrol; or

“(C) as a member, in accordance with regulations prescribed by the Director of the Office of Civilian Defense, of the United States Citizens Defense Corps in the protective services engaged in civilian defense, as such protective services are established from time to time by regulation or order of such Director; or

“(D) as a registered trainee taking training in accordance with regulations prescribed by such Director for such protective services, and

“(2) Any civilian disabled while serving at any time after December 6, 1941, and prior to the termination of the present war as so declared as an officer or member of the crew of a vessel owned or chartered by the Maritime Commission, or the War Shipping Administration, or operated under charter from such Commission or Administration; but no individual shall be considered to be a war disabled civilian unless he is disabled as a result of disease or injury, or aggravation of a preexisting disease or injury, incurred in line of duty during such period, not due to his own misconduct.

“SHORT TITLE

“SEC. 11. This Act may be cited as the ‘Vocational Rehabilitation Act.’”

SEC. 2. Effective July 1, 1943, the Act entitled “An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes”, approved February 23, 1929, as amended, is hereby repealed.

Repeal.
45 Stat. 1260.
D. C. Code §§ 31-
501 to 31-507.

Effectiveness of
prior Act.
41 Stat. 735.
29 U. S. C. §§ 31-38,
41-44.

45 Stat. 1260.
D. C. Code §§ 31-
501 to 31-507.

Benefits extended
awaiting State legis-
lation.

Short title.

SEC. 3. (a) The Act of June 2, 1920, as in effect prior to the enactment of this Act, and plans and regulations approved and promulgated thereunder prior to the enactment of this Act may, notwithstanding the amendment made by section 1 of this Act, be considered to remain in effect with respect to the period ending ninety days after the date of the enactment of this Act; and the plan formulated with the United States Employees' Compensation Commission pursuant to the Act of February 23, 1929, as in effect prior to the enactment of this Act, and regulations promulgated under such Act of February 23, 1929, prior to the enactment of this Act, shall remain in effect except to the extent they may be hereafter modified or superseded.

(b) If any State cannot fully comply with the conditions of the Vocational Rehabilitation Act, as amended by this Act, on the date of the enactment of this Act such State may secure the benefits of the Vocational Rehabilitation Act as so amended, until sixty days after the legislature of such State first meets in due course after such date of enactment or until the earliest effective date after such sixty days which could be given in such State to legislation passed within such sixty days to secure the benefits of this Act, whichever is the later, if it complies therewith to the extent possible.

SEC. 4. This Act may be cited as the "Vocational Rehabilitation Act Amendments of 1943".

Approved July 6, 1943.

[CHAPTER 191]

AN ACT

To adjust the pay status of warrant officers temporarily commissioned in the Army of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective as of December 7, 1941, the joint resolution entitled "Joint resolution to authorize temporary appointments of officers in the Army of the United States", approved September 22, 1941, is amended by inserting after the second proviso a colon and the following: "*Provided further,* That no warrant officer temporarily appointed as a commissioned officer under the authority of this Act shall suffer any reduction in pay and allowances to which he was entitled at the time of such temporary appointment".

SEC. 2. No back pay or allowances shall be held to have accrued prior to December 7, 1941, by reason of the enactment of this Act.

Approved July 7, 1943.

[CHAPTER 192]

AN ACT

To provide for the disposal of certain records of the United States Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act, the word "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes,

July 7, 1943

[H. R. 2349]

[Public Law 114]

Army of the U. S.
Pay of warrant officers temporarily commissioned.

55 Stat. 728.
10 U. S. C., Supp.
II, § 484 note.

July 7, 1943

[H. R. 2943]

[Public Law 115]

Disposal of certain
Government records.

Materials excluded.