[§ 3538. Vacant]

CODIFICATION

Prior to renumbering of sections 1700 to 1766 of this chapter as sections 3500 to 3566 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 1738 of this chapter, added Pub. L. 95–202, title II, § 201(b), Nov. 23, 1977, 91 Stat. 1437, which related to accelerated payment of educational assistance allowances, was repealed by Pub. L. 100–689, title I, § 124(a), Nov. 18, 1988, 102 Stat. 4174.

SUBCHAPTER V—SPECIAL RESTORATIVE TRAINING

§ 3540. Purpose

The purpose of special restorative training is to overcome, or lessen, the effects of a manifest physical or mental disability which would handicap an eligible person (other than a person made eligible under subparagraph (C) of such section[1] by reason of a spouse being listed in one of the categories referred to in that subparagraph) in the pursuit of a program of education.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1200, § 1740; Pub. L. 96–466, title III, § 331, Oct. 17, 1980, 94 Stat. 2198; renumbered § 3540 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107–103, title I, § 109(a), Dec. 27, 2001, 115 Stat. 986; Pub. L. 109–444, § 3(b)(4), Dec. 21, 2006, 120 Stat. 3307; Pub. L. 109–461, title III, § 301(b)(4), title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3427, 3468.)

REFERENCES IN TEXT

Such section, referred to in text, probably means section 3501(a)(1) of this title. See 2006 Amendment note below.

AMENDMENTS

2006—Pub. L. 109–461, § 1006(b), provided that as of the enactment of Pub. L. 109–461, the amendments made by Pub. L. 109–444 were deemed for all purposes not to have taken effect and that Pub. L. 109–444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109–461, set out as a Coordination of Provisions With Pub. L. 109–444 note under section 101 of this title.

Pub. L. 109–461, § 301(b)(4), substituted ''(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)'' for ''(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)''.

Pub. L. 109–444, which substituted ''(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)'' for ''(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

2001—Pub. L. 107–103 substituted ''subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title'' for ''section 3501(a)(1)(A) of this title''.

1991—Pub. L. 102–83 renumbered section 1740 of this title as this section and substituted ''3501(a)(1)(A)'' for ''1701(a)(1)(A)''.

1980—Pub. L. 96–466 inserted ''(as defined in section 1701(a)(1)(A) of this title)'' after ''person''.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(b)(4) of Pub. L. 109–461 applicable with respect to a payment of educational assistance for a course of education pursued after Dec. 22, 2006, see section 301(d) of Pub. L. 109–461, set out as a note under section 3501 of this title.

[1] See References in Text note below.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96–466, set out as a note under section 3452 of this title.

§ 3541. Entitlement to special restorative training

(a) The Secretary at the request of an eligible person is authorized—

(1) to determine whether such person is in need of special restorative training; and

(2) where need is found to exist, to prescribe a course which is suitable to accomplish the purposes of this chapter.

Such a course, at the discretion of the Secretary, may contain elements that would contribute toward an ultimate objective of a program of education.

(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 3511 of this title, except that the Secretary may extend such period in the case of any person if the Secretary finds that additional assistance is necessary to accomplish the purpose of special restorative training as stated in subsection (a) of this section.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1200, § 1741; Pub. L. 88–361, § 6, July 7, 1964, 78 Stat. 298; Pub. L. 94–502, title III, § 310(21), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3541 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107–103, title I, § 109(b)(1), Dec. 27, 2001, 115 Stat. 986.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107–103 struck out ''of the parent or guardian'' after ''request'' in introductory provisions.

1991—Pub. L. 102–83, § 5(a), renumbered section 1741 of this title as this section.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3511'' for ''1711''.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1976—Subsec. (b). Pub. L. 94–502 substituted ''if the Administrator finds'' for ''if he finds''.

1964—Subsec. (b). Pub. L. 88–361 authorized the Administrator to extend the period if he finds additional assistance necessary to accomplish the purpose of special restorative training.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94–502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Pub. L. 88–433, § 2, Aug. 14, 1964, 78 Stat. 442, provided that: ''The amendments made by section 6 of the Act of July 7, 1964 (Public Law 88–361, 78 Stat. 297) [amending this section], shall take effect as of January 1, 1964.''

§ 3542. Special training allowance

(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the eligible person shall be entitled to receive a special training allowance computed at the basic rate of $788 per month. If the charges for tuition and fees applicable to any