[§ 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§ 201(b), Nov. 23, 1977, 91 Stat. 1437, which related to accelerated payment of educational assistance allowances, was repealed by Pub.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

such course are more than $247 per calendar month, the basic monthly allowance may be increased by the amount that such charges exceed $247 a month, upon election by the eligible person to have such person's period of entitlement reduced by one day for each such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance.

(b) No payments of a special training allowance shall be made for the same period for which the payment of an educational assistance allowance is made or for any period during which the training is pursued on less than a full-time basis.

(c) Full-time training for the purpose of this section shall be determined by the Secretary with respect to the capacities of the individual trainee.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1200, § 1742; Pub. L. 89–222, § 2, Sept. 30, 1965, 79 Stat. 896; Pub. L. 91–219, title I, § 104(c), Mar. 26, 1970, 84 Stat. 78; Pub. L. 92–540, title I, § 103(4), Oct. 24, 1972, 86 Stat. 1076; Pub. L. 93–508, title I, § 103(4), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93–602, title II, § 204(b), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94–502, title III, § 301(2), Oct. 15, 1976, 90 Stat. 2389; Pub. L. 95–202, title I, § 103(2), Nov. 23, 1977, 91 Stat. 1435; Pub. L. 96–466, title II, §§ 202(2), 212(2), Oct. 17, 1980, 94 Stat. 2188, 2190; Pub. L. 98–543, title II, § 203(2), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 101–237, title IV, §§ 403(a)(10), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2080, 2092; renumbered § 3542, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105–178, title VIII, § 8210(c), as added Pub. L. 105–206, title IX, § 9014(b), July 22, 1998, 112 Stat. 866; Pub. L. 106–419, title I, § 111(c), Nov. 1, 2000, 114 Stat. 1830; Pub. L. 107–103, title I, §§ 102(c), 109(b)(2), Dec. 27, 2001, 115 Stat. 978, 986; Pub. L. 108–183, title III, § 302(c), Dec. 16, 2003, 117 Stat. 2659.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–183 substituted ''$788'' for ''$670'' and substituted ''$247'' for ''$210'' in two places.

2001—Subsec. (a). Pub. L. 107–103, § 109(b)(2), substituted ''the eligible person shall be entitled to receive'' for ''the parent or guardian shall be entitled to receive on behalf of such person'' and ''upon election by the eligible person'' for ''upon election by the parent or guardian of the eligible person''.

Pub. L. 107–103, § 102(c), substituted ''$670'' for ''$588'' and substituted ''$210'' for ''$184'' in two places.

2000—Subsec. (a). Pub. L. 106–419 substituted ''$588'' for ''$485'', ''$184'' for ''$152'' in two places, and ''such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance'' for ''$16.16 that the special training allowance paid exceeds the basic monthly allowance''.

1998—Subsec. (a). Pub. L. 105–178, § 8210(c), as added by Pub. L. 105–206, § 9014(b), substituted ''$485'' for ''$404'' and ''$16.16'' for ''$13.46'' and substituted ''$152'' for ''$127'' in two places.

1991—Pub. L. 102–83 renumbered section 1742 of this title as this section.

1989—Subsec. (a). Pub. L. 101–237, § 403(a)(10), substituted ''$404'' for ''$376'', ''$127'' for ''$119'' in two places, and ''$13.46'' for ''$12.58''.

Subsec. (c). Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary'' for ''Administrator''.

1984—Subsec. (a). Pub. L. 98–543 substituted ''$376'' for ''$342'', ''$119'' for ''$108'' in two places, and ''$12.58'' for ''$11.44''.

1980—Subsec. (a). Pub. L. 96–466, § 212(2), substituted ''$342'' for ''$327'', ''$108'' for ''$103'' in two places, and ''$11.44'' for ''$10.92''.

Pub. L. 96–466, § 202(2), substituted ''$327'' for ''$311'', ''$103'' for ''$98'' in two places, and ''$10.92'' for ''$10.40''.

1977—Subsec. (a). Pub. L. 95–202 substituted ''$311'' for ''$292'', ''$98'' for ''$92'' in two places, and ''$10.40'' for ''$9.76''.

1976—Subsec. (a). Pub. L. 94–502 substituted ''$292'' for ''$270'', ''$92'' for ''$85'' in two places, and ''$9.76'' for ''$9.02''.

1975—Subsec. (a). Pub. L. 93–602 substituted ''$270'', ''$85'', ''$85'', and ''$9.02'' for ''$260'', ''$82'', ''$82'', and ''$8.69'' respectively.

1974—Subsec. (a). Pub. L. 93–508 substituted ''behalf of such person'', ''$260'', ''$82'', ''$82'', and ''$8.69'' for ''his behalf a'', ''$220'', ''$69'', ''$69'', and ''$7.35'' respectively.

1972—Subsec. (a). Pub. L. 92–540 substituted ''$220'' for ''$175'', ''$69'' for ''$55'', and ''$7.35'' for ''$6.80'', respectively.

1970—Subsec. (a). Pub. L. 91–219 substituted ''$175'' for ''$130'', ''$55'' for ''$41'', and ''$6.80'' for ''$4.25'' respectively.

1965—Subsec. (a). Pub. L. 89–222 substituted ''$130'', ''$41'', ''$41'' and ''$4.25'' for ''$110'', ''$35'', ''$35'' and ''$3.60'', respectively.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–183 effective July 1, 2004, and applicable with respect to educational assistance allowances payable under this chapter and section 3687(b)(2) of this title for months beginning on or after that date, see section 302(e) of Pub. L. 108–183, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 102(c) of Pub. L. 107–103 effective Jan. 1, 2002, and applicable with respect to educational assistance allowances payable under this chapter and section 3687(b)(2) of this title for months beginning on or after that date, see section 102(e) of Pub. L. 107–103, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–419 effective Nov. 1, 2000, and applicable with respect to educational assistance allowances paid under this chapter for months after October 2000, see section 111(e) of Pub. L. 106–419, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1998 AMENDMENTS

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

Amendment by Pub. L. 105–178 effective Oct. 1, 1998, and applicable with respect to educational assistance allowances paid for months after September 1998, see section 8210(e) of Pub. L. 105–178, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 403(a)(10) of Pub. L. 101–237 effective Jan. 1, 1990, see section 403(c) of Pub. L. 101–237, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–543 effective Oct. 1, 1984, see section 205 of Pub. L. 98–543, set out as a note under section 3108 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 202(2) and 212(c) of Pub. L. 96–466 effective Oct. 1, 1980, and Jan. 1, 1981, respectively, see section 802(b) of Pub. L. 96–466, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95–202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–502 effective Oct. 1, 1976, see section 703(a) of Pub. L. 94–502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93–602 effective Jan. 1, 1975, see section 206 of Pub. L. 93–602, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Sept. 1, 1974, see section 501 of Pub. L. 93–508, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92–540, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–219 effective Feb. 1, 1970, see section 301 of Pub. L. 91–219, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–222 effective first day of second calendar month following September 30, 1965, see section 4 of Pub. L. 89–222, set out as a note under section 3532 of this title.

§ 3543. Special administrative provisions

(a) In carrying out the Secretary's responsibilities under this chapter the Secretary may by agreement arrange with public or private educational institutions or others to provide training arrangements as may be suitable and necessary to accomplish the purposes of this subchapter. In any instance where the Secretary finds that a customary tuition charge is not applicable, the Secretary may agree on the fair and reasonable amounts which may be charged for the training provided to the eligible person.

(b) The Secretary shall make such rules and regulations as the Secretary may deem necessary in order to promote good conduct on the part of the persons who are following courses of special restorative training and otherwise to carry out the purposes of this chapter.

(c) In a case in which the Secretary authorizes training under section 3541(a) of this title on behalf of an eligible person, the parent or guardian shall be entitled—

(1) to receive on behalf of the eligible person the special training allowance provided for under section 3542(a) of this title;

(2) to elect an increase in the basic monthly allowance provided for under such section; and

(3) to agree with the Secretary on the fair and reasonable amounts which may be charged under subsection (a).

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1200, § 1743; Pub. L. 94–502, title III, § 310(22), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 101–237, title IV, § 423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3543, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 107–103, title I, § 109(b)(3), (4), Dec. 27, 2001, 115 Stat. 986.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107–103, § 109(b)(3), substituted "for the training provided to the eligible person" for "the parent or guardian for the training provided to an eligible person" in last sentence.

Subsec. (c). Pub. L. 107–103, § 109(b)(4), added subsec. (c).

1991—Pub. L. 102–83 renumbered section 1743 of this title as this section.

1989—Pub. L. 101–237 substituted "Secretary's" for "Administrator's" in subsec. (a) and "Secretary" for "Administrator" wherever appearing in subsecs. (a) and (b).

1976—Subsec. (a). Pub. L. 94–502 substituted "the Administrator's" for "his" and "the Administrator may agree" for "he may agree".

Subsec. (b). Pub. L. 94–502 substituted "the Administrator may deem" for "he may deem".

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.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 3561. Authority and duties of Secretary

(a) The Secretary may provide the educational and vocational counseling authorized under section 3520 of this title, and may provide additional counseling if the Secretary deems it to be necessary to accomplish the purposes of this chapter.

(b) Where any provision of this chapter authorizes or requires any function, power, or duty to be exercised by a State, or by any officer or agency thereof, such function, power, or duty shall, with respect to the Republic of the Philippines, be exercised by the Secretary.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1200, § 1761; Pub. L. 89–358, § 3(a)(1), Mar. 3, 1966, 80 Stat. 19; Pub. L. 94–502, title III, § 310(23), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 96–466, title III, § 323(b), Oct. 17, 1980, 94 Stat. 2196; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3561 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 1761 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "3520" for "1720".

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

1980—Subsec. (a). Pub. L. 96–466 substituted "authorized" for "required" and "may provide additional counseling" for "may provide or require additional counseling".

1976—Subsec. (a). Pub. L. 94–502 substituted "if the Administrator deems" for "if he deems".

1966—Subsec. (a). Pub. L. 89–358 redesignated subsec. (b) as (a) and struck out provisions of former subsec. (a) for audit and review of payments by the GAO as provided by Budget and Accounting Act of 1921 and Budget and Accounting Procedures Act of 1950.

Subsec. (b). Pub. L. 89–358 redesignated subsec. (d) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 89–358 struck out subsec. (c) which provided for use of other Federal agencies. See now, section 1790 of this title.