

§ 3537. Work-study allowance

(a) Subject to subsection (b) of this section, the Secretary shall utilize, in connection with the activities described in section 3485(a) of this title, the services of any eligible person who is pursuing, in a State, at least a three-quarter-time program of education (other than a course of special restorative training) and shall pay to such person an additional educational assistance allowance (hereinafter in this section referred to as "work-study allowance") in return for such eligible person's agreement to perform such services. The amount of the work-study allowance shall be determined in accordance with section 3485(a) of this title.

(b) The Secretary's utilization of, and payment of a work-study allowance for, the services of an eligible person pursuant to subsection (a) of this section shall be subject to the same requirements, terms, and conditions as are set out in section 3485 of this title with regard to individuals pursuing at least three-quarter-time programs of education referred to in subsection (b) of such section.

(Added Pub. L. 101-237, title IV, § 406(a)(1), Dec. 18, 1989, 103 Stat. 2082, § 1737; renumbered § 3537 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-14, § 8(a)(16), June 5, 2001, 115 Stat. 35.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-14 substituted "hereinafter" for "hereafter".

1991—Pub. L. 102-83, § 5(a), renumbered section 1737 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted "3485(a)" for "1685(a)" in two places.

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted "3485" for "1685".

EFFECTIVE DATE

Section 406(b) of Pub. L. 101-237 provided that: "The amendments made by this section [enacting this section] shall take effect on May 1, 1990."

[§ 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§ 201(b), Nov. 23, 1977, 91 Stat. 1437, which related to accelerated payment of educational assistance allowances, was repealed by Pub.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 section¹ 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 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.

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

¹ See References in Text note below.

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