

Subsec. (b)(2)(A). Pub. L. 102-325, §443(b), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “an institution may use not to exceed 10 percent of the funds granted to the institution in any fiscal year to carry out the work study program described in section 1087-57 of this title at the increased Federal share specified in paragraph (5)(B) of this subsection, and”.

Subsec. (b)(3) to (5). Pub. L. 102-325, §443(c)–(e), amended par. (3) to (5) generally. Prior to amendment, pars. (3) to (5) read as follows:

“(3) provide that in the selection of students for employment under such work-study program, only students who demonstrate financial need in accordance with part F of this title, and who meet the requirements of section 1091 of title 20 will be assisted, except that, if the institution’s grant under this part is directly or indirectly based in part on the financial need demonstrated by students attending the institution less than full time, a reasonable proportion of the institution’s grant shall be made available to such students;

“(4) provide that for a student employed in a work-study program under this part, at the time income derived from any employment (including non-work-study or both) is in excess of the determination of the amount of such student’s need by more than \$200, continued employment shall not be subsidized with funds appropriated under this part;

“(5) provide that the Federal share of the compensation of students employed in the work study program in accordance with the agreement will not exceed 80 percent for academic years 1987-1988 and 1988-1989, 75 percent for academic year 1989-1990, and 70 percent for academic year 1990-1991 and succeeding academic years, except that—

“(A) the Federal share may exceed such amounts of such compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part; and

“(B) the Federal share of the compensation of the students employed in the work study for community service-learning programs described in section 1087-57 of this title from funds available under paragraph (2)(A) in accordance with the agreement will not exceed 90 percent of such compensation.”.

Subsec. (b)(8)(A). Pub. L. 102-325, §443(f)(1), inserted “, except as required in subparagraph (A) of paragraph (2)” before semicolon at end.

Subsec. (b)(8)(C). Pub. L. 102-325, §443(f)(2), (g)(2), inserted “that are directly related to the student’s education” after “student services” and struck out “and” at end.

Subsec. (b)(9) to (11). Pub. L. 102-325, §443(g)(1), (3), added pars. (9) and (10) and redesignated former par. (9) as (11).

1987—Subsec. (b). Pub. L. 100-50, §11(b), substituted “paragraph (5)(B)” for “clause (6)(B)” in par. (2)(A), and “paragraph (2)(A)” for “clause (2)(A)” in par. (5)(B).

Subsec. (c). Pub. L. 100-50, §11(c), substituted “As part of its agreement” for “In addition to the” and inserted “and subsection (b)(3) of this section” before semicolon at end of par. (1).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on Aug. 14, 2008, see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

##### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

##### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L.

102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

##### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

##### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of this title.

##### EFFECTIVE DATE

Pub. L. 99-498, title IV, §403(b)(2), formerly §403(b), Oct. 17, 1986, 100 Stat. 1437, as renumbered by Pub. L. 100-50, §22(c), June 3, 1987, 101 Stat. 361, provided that: “Sections 443(c), 446, and 447 of the Act [20 U.S.C. 1087-53(c), 1087-56, and 1087-57] as amended by this section shall apply to periods of enrollment beginning on or after July 1, 1987.”

#### § 1087-54. Sources of matching funds

Nothing in this part shall be construed as restricting the source (other than this part) from which the institution may pay its share of the compensation of a student employed under a work-study program covered by an agreement under this part, and such share may be paid to such student in the form of services and equipment (including tuition, room, board, and books) furnished by such institution.

(Pub. L. 89-329, title IV, §444, as added Pub. L. 99-498, title IV, §403(a), Oct. 17, 1986, 100 Stat. 1435.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 2754 of Title 42, The Public Health and Welfare, prior to transfer to this section. See note below.

Section was originally enacted as section 124 (and later renumbered section 144) of the Economic Opportunity Act of 1964, Pub. L. 88-452, at which time it was classified to section 2754 of Title 42, The Public Health and Welfare. It was renumbered as section 444 of title IV of the Higher Education Act of 1965, Pub. L. 89-329, by Pub. L. 90-575, §131(a), (b)(1), and later editorially transferred to this section to merge with the rest of the Act, which is classified to this chapter.

##### PRIOR PROVISIONS

A prior section 444 of Pub. L. 89-329, title IV, formerly Pub. L. 88-452, title I, §144, formerly §124, Aug. 20, 1964, 78 Stat. 514; Pub. L. 89-253, §10, Oct. 9, 1965, 79 Stat. 974; Pub. L. 89-329, title IV, §441(1), (4), (5), Nov. 8, 1965, 79 Stat. 1249; Pub. L. 90-82, §§1, 2, Sept. 6, 1967, 81 Stat. 194; renumbered §144, Pub. L. 90-222, title I, §111(a), Dec. 23, 1967, 81 Stat. 726; renumbered Pub. L. 89-329, title IV, §444, and amended Pub. L. 90-575, title I, §§131(a), (b)(1), 133(a), (c), 134, 136, 137, 138, 139(2), Oct. 16, 1968, 82 Stat. 1028, 1029, 1030; Pub. L. 92-318, title I, §§135C(a)(1), 135D, 135E, June 23, 1972, 86 Stat. 271; Pub. L. 94-482, title I, §128(c), Oct. 12, 1976, 90 Stat. 2143, set out conditions required of agreements with eligible institutions, prior to repeal by Pub. L. 96-374, title IV, §434, title XIII, §1393, Oct. 3, 1980, 94 Stat. 1434, 1504, eff. Oct. 1, 1980. See section 1087-53(b) of this title.

Provisions similar to this section were contained in section 1087-55 of this title prior to the general revision of this part by Pub. L. 99-498.

**§ 1087-55. Flexible use of funds****(a) Carry-over authority**

(1) Of the sums granted to an eligible institution under this part for any fiscal year, 10 percent may, at the discretion of the institution, remain available for expenditure during the succeeding fiscal year to carry out programs under this part.

(2) Any of the sums so granted to an institution for a fiscal year which are not needed by that institution to operate work-study programs during that fiscal year, and which it does not wish to use during the next fiscal year as authorized in the preceding sentence, shall remain available to the Secretary for making grants under section 1087-53 of this title to other institutions in the same State until the close of the second fiscal year next succeeding the fiscal year for which such funds were appropriated.

**(b) Carry-back authority**

(1) Up to 10 percent of the sums the Secretary determines an eligible institution may receive from funds which have been appropriated for a fiscal year may be used by the Secretary to make grants under this part to such institution for expenditure during the fiscal year preceding the fiscal year for which the sums were appropriated.

(2) An eligible institution may make payments to students of wages earned after the end of the academic year, but prior to the beginning of the succeeding fiscal year, from such succeeding fiscal year's appropriations.

**(c) Flexible use of funds**

An eligible institution may, upon the request of a student, make payments to the student under this part by crediting the student's account at the institution or by making a direct deposit to the student's account at a depository institution. An eligible institution may only credit the student's account at the institution for (1) tuition and fees, (2) in the case of institutionally owned housing, room and board, and (3) other institutionally provided goods and services.

**(d) Flexibility in the event of a major disaster****(1) In general**

In the event of a major disaster, an eligible institution located in any area affected by such major disaster, as determined by the Secretary, may make payments under this part to disaster-affected students, for the period of time (not to exceed one academic year) in which the disaster-affected students were prevented from fulfilling the students' work-study obligations as described in paragraph (2)(A)(iii), as follows:

(A) Payments may be made under this part to disaster-affected students in an amount equal to or less than the amount of wages such students would have been paid under this part had the students been able to complete the work obligation necessary to receive work study funds.

(B) Payments shall not be made to any student who was not eligible for work study or was not completing the work obligation necessary to receive work study funds under

this part prior to the occurrence of the major disaster.

(C) Any payments made to disaster-affected students under this subsection shall meet the matching requirements of section 1087-53 of this title, unless such matching requirements are waived by the Secretary.

**(2) Definitions**

In this subsection:

(A) The term "disaster-affected student" means a student enrolled at an eligible institution who—

(i) received a work-study award under this section for the academic year during which a major disaster occurred;

(ii) earned Federal work-study wages from such eligible institution for such academic year;

(iii) was prevented from fulfilling the student's work-study obligation for all or part of such academic year due to such major disaster; and

(iv) was unable to be reassigned to another work-study job.

(B) The term "major disaster" has the meaning given such term in section 5122(2) of title 42.

(Pub. L. 89-329, title IV, §445, as added Pub. L. 99-498, title IV, §403(a), Oct. 17, 1986, 100 Stat. 1435; amended Pub. L. 102-325, title IV, §444, July 23, 1992, 106 Stat. 566; Pub. L. 105-244, title IV, §444, Oct. 7, 1998, 112 Stat. 1714; Pub. L. 110-315, title IV, §444, Aug. 14, 2008, 122 Stat. 3259.)

**Editorial Notes****CODIFICATION**

Section was formerly classified to section 2755 of Title 42, The Public Health and Welfare, prior to transfer to this section. See note below.

Section was originally enacted as section 125 (and later renumbered section 145) of the Economic Opportunity Act of 1964, Pub. L. 88-452, at which time it was classified to section 2755 of Title 42, The Public Health and Welfare. It was renumbered as section 445 of title IV of the Higher Education Act of 1965, Pub. L. 89-329, by Pub. L. 90-575, §131(a), (b)(1), and later editorially transferred to this section to merge with the rest of the Act, which is classified to this chapter. For complete credit information on acts affecting this section prior to Pub. L. 99-498, see Prior Provisions note below.

**PRIOR PROVISIONS**

A prior section 445 of Pub. L. 89-329, title IV, formerly Pub. L. 88-452, title I, §145, formerly §125, Aug. 20, 1964, 78 Stat. 516; Pub. L. 89-329, title IV, §441(6), Nov. 8, 1965, 79 Stat. 1250; renumbered §145, Pub. L. 90-222, title I, §111(a), Dec. 23, 1967, 81 Stat. 726; renumbered Pub. L. 89-329, title IV, §445, by Pub. L. 90-575, title I, §131(a), (b)(1), Oct. 16, 1968, 82 Stat. 1028, related to sources of matching funds, prior to the general revision of this part by Pub. L. 99-498. See section 1087-54 of this title.

**AMENDMENTS**

2008—Subsec. (d). Pub. L. 110-315 added subsec. (d).

1998—Subsec. (c). Pub. L. 105-244 added subsec. (c).

1992—Subsec. (b). Pub. L. 102-325 designated existing provisions as par. (1) and added par. (2).

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 1998 AMENDMENT**

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see sec-