

§ 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-

tion 3 of Pub. L. 105-244, set out as a note under section 1001 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.

§ 1087-56. Job location and development programs

(a) Agreements required

(1) The Secretary is authorized to enter into agreements with eligible institutions under which such institution may use not more than 10 percent or \$75,000 of its allotment under section 1087-52 of this title, whichever is less, to establish or expand a program under which such institution, separately or in combination with other eligible institutions, locates and develops jobs, including community service jobs, for currently enrolled students.

(2) Jobs located and developed under this section shall be jobs that are suitable to the scheduling and other needs of such students and that, to the maximum extent practicable, complement and reinforce the educational programs or vocational goals of such students.

(b) Contents of agreements

Agreements under subsection (a) of this section shall—

(1) provide that the Federal share of the cost of any program under this section will not exceed 80 percent of such cost;

(2) provide satisfactory assurance that funds available under this section will not be used to locate or develop jobs at an eligible institution;

(3) provide satisfactory assurance that funds available under this section will not be used for the location or development of jobs for students to obtain upon graduation, but rather for the location and development of jobs available to students during and between periods of attendance at such institution;

(4) provide satisfactory assurance that the location or development of jobs pursuant to programs assisted under this section will not result in the displacement of employed workers or impair existing contracts for services;

(5) provide satisfactory assurance that Federal funds used for the purpose of this section can realistically be expected to help generate student wages exceeding, in the aggregate, the amount of such funds, and that if such funds are used to contract with another organization, appropriate performance standards are part of such contract; and

(6) provide that the institution will submit to the Secretary an annual report on the uses made of funds provided under this section and an evaluation of the effectiveness of such program in benefiting the students of such institution.

(Pub. L. 89-329, title IV, § 446, as added Pub. L. 99-498, title IV, § 403(a), Oct. 17, 1986, 100 Stat. 1435; amended Pub. L. 100-50, § 11(d), June 3, 1987, 101 Stat. 348; Pub. L. 102-325, title IV, § 445, July 23, 1992, 106 Stat. 566; Pub. L. 110-315, title IV, § 445, Aug. 14, 2008, 122 Stat. 3260.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 2756 of Title 42, The Public Health and Welfare, prior to transfer to this section. See note below.

Section was originally enacted as section 126 of the Economic Opportunity Act of 1964, Pub. L. 88-452, at which time it was classified to section 2756 of Title 42, The Public Health and Welfare. It was renumbered as section 446 of title IV of the Higher Education Act of 1965, Pub. L. 89-329, by Pub. L. 90-575, § 131(a), (b)(2), 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 446 of Pub. L. 89-329, title IV, formerly Pub. L. 88-452, title I, § 126, Aug. 20, 1964, 78 Stat. 516; Pub. L. 89-329, title IV, § 441(1), Nov. 8, 1965, 79 Stat. 1249; renumbered Pub. L. 89-329, title IV, § 446, and amended Pub. L. 90-575, title I, §§ 131(a), (b)(2), 133(a), Oct. 16, 1968, 82 Stat. 1028, 1029; Pub. L. 94-43, § 2, June 28, 1975, 89 Stat. 233; Pub. L. 96-374, title IV, § 435, title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1435, 1503, related to equitable distribution of assistance, prior to the general revision of this part by Pub. L. 99-498.

Provisions similar to this section were contained in section 1087-57 of this title prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315 substituted “\$75,000” for “\$50,000”.

1992—Pub. L. 102-325 amended section generally, restating subsecs. (a) and (b) with changes in substance and structure and striking out subsec. (c) which defined “community services”.

1987—Subsec. (b)(3) to (7). Pub. L. 100-50 redesignated pars. (4) to (7) as (3) to (6), respectively, and struck out former par. (3) which read as follows: “provide satisfactory assurance that the institution will continue to spend in its own job location and development programs, from sources other than funds received under this section, not less than the average expenditures per year made during the most recent 3 fiscal years preceding the effective date of the agreement;”.

Statutory Notes and Related Subsidiaries

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

Section applicable to periods of enrollment beginning on or after July 1, 1987, see section 403(b)(2) of Pub. L. 99-498, set out as a note under section 1087-53 of this title.

§ 1087-57. Additional funds to conduct community service work-study programs

(a) Community service-learning

Each institution participating under this part may use up to 10 percent of the funds made available under section 1096(a) of this title and attributable to the amount of the institution's