

(1) the person is not eligible for, is no longer eligible for, or is not entitled to the assistance for which application is made;

(2) the person's selected educational institution fails to meet a requirement under this part for eligibility;

(3) the person's enrollment in or pursuit of the educational program selected would fail to meet the criteria established in this part for programs; or

(4) the person already is qualified by previous education or training for the educational, professional, or vocational objective for which the educational program is offered.

(c) Notification

The Attorney General shall notify a person applying for assistance under this part of approval or disapproval of the application in writing.

(Pub. L. 90-351, title I, §1213, as added Pub. L. 104-238, §2(2), Oct. 3, 1996, 110 Stat. 3115; amended Pub. L. 112-239, div. A, title X, §1086(b)(1)(G), (I), Jan. 2, 2013, 126 Stat. 1968.)

AMENDMENTS

2013—Subsec. (b). Pub. L. 112-239 substituted "person" for "dependent" in pars. (1) and (4) and "person's" for "dependent's" in pars. (2) and (3).

Subsec. (c). Pub. L. 112-239, § 1086(b)(1)(G), substituted "person" for "dependent".

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 3791 of this title.

§ 3796d-3. Regulations

(a) In general

The Attorney General may promulgate reasonable and necessary regulations to implement this part.

(b) Sliding scale

Notwithstanding section 3796d-2(b) of this title, the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible person who is in financial need receives priority in receiving funds under this part.

(Pub. L. 90-351, title I, §1214, as added Pub. L. 104-238, §2(2), Oct. 3, 1996, 110 Stat. 3115; amended Pub. L. 105-390, §2(4), Nov. 13, 1998, 112 Stat. 3495; Pub. L. 112-239, div. A, title X, §1086(b)(1)(G), Jan. 2, 2013, 126 Stat. 1968.)

AMENDMENTS

2013—Subsec. (b). Pub. L. 112-239 substituted "person" for "dependent".

1998—Pub. L. 105-390 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 3791 of this title.

§ 3796d-4. Discontinuation for unsatisfactory conduct or progress

The Attorney General may discontinue assistance under this part when the Attorney General

finds that, according to the regularly prescribed standards and practices of the educational institution, the recipient fails to maintain satisfactory progress as described in section 1091(c) of title 20.

(Pub. L. 90-351, title I, §1215, as added Pub. L. 104-238, §2(2), Oct. 3, 1996, 110 Stat. 3115.)

§ 3796d-5. Special rule

(a) Retroactive eligibility

Notwithstanding any other provision of law, a spouse or child of a Federal law enforcement officer killed in the line of duty on or after January 1, 1978,¹ and a spouse or child of a public safety officer killed in the line of duty on or after January 1, 1978, shall be eligible for assistance under this part, subject to the other limitations of this part.

(b) Retroactive assistance

The Attorney General may provide retroactive assistance to a person eligible under this section for each month in which the person pursued a program of education at an eligible educational institution. The Attorney General shall apply the limitations contained in this part to retroactive assistance.

(c) Prospective assistance

The Attorney General may provide prospective assistance to a person eligible under this section on the same basis as assistance to a person otherwise eligible. In applying the limitations on assistance under this part, the Attorney General shall include assistance provided retroactively. A person eligible under this section may waive retroactive assistance and apply only for prospective assistance on the same basis as a person otherwise eligible.

(Pub. L. 90-351, title I, §1216, as added Pub. L. 104-238, §2(2), Oct. 3, 1996, 110 Stat. 3115; amended Pub. L. 105-390, §2(5), Nov. 13, 1998, 112 Stat. 3496; Pub. L. 106-276, §1(a), Oct. 2, 2000, 114 Stat. 812; Pub. L. 112-239, div. A, title X, §1086(b)(1)(G), (J), Jan. 2, 2013, 126 Stat. 1968.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, §1086(b)(1)(J)(i), substituted "a spouse or child" for "each dependent" in two places.

Subsec. (b). Pub. L. 112-239, §1086(b)(1)(G), (J)(ii), substituted "to a person" for "to dependents" and "the person" for "the dependent".

Subsec. (c). Pub. L. 112-239, §1086(b)(1)(G), (J)(ii), substituted "A person" for "A dependent" and substituted "a person" for "dependents" wherever appearing.

2000—Subsec. (a). Pub. L. 106-276 substituted "January 1, 1978," for "May 1, 1992" and "January 1, 1978, shall" for "October 1, 1997, shall".

1998—Subsec. (a). Pub. L. 105-390 inserted "and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997," after "1992,".

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 3791 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-276, §1(b), Oct. 2, 2000, 114 Stat. 812, provided that: "The amendments made by subsection (a)

¹ So in original.

[amending this section] shall take effect October 1, 1999.”

§ 3796d-6. Definitions

For purposes of this part:

(1) The term “Attorney General” means the Attorney General of the United States.

(2) The term “program of education” means any curriculum or any combination of unit courses or subjects pursued at an eligible educational institution, which generally is accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. It includes course work for the attainment of more than one objective if in addition to the previous requirements, all the objectives generally are recognized as reasonably related to a single career field.

(3) The term “eligible educational institution” means an institution which—

(A) is an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) is eligible to participate in programs under title IV of such Act [20 U.S.C. 1070 et seq. and 42 U.S.C. 2751 et seq.].

(Pub. L. 90-351, title I, §1217, as added Pub. L. 104-238, §2(2), Oct. 3, 1996, 110 Stat. 3116; amended Pub. L. 105-390, §2(6), Nov. 13, 1998, 112 Stat. 3496; Pub. L. 112-239, div. A, title X, §1086(b)(1)(K), Jan. 2, 2013, 126 Stat. 1968.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in par. (3)(B), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

2013—Par. (3)(A). Pub. L. 112-239 substituted “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and” for “described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on October 3, 1996; and”.

1998—Pars. (2) to (4). Pub. L. 105-390 redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “The term ‘Federal law enforcement officer’ has the same meaning as under part A of this subchapter.”

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 3791 of this title.

§ 3796d-7. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary.

(Pub. L. 90-351, title I, §1218, as added Pub. L. 104-238, §2(2), Oct. 3, 1996, 110 Stat. 3117.)

SUBCHAPTER XII-A—REGIONAL INFORMATION SHARING SYSTEMS

PRIOR PROVISIONS

A prior subchapter XII-A, consisted of sections 3796h to 3796s, related to grants for law enforcement programs, prior to repeal by Pub. L. 100-690, title VI, §6101(a), Nov. 18, 1988, 102 Stat. 4340. For similar provisions, see subchapter V of this chapter.

Section 3796h, Pub. L. 90-351, title I, §1301, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-41, authorized Director to provide grants for drug law enforcement programs to eligible States and units of local government.

A prior section 1301 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

Section 3796i, Pub. L. 90-351, title I, §1302, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-41, provided for a description of the drug law enforcement grant program.

Section 3796j, Pub. L. 90-351, title I, §1303, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-42, related to applications to receive drug law enforcement program grants.

Section 3796k, Pub. L. 90-351, title I, §1304, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-43, related to review of applications to receive drug law enforcement program grants.

Section 3796l, Pub. L. 90-351, title I, §1305, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-43, related to allocation and distribution of funds under formula drug law enforcement grants.

Section 3796m, Pub. L. 90-351, title I, §1306, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-44, required each State and unit of local government receiving drug law enforcement grants to report each year to the Director and required Director to report annually to Congress.

Section 3796n, Pub. L. 90-351, title I, §1307, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-44, related to limitations on expenditures of funds, payment of the non-Federal portion in cash, and maintenance of records by States and units of local government.

Section 3796o, Pub. L. 90-351, title I, §1308, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-45, provided for designation of a State office for program administration.

Section 3796p, Pub. L. 90-351, title I, §1309, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-45, provided for discretionary grants for drug law enforcement programs.

Section 3796q, Pub. L. 90-351, title I, §1310, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-45, provided application requirements for discretionary grants.

Section 3796r, Pub. L. 90-351, title I, §1311, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-45, related to allocation of funds for discretionary grants.

Section 3796s, Pub. L. 90-351, title I, §1312, as added Pub. L. 99-570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-46, provided for a limitation on use of discretionary grant funds.

§ 3796h. Regional information sharing systems grants

(a) Authority of Director

The Director of the Bureau of Justice Assistance is authorized to make grants and enter into contracts with State, tribal, and local criminal justice agencies and nonprofit organizations for the purposes of identifying, targeting, and removing criminal conspiracies and activities and terrorist conspiracies and activities spanning jurisdictional boundaries.

(b) Purposes

Grants and contracts awarded under this subchapter shall be made for—