

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) [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;

¹ So in original.