

their duties under such part or any such statute) in connection with litigation against them arising from such discharge: *Provided further*, That, on and after January 2, 2013, as to each such statute—

(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

(2) payment (consistent with section 3796c-1 of this title) shall be made only upon a determination by the Bureau that the facts legally warrant the payment; and

(3) any reference to section 1202 of such title I [42 U.S.C. 3796a] shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202.

Provided further, That, on and after January 2, 2013, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after January 2, 2013, shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.

(Pub. L. 110-161, div. B, title II, Dec. 26, 2007, 121 Stat. 1912; Pub. L. 112-239, div. A, title X, § 1086(c), Jan. 2, 2013, 126 Stat. 1968.)

REFERENCES IN TEXT

The 1968 Act, referred to in text, is the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, June 19, 1968, 82 Stat. 197. Section 1205(c) of the Act is classified to section 3796c(c) of this title. Subparts 1 and 2 of such part L means subparts 1 and 2 of part L of title I of the Act which are classified generally to this part and part B (§ 3796d et seq.) of this subchapter. Sections 1001(a)(4) and 1202 of such title I mean sections 1001(a)(4) and 1202 of title I of the Act, which are classified to sections 3793(a)(4) and 3796a, respectively, of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

CODIFICATION

Section was enacted as part of the Department of Justice Appropriations Act, 2008, and also as part of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008, and the Consolidated Appropriations Act, 2008, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS

2013—Pub. L. 112-239 substituted “final determinations” for “final decisions”, struck out “(including those, and any related matters, pending)” after “exclusive jurisdiction thereof”, and inserted three provisos at end.

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.

PART B—EDUCATIONAL ASSISTANCE TO DEPENDENTS OF CIVILIAN FEDERAL LAW ENFORCEMENT OFFICERS KILLED OR DISABLED IN LINE OF DUTY

§ 3796d. Purposes

The purposes of this part are—

(1) to enhance the appeal of service in public safety agencies;

(2) to extend the benefits of higher education to qualified and deserving persons who, by virtue of the death of or total disability of an eligible officer, may not be able to afford it otherwise; and

(3) to allow the family members of eligible officers to attain the vocational and educational status which they would have attained had a parent or spouse not been killed or disabled in the line of duty.

(Pub. L. 90-351, title I, § 1211, as added Pub. L. 104-238, § 2(2), Oct. 3, 1996, 110 Stat. 3114; amended Pub. L. 105-390, § 2(2), Nov. 13, 1998, 112 Stat. 3495.)

AMENDMENTS

1998—Par. (1). Pub. L. 105-390 substituted “public safety” for “civilian Federal law enforcement”.

§ 3796d-1. Basic eligibility

(a) Benefits

(1) The Attorney General shall provide financial assistance to a person who attends a program of education and is—

(A) the child of any eligible public safety officer under part A; or

(B) the spouse of an officer described in subparagraph (A) at the time of the officer's death or on the date of a totally and permanently disabling injury.

(2) Except as provided in paragraph (3), financial assistance under this part shall consist of direct payments to an eligible person and shall be computed on the basis set forth in section 3532 of title 38.

(3) The financial assistance referred to in paragraph (2) shall be reduced by the amount, if any, determined under section 3796d-3(b) of this title.

(b) Duration of benefits

No person shall receive assistance under this part for a period in excess of forty-five months of full-time education or training or a proportional period of time for a part-time program.

(c) Age limitation for children

No child shall be eligible for assistance under this part after the child's 27th birthday absent a finding by the Attorney General of extraordinary circumstances precluding the child from pursuing a program of education.

(Pub. L. 90-351, title I, § 1212, as added Pub. L. 104-238, § 2(2), Oct. 3, 1996, 110 Stat. 3114; amended Pub. L. 105-390, § 2(3), Nov. 13, 1998, 112 Stat. 3495; Pub. L. 112-239, div. A, title X, § 1086(b)(1)(G), (H), Jan. 2, 2013, 126 Stat. 1968.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, § 1086(b)(1)(G), substituted “person” for “dependent” wherever appearing. Subsec. (a)(1). Pub. L. 112-239, § 1086(b)(1)(H)(i)(I), substituted “The” for “Subject to the availability of appropriations, the” in introductory provisions.

Subsec. (a)(3). Pub. L. 112-239, §1086(b)(1)(H)(i)(II), substituted “reduced by the amount” for “reduced by the sum of—

“(A) the amount of educational assistance benefits from other Federal, State, or local governmental sources to which the eligible dependent would otherwise be entitled to receive; and

“(B) the amount”.

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

Subsec. (c). Pub. L. 112-239, §1086(b)(1)(H)(ii), struck out “dependent” before “children” in heading and before “child shall” in text.

1998—Subsec. (a)(1)(A). Pub. L. 105-390, §2(3)(A), substituted “public safety” for “Federal law enforcement”.

Subsec. (a)(2). Pub. L. 105-390, §2(3)(B), substituted “Except as provided in paragraph (3), financial” for “Financial”.

Subsec. (a)(3). Pub. L. 105-390, §2(3)(C), added par. (3).

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-2. Applications; approval

(a) Application

A person seeking assistance under this part shall submit an application to the Attorney General in such form and containing such information as the Attorney General reasonably may require.

(b) Approval

The Attorney General shall approve an application for assistance under this part unless the Attorney General finds that—

(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

¹ So in original.