

tue 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.)

#### CODIFICATION

Section was formerly classified to section 3796d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

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

### § 10302. 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 10304(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

##### (1) In general

Subject to paragraph (2), 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.

##### (2) Delayed approvals

##### (A) Educational assistance application

If a claim for assistance under this part is approved more than 1 year after the date on which the application for such assistance is filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

(i) beginning on the day after the date that is 1 year after the date on which the application is filed; and

(ii) ending on the date on which the application is approved.

#### (B) Claim for benefits for death or permanent and total disability

In addition to an extension under subparagraph (A), if any, for an application for assistance under this part that relates to a claim for benefits under part A that was approved more than 1 year after the date on which the claim was filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

(i) beginning on the day after the date that is 1 year after the date on which the claim for benefits is submitted; and

(ii) ending on the date on which the claim for benefits is approved.

(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; Pub. L. 115-36, §3, June 2, 2017, 131 Stat. 851.)

#### CODIFICATION

Section was formerly classified to section 3796d-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

2017—Subsec. (c). Pub. L. 115-36 designated existing provisions as par. (1) and inserted heading, substituted “Subject to paragraph (2), no child” for “No child”, and added par. (2).

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 2017 AMENDMENT

Amendment by Pub. L. 115-36 effective June 2, 2017, and applicable to any benefit claim or application under this subchapter pending before the Bureau of Justice Assistance on such date or received by the Bureau on or after such date, see section 6 of Pub. L. 115-36, set out as a note under section 10282 of this title.

#### 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 10251 of this title.

**§ 10303. 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.)

## CODIFICATION

Section was formerly classified to section 3796d-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## 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 10251 of this title.

**§ 10304. Regulations****(a) In general**

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

**(b) Sliding scale**

Notwithstanding section 10303(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.)

## CODIFICATION

Section was formerly classified to section 3796d-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## 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 10251 of this title.

**§ 10305. 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.)

## CODIFICATION

Section was formerly classified to section 3796d-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 10306. 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,<sup>1</sup> 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

<sup>1</sup> So in original.