

**§ 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.