

104TH CONGRESS
2D SESSION

S. 2101

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1996

Referred to the Committee on the Judiciary

AN ACT

To provide educational assistance to the dependents of Federal law enforcement officials who are killed or disabled in the performance of their duties.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Law Enforce-
5 ment Dependents Assistance Act of 1996”.

1 **SEC. 2. EDUCATIONAL ASSISTANCE TO DEPENDENTS OF**
 2 **SLAIN FEDERAL LAW ENFORCEMENT OFFI-**
 3 **CERS.**

4 Part L of title I of the Omnibus Crime Control and
 5 Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is
 6 amended by—

7 (1) inserting after the heading the following:

8 **“Subpart 1—Death Benefits”;**

9 and

10 (2) adding at the end the following:

11 **“Subpart 2—Educational Assistance to Dependents of**
 12 **Civilian Federal Law Enforcement Officers**
 13 **Killed or Disabled in the Line of Duty**

14 **“SEC. 1211. PURPOSES.**

15 “The purposes of this subpart are—

16 “(1) to enhance the appeal of service in civilian
 17 Federal law enforcement agencies;

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

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

1 **“SEC. 1212. BASIC ELIGIBILITY.**

2 “(a) BENEFITS.—(1) Subject to the availability of
3 appropriations, the Attorney General shall provide finan-
4 cial assistance to a dependent who attends a program of
5 education and is—

6 “(A) the child of any eligible Federal law en-
7 forcement officer under subpart 1; or

8 “(B) the spouse of an officer described in sub-
9 paragraph (A) at the time of the officer’s death or
10 on the date of a totally and permanently disabling
11 injury.

12 “(2) Financial assistance under this subpart shall
13 consist of direct payments to an eligible dependent and
14 shall be computed on the basis set forth in section 3532
15 of title 38, United States Code.

16 “(b) DURATION OF BENEFITS.—No dependent shall
17 receive assistance under this subpart for a period in excess
18 of forty-five months of full-time education or training or
19 a proportional period of time for a part-time program.

20 “(c) AGE LIMITATION FOR DEPENDENT CHIL-
21 DREN.—No dependent child shall be eligible for assistance
22 under this subpart after the child’s 27th birthday absent
23 a finding by the Attorney General of extraordinary cir-
24 cumstances precluding the child from pursuing a program
25 of education.

1 **“SEC. 1213. APPLICATIONS; APPROVAL.**

2 “(a) APPLICATION.—A person seeking assistance
3 under this subpart shall submit an application to the At-
4 torney General in such form and containing such informa-
5 tion as the Attorney General reasonably may require.

6 “(b) APPROVAL.—The Attorney General shall ap-
7 prove an application for assistance under this subpart un-
8 less the Attorney General finds that—

9 “(1) the dependent is not eligible for, is no
10 longer eligible for, or is not entitled to the assistance
11 for which application is made;

12 “(2) the dependent’s selected educational insti-
13 tution fails to meet a requirement under this sub-
14 part for eligibility;

15 “(3) the dependent’s enrollment in or pursuit of
16 the educational program selected would fail to meet
17 the criteria established in this subpart for programs;
18 or

19 “(4) the dependent already is qualified by pre-
20 vious education or training for the educational, pro-
21 fessional, or vocational objective for which the edu-
22 cational program is offered.

23 “(c) NOTIFICATION.—The Attorney General shall no-
24 tify a dependent applying for assistance under this sub-
25 part of approval or disapproval of the application in writ-
26 ing.

1 **“SEC. 1214. REGULATIONS.**

2 “The Attorney General may promulgate reasonable
3 and necessary regulations to implement this subpart.

4 **“SEC. 1215. DISCONTINUATION FOR UNSATISFACTORY CON-**
5 **DUCT OR PROGRESS.**

6 “The Attorney General may discontinue assistance
7 under this subpart when the Attorney General finds that,
8 according to the regularly prescribed standards and prac-
9 tices of the educational institution, the recipient fails to
10 maintain satisfactory progress as described in section
11 484(c) of the Higher Education Act of 1965 (20 U.S.C.
12 1091(c)).

13 **“SEC. 1216. SPECIAL RULE.**

14 “(a) **RETROACTIVE ELIGIBILITY.**—Notwithstanding
15 any other provision of law, each dependent of a Federal
16 law enforcement officer killed in the line of duty on or
17 after May 1, 1992, shall be eligible for assistance under
18 this subpart, subject to the other limitations of this sub-
19 part.

20 “(b) **RETROACTIVE ASSISTANCE.**—The Attorney
21 General may provide retroactive assistance to dependents
22 eligible under this section for each month in which the
23 dependent pursued a program of education at an eligible
24 educational institution. The Attorney General shall apply
25 the limitations contained in this subpart to retroactive as-
26 sistance.

1 “(c) PROSPECTIVE ASSISTANCE.—The Attorney Gen-
 2 eral may provide prospective assistance to dependents eli-
 3 gible under this section on the same basis as assistance
 4 to dependents otherwise eligible. In applying the limita-
 5 tions on assistance under this subpart, the Attorney Gen-
 6 eral shall include assistance provided retroactively. A de-
 7 pendent eligible under this section may waive retroactive
 8 assistance and apply only for prospective assistance on the
 9 same basis as dependents otherwise eligible.

10 **“SEC. 1217. DEFINITIONS.**

11 “For purposes of this subpart:

12 “(1) The term ‘Attorney General’ means the
 13 Attorney General of the United States.

14 “(2) The term ‘Federal law enforcement officer’
 15 has the same meaning as under subpart 1.

16 “(3) The term ‘program of education’ means
 17 any curriculum or any combination of unit courses
 18 or subjects pursued at an eligible educational insti-
 19 tution, which generally is accepted as necessary to
 20 fulfill requirements for the attainment of a predeter-
 21 mined and identified educational, professional, or vo-
 22 cational objective. It includes course work for the at-
 23 tainment of more than one objective if in addition to
 24 the previous requirements, all the objectives gen-

1 erally are recognized as reasonably related to a sin-
 2 gle career field.

3 “(4) The term ‘eligible educational institution’
 4 means an institution which—

5 “(A) is described in section 481 of the
 6 Higher Education Act of 1965 (20 U.S.C.
 7 1088), as in effect on the date of the enactment
 8 of this section; and

9 “(B) is eligible to participate in programs
 10 under title IV of such Act.

11 **“SEC. 1218. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
 13 this subpart such sums as may be necessary.”.

Passed the Senate September 20, 1996.

Attest: KELLY D. JOHNSTON,
Secretary.