

Public Law 104-238
104th Congress

An Act

Oct. 3, 1996
[S. 2101]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Law Enforcement Dependents Assistance Act of 1996”.

SEC. 2. EDUCATIONAL ASSISTANCE TO DEPENDENTS OF SLAIN FEDERAL LAW ENFORCEMENT OFFICERS.

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

(1) inserting after the heading the following:

“Subpart 1—Death Benefits”;

and

(2) adding at the end the following:

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

42 USC 3796d.

“SEC. 1211. PURPOSES.

“The purposes of this subpart are—

“(1) to enhance the appeal of service in civilian Federal law enforcement 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.

42 USC 3796d-1.

“SEC. 1212. BASIC ELIGIBILITY.

“(a) **BENEFITS.**—(1) Subject to the availability of appropriations, the Attorney General shall provide financial assistance to a dependent who attends a program of education and is—

“(A) the child of any eligible Federal law enforcement officer under subpart 1; or

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Assistance Act of
1996.
42 USC 3711
note.

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

“(b) DURATION OF BENEFITS.—No dependent shall receive assistance under this subpart 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 DEPENDENT CHILDREN.—No dependent child shall be eligible for assistance under this subpart 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.

“SEC. 1213. APPLICATIONS; APPROVAL.

42 USC 3796d-2.

“(a) APPLICATION.—A person seeking assistance under this subpart 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 subpart unless the Attorney General finds that—

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

“(2) the dependent’s selected educational institution fails to meet a requirement under this subpart for eligibility;

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

“(4) the dependent 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 dependent applying for assistance under this subpart of approval or disapproval of the application in writing.

“SEC. 1214. REGULATIONS.

42 USC 3796d-3.

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

“SEC. 1215. DISCONTINUATION FOR UNSATISFACTORY CONDUCT OR PROGRESS.

42 USC 3796d-4.

“The Attorney General may discontinue assistance under this subpart 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 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

“SEC. 1216. SPECIAL RULE.

42 USC 3796d-5.

“(a) RETROACTIVE ELIGIBILITY.—Notwithstanding any other provision of law, each dependent of a Federal law enforcement officer killed in the line of duty on or after May 1, 1992, shall

be eligible for assistance under this subpart, subject to the other limitations of this subpart.

Applicability.

“(b) RETROACTIVE ASSISTANCE.—The Attorney General may provide retroactive assistance to dependents eligible under this section for each month in which the dependent pursued a program of education at an eligible educational institution. The Attorney General shall apply the limitations contained in this subpart to retroactive assistance.

“(c) PROSPECTIVE ASSISTANCE.—The Attorney General may provide prospective assistance to dependents eligible under this section on the same basis as assistance to dependents otherwise eligible. In applying the limitations on assistance under this subpart, the Attorney General shall include assistance provided retroactively. A dependent eligible under this section may waive retroactive assistance and apply only for prospective assistance on the same basis as dependents otherwise eligible.

42 USC 3796d-6.

“SEC. 1217. DEFINITIONS.

“For purposes of this subpart:

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

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

“(3) 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.

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

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

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

"SEC. 1218. AUTHORIZATION OF APPROPRIATIONS.

42 USC 3796d-7.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary."

Approved October 3, 1996.

LEGISLATIVE HISTORY—S. 2101:

CONGRESSIONAL RECORD, Vol. 142 (1996):

Sept. 20, considered and passed Senate.

Sept. 26, considered and passed House.