

commendation for getting some of these judgeships moving. He did work on them very hard. I will just say, I don't think we have done as well as we did 2 years ago. It is true, 50 were left, but we cleared far more 2 years ago, 4 years ago, 6 years ago. The reason so many were left is they were submitted late.

The fact is, I don't think we have done as good a job as I think we should for the Judiciary. We tried hard not only to get a CR passed but also clear some of these judges on the Calendar, as well as those awaiting action by the Judiciary Committee. I appreciate the Senator yielding.

**FEDERAL LAW ENFORCEMENT DEPENDENTS ASSISTANCE ACT OF 1996**

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2101, introduced earlier today by Senator SPECTER, for himself and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (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.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I have sought recognition to comment on legislation which the Senate is considering today, the Federal Law Enforcement Dependents Assistance Act of 1996. This bipartisan legislation is a revised version of S. 1243, which I introduced with four cosponsors on September 14, 1995.

This legislation will provide educational assistance to spouses and children of Federal law enforcement officers who are killed or totally and permanently disabled in the line of duty. Similar educational benefits are provided to the spouses and children of Armed Forces personnel killed in the line of duty, but not to dependents of the brave men and women in Federal law enforcement. I am advised that many State and local governments provide educational and job training assistance to dependents of law enforcement personnel. It is time to level the playing field for Federal law enforcement.

I first became aware of this discrepancy when I met with Mrs. Karen Degan, the widow of U.S. Marshal Bill Degan of Quincy, MA, who died during the tragic shooting incident at Ruby Ridge in August, 1992. Bill Degan left behind a loving wife and two sons, William and Brian, whom I have also had the pleasure of meeting. Bill Degan had been in the Marshals Service for 17 years at the time of his death. Karen Degan began in 1993 to work with Con-

gress to develop a program for higher education assistance for dependents of slain Justice Department officers. At her suggestion, I introduced S. 1243 on September 14, 1995, during the Ruby Ridge hearings, with bipartisan cosponsors from the Judiciary Committee.

I would prefer that we did not have to worry about death and disabling injuries for Federal law enforcement officers, but it is a fact of life that we have lost a number of Federal law enforcement officers in the line of duty in recent years. In my own State of Pennsylvania, on March 22, 1996, FBI Special Agent Charles Reed was killed in Philadelphia in a shootout with a suspect drug dealer during an undercover drug investigation. Agent Reed lived in Lower Salford Township, PA and is survived by his wife, Susan and children, Joshua, age 21, Todd 18, and Kelley, 17. Similarly, two Washington, DC FBI agents, Martha Martinez and Michael Miller, were slain in November 1995, in the Washington, DC police headquarters, leaving behind loved ones of their own.

Since the introduction of S. 1243 last year, I have been working with my colleagues and the administration to fashion legislation acceptable to all parties. This revised bill makes the educational assistance available to all Federal law enforcement officers, not just those within the Justice Department. I would note that the program is subject to appropriations and does not constitute an entitlement. Financial assistance can last for up to 45 months of education or a proportional period of time for a part-time program. Financial assistance will be based on the amounts provided under the Veterans program, which is currently \$404 a month for fulltime students. Significantly, the Attorney General may provide retroactive assistance to dependents eligible under this program where a law enforcement officer was killed in the line of duty on or after May 1, 1992.

This legislation is supported by the Federal Law Enforcement Officers Association, and I ask unanimous consent to have printed in the RECORD a letter to me from Victor Oboyski, dated September 18, 1996, which reflects their views.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL LAW ENFORCEMENT  
OFFICERS ASSOCIATION,  
September 18, 1996.

Hon. ARLEN SPECTER,  
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: On behalf of the over 12,000 members of the Federal Law Enforcement Officers Association (FLEOA), the largest association representing Federal criminal investigators in the nation, I am pleased to inform you that we fully support S. 1243, the "Federal Law Enforcement Dependents Assistance Act of 1996." I also want to thank you for proposing this fine piece of legislation.

As you may already know, many state and local municipalities currently have legislation which ensures that the dependents of local officers killed or disabled in the line of

duty receive assistance towards education or job training. Also, many local police agencies provide for the continuing education of survivors under the same circumstances. None of this exists at the Federal level. S. 1243 will correct this oversight regarding Federal law enforcement officers.

If you or your staff wish to contact me please call 212-637-6543, fax 212-637-6548.

Very truly yours,

VICTOR OBOYSKI,  
National President.

Mr. BIDEN. Mr. President, I rise as a cosponsor of the Federal Law Enforcement Dependents Assistance Act and to call on all of my Senate colleagues to support this bill.

Unfortunately, over the past 2 years, many in this Congress have taken the occasion—time and again—to second-guess and criticize law enforcement officers. We heard these criticisms throughout the debate on terrorism legislation—beginning last year, and it continues to this day. As I have pointed out on the floor of the Senate before, I call on us all to remember that it is the terrorists and the violent criminals who deserve our contempt and it is law enforcement officers who deserve our trust and respect.

This bill offers modest recognition of the tremendous service to our Nation by Federal law enforcement officers—DEA agents, FBI agents, U.S. marshals, border patrol officers, Customs officers, ATF agents, Secret Service agents among many others. This bill does so by authorizing the Federal Government to pay education benefits to the children and spouses of Federal law enforcement officers who are killed or suffer a total and permanent disability in the line of duty.

In doing so, this bill recognizes that by virtue of these officers supreme sacrifice to the Nation, the families of these fallen officers are no longer provided for. And, more importantly, this bill will offer a tangible sign of the Nation's respect for those who gave their lives in service to us all.

I urge my colleagues to support this bill, and I also want to put my colleagues on notice that in the years ahead we must follow up by actually appropriating the dollars necessary to deliver on today's commitment.

I yield the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2101) was deemed read the third time and passed, as follows:

S. 2101

*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****“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 a 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.

**“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

“(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.**

“(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—

“(i) 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.**

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

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

“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.**

“(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.

“(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.

**“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.**

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

**PAROLE COMMISSION PHASEOUT ACT OF 1996**

Mr. LOTT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on (S. 1507) to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1507) entitled ‘An Act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes’, do pass with the following amendment:

Strike out all after the enacting clause, and insert:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the ‘Parole Commission Phaseout Act of 1996’.*

**SEC. 2. EXTENSION OF PAROLE COMMISSION.**

(a) *IN GENERAL.*—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as it related to chapter 311 of title 18, United States Code, and the Parole Commission, each reference in such section to ‘ten years’ or ‘ten-year period’ shall be deemed to be a reference to ‘fifteen years’ or ‘fifteen-year period’, respectively.

(b) *POWERS AND DUTIES OF PAROLE COMMISSION.*—Notwithstanding section 4203 of title 18, United States Code, the United States Parole Commission may perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.

**(c) REDUCTION IN SIZE.**

(1) Effective December 31, 1999, the total number of Commissioners of the United States Parole Commission shall not be greater than 2. To the extent necessary to achieve this reduction, the Commissioner or Commissioners least senior in service shall cease to hold office.

(2) Effective December 31, 2001, the United States Parole Commission shall consist only of that Commissioner who is the Chairman of the Commission.

(3) Effective when the Commission consists of only one Commissioner—

(A) that Commissioner (or in the Commissioner’s absence, the Attorney General) may delegate to one or more hearing examiners the power set forth in paragraphs (1) through (4) of section 4203(b) of title 18, United States Code; and

(B) decisions made pursuant to such delegation shall take effect when made, but shall be subject to review and modification by the Commissioner.

**SEC. 3. REPORTS BY THE ATTORNEY GENERAL.**

(a) *IN GENERAL.*—Beginning in the year 1998, the Attorney General shall report to the Congress not later than May 1 of each year through the year 2002 on the status of the United States Parole Commission. Unless the Attorney General, in such report, certifies that the continuation of the Commission is the most effective and cost-efficient manner for carrying out the Commission’s functions, the Attorney General shall include in such report an alternative plan for a transfer of the Commission’s function to another entity.

(b) *TRANSFER WITHIN THE DEPARTMENT OF JUSTICE.*—

(1) *EFFECT OF PLAN.*—If the Attorney General includes such a plan in the report, and that plan provides for the transfer of the Commission’s functions and powers to another entity within the Department of Justice, such plan shall take effect according to its terms on November 1 of that year in which the report is made, unless Congress by law provides otherwise. In the event such plan takes effect, all laws pertaining to the authority and jurisdiction of the Commission with respect to individual offenders shall remain in effect notwithstanding the expiration of the period specified in section 2 of this Act.

(2) *CONDITIONAL REPEAL.*—Effective on the date such plan takes effect, paragraphs (3) and (4) of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) are repealed.