

(Pub. L. 107–56, title VI, §611, Oct. 26, 2001, 115 Stat. 369; Pub. L. 112–239, div. A, title X, §1086(b)(2), Jan. 2, 2013, 126 Stat. 1968.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (a), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197. The reference to subpart 1 of part L of the Act probably means subpart 1 of part L of title I of the Act, which was classified to part A (§3796 et seq.) of subchapter XII of chapter 46 of Title 42, The Public Health and Welfare, prior to editorial reclassification as this part. Sections 1201, 1202, and 1204 of the Act were classified to sections 3796, 3796a, and 3796b, respectively, of Title 42 prior to editorial reclassification as sections 10281, 10282, and 10284, respectively, of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

##### CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

Section was formerly classified to section 3796c–1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

##### AMENDMENTS

2013—Subsec. (a). Pub. L. 112–239 inserted “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed by such agency”.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 10287. Funds available for appeals and expenses of representation of hearing examiners

On and after December 26, 2007, funds available to conduct appeals under section 1205(c) of the 1968 Act [34 U.S.C. 10285(c)], which includes all claims processing, shall be available also for the same under subpart 2 of such part L [34 U.S.C. 10301 et seq.] and under any statute authorizing payment of benefits described under subpart 1 [34 U.S.C. 10281 et seq.] thereof, and for appeals from final determinations of the Bureau (under such part or any such statute) to the Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction thereof, and for expenses of representation of hearing examiners (who shall be presumed irrebuttably to enjoy quasi-judicial immunity in the discharge of their duties under such part or any such statute) in connection with litigation against them arising from such discharge: *Provided further*, That, on and after January 2, 2013, as to each such statute—

(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4))<sup>1</sup> shall apply;

(2) payment (consistent with section 10286 of this title) shall be made only upon a determination by the Bureau that the facts legally warrant the payment; and

(3) any reference to section 1202 of such title I [34 U.S.C. 10282] shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202:

*Provided further*, That, on and after January 2, 2013, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after January 2, 2013, shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.

(Pub. L. 110–161, div. B, title II, Dec. 26, 2007, 121 Stat. 1912; Pub. L. 112–239, div. A, title X, §1086(c), Jan. 2, 2013, 126 Stat. 1968.)

#### Editorial Notes

##### REFERENCES IN TEXT

The 1968 Act, referred to in text, is the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, June 19, 1968, 82 Stat. 197. Section 1205(c) of the Act is classified to section 10285(c) of this title. Subparts 1 and 2 of such part L means subparts 1 and 2 of part L of title I of the Act which are classified generally to this part and part B (§10301 et seq.) of this subchapter. Sections 1001(a)(4) and 1202 of such title I mean sections 1001(a)(4) and 1202 of title I of the Act, which are classified to sections 10261(a)(4) and 10282, respectively, of this title. Paragraphs (2) and (3) of such section 1202 mean pars. (2) and (3) of section 10282 of this title, which were redesignated subsec. (a)(2) and (3), respectively, of that section by Pub. L. 115–36, §5(1), June 2, 2017, 131 Stat. 852. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

##### CODIFICATION

Section was enacted as part of the Department of Justice Appropriations Act, 2008, and also as part of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008, and the Consolidated Appropriations Act, 2008, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

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

##### AMENDMENTS

2013—Pub. L. 112–239 substituted “final determinations” for “final decisions”, struck out “(including those, and any related matters, pending)” after “exclusive jurisdiction thereof”, and inserted three provisos at end.

#### Statutory Notes and Related Subsidiaries

##### 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

<sup>1</sup> See References in Text note below.

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.

#### § 10288. Due diligence in paying benefit claims

##### (a) In general

The Bureau, with all due diligence, shall expeditiously attempt to obtain the information and documentation necessary to adjudicate a benefit claim filed under this subchapter, including a claim for financial assistance under part B.

##### (b) Sufficient information unavailable

If a benefit claim filed under this subchapter, including a claim for financial assistance under part B, is unable to be adjudicated by the Bureau because of a lack of information or documentation from a third party, such as a public agency, and such information is not readily available to the claimant, the Bureau—

(1) may use available investigative tools, including subpoenas, to—

(A) adjudicate or to expedite the processing of the benefit claim, if the Bureau deems such use to be necessary to adjudicate or conducive to expediting the adjudication of such claim; and

(B) obtain information or documentation from third parties, including public agencies, if the Bureau deems such use to be necessary to adjudicate or conducive to expediting the adjudication of a claim; and

(2) may not abandon the benefit claim unless the Bureau has used investigative tools, including subpoenas, to obtain the information or documentation deemed necessary to adjudicate such claim by the Bureau under subparagraph (1)(B).

(Pub. L. 90-351, title I, §1206, as added Pub. L. 115-36, §4, June 2, 2017, 131 Stat. 852; amended Pub. L. 117-61, §4, Nov. 18, 2021, 135 Stat. 1478.)

#### Editorial Notes

##### CODIFICATION

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

##### AMENDMENTS

2021—Subsec. (b). Pub. L. 117-61 substituted “the Bureau—” and pars. (1) and (2) for “the Bureau may not abandon the benefit claim unless the Bureau has utilized the investigative tools available to the Bureau to obtain the necessary information or documentation, including subpoenas.”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-61 effective Nov. 18, 2021, and applicable to any matter pending, before the Bureau or otherwise, on Nov. 18, 2021, or filed (consistent with pre-existing effective dates) or accruing after that date, see section 8(a) and (b)(2) of Pub. L. 117-61, set out in a note under section 10281 of this title.

##### EFFECTIVE DATE

Section 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 an Effective Date of 2017 Amendment note under section 10282 of this title.

#### PART B—EDUCATIONAL ASSISTANCE TO DEPENDENTS OF CIVILIAN FEDERAL LAW ENFORCEMENT OFFICERS KILLED OR DISABLED IN LINE OF DUTY

#### § 10301. Purposes

The purposes of this part are—

(1) to enhance the appeal of service in public safety 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.

(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.)

#### Editorial Notes

##### 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”.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

For short title of Pub. L. 104-238, which enacted this subchapter, as the “Federal Law Enforcement Dependents Assistance Act of 1996”, see section 1 of Pub. L. 104-238, set out as a Short Title of 1996 Act note under section 10101 of this title.

#### § 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