

and any related matters, pending), 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.

(Pub. L. 110-161, div. B, title II, Dec. 26, 2007, 121 Stat. 1912.)

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 3796c(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 (§3796d et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 3711 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.

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

§ 3796d. 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.)

AMENDMENTS

1998—Par. (1). Pub. L. 105-390 substituted “public safety” for “civilian Federal law enforcement”.

§ 3796d-1. 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 public safety officer under part A of this subchapter; 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 dependent 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 sum of—

- (A) the amount of educational assistance benefits from other Federal, State, or local governmental sources to which the eligible dependent would otherwise be entitled to receive; and
- (B) the amount, if any, determined under section 3796d-3(b) of this title.

(b) Duration of benefits

No dependent shall receive assistance under this part 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 part 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.

(Pub. L. 90-351, title I, §1212, as added Pub. L. 104-238, §2(2), Oct. 3, 1996, 110 Stat. 3114; amended Pub. L. 105-390, §2(3), Nov. 13, 1998, 112 Stat. 3495.)

AMENDMENTS

1998—Subsec. (a)(1)(A). Pub. L. 105-390, §2(3)(A), substituted “public safety” for “Federal law enforcement”.

Subsec. (a)(2). Pub. L. 105-390, §2(3)(B), substituted “Except as provided in paragraph (3), financial” for “Financial”.

Subsec. (a)(3). Pub. L. 105-390, §2(3)(C), added par. (3).

§ 3796d-2. 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 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 part for eligibility;
- (3) the dependent’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 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 part of ap-