

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) 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 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 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 3796d-3(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 of full-time education or training or a proportional period of time for a part-time program.

(c) Age limitation for children

No 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; Pub. L. 112-239, div. A, title X, §1086(b)(1)(G), (H), Jan. 2, 2013, 126 Stat. 1968.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, §1086(b)(1)(G), substituted “person” for “dependent” wherever appearing.

Subsec. (a)(1). Pub. L. 112-239, §1086(b)(1)(H)(i)(I), substituted “The” for “Subject to the availability of appropriations, the” in introductory provisions.

Subsec. (a)(3). Pub. L. 112-239, §1086(b)(1)(H)(i)(II), substituted “reduced by the amount” for “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”.

Subsec. (b). Pub. L. 112-239, §1086(b)(1)(G), substituted “person” for “dependent”.

Subsec. (c). Pub. L. 112-239, §1086(b)(1)(H)(ii), struck out “dependent” before “children” in heading and before “child shall” in text.

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).

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 3791 of this title.

§ 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 person is not eligible for, is no longer eligible for, or is not entitled to the assistance for which application is made;

(2) the person’s selected educational institution fails to meet a requirement under this part for eligibility;

(3) the person’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 person 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 person applying for assistance under this part of approval or disapproval of the application in writing.

(Pub. L. 90-351, title I, §1213, as added Pub. L. 104-238, §2(2), Oct. 3, 1996, 110 Stat. 3115; amended Pub. L. 112-239, div. A, title X, §1086(b)(1)(G), (I), Jan. 2, 2013, 126 Stat. 1968.)

AMENDMENTS

2013—Subsec. (b). Pub. L. 112-239 substituted “person” for “dependent” in pars. (1) and (4) and “person’s” for “dependent’s” in pars. (2) and (3).

Subsec. (c). Pub. L. 112-239, §1086(b)(1)(G), substituted “person” for “dependent”.

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