

104TH CONGRESS
1ST SESSION

S. 1243

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14 (legislative day, SEPTEMBER 5), 1995

Mr. SPECTER (for himself, Mr. KOHL, Mr. GRASSLEY, Mr. LEAHY, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PURPOSES.**

4 The purposes of this Act are—

5 (1) to enhance the appeal of service in the law
6 enforcement agencies of the United States Depart-
7 ment of Justice;

8 (2) to extend benefits of a higher education to
9 qualified and deserving young persons who by virtue

1 of the death of or total disability of an eligible offi-
2 cer are not otherwise able to afford the same; and

3 (3) to allow such family members to attain the
4 vocational and educational status which such individ-
5 ual might normally have aspired to and obtained had
6 a parent not been killed or disabled in the service of
7 the country.

8 **SEC. 2. BASIC ENTITLEMENT.**

9 (a) BENEFITS.—(1) Except as provided in subsection
10 (b), an eligible dependent shall be entitled to educational
11 assistance under this subpart for a period of one month
12 for each month or fraction thereof of the eligible officer's
13 service in a Federal law enforcement agency.

14 (2) Such educational assistance shall consist of direct
15 payments to—

16 (A) an educational institution or institution of
17 higher learning for an eligible dependent's tuition,
18 room, board, and other charges imposed by such in-
19 stitution; and

20 (B) the eligible dependent for an educational
21 assistance allowances to meet, in part, the cost of
22 fees, supplies, books, equipment and other edu-
23 cational costs, which allowances shall be computed
24 on the same basis set forth in title 38, subchapter
25 IV of the United States Code.

1 (b) BENEFITS FOR DEPENDENTS OF OFFICERS
2 KILLED.—For each eligible dependent of an eligible offi-
3 cer who is killed in the line of duty, criteria established
4 in subsection (a) shall not apply. Such eligible dependents
5 shall be eligible to receive the benefits provided by this
6 subpart for the maximum period of eligibility set forth in
7 subsection (e).

8 (c) MAXIMUM BENEFITS.—No eligible dependent
9 shall receive educational assistance under this subpart for
10 a period in excess of forty-five months.

11 **SEC. 3. TIME LIMITATIONS FOR COMPLETING A PROGRAM**
12 **OF EDUCATION.**

13 No educational assistance shall be paid to or for an
14 eligible dependent after—

15 (1) ten years after the date on which the eligi-
16 ble officer was killed or permanently and totally dis-
17 abled; or

18 (2) the eligible dependent's twenty-seventh
19 birthday, whichever occurs later.

20 **SEC. 4. EDUCATIONAL AND VOCATIONAL COUNSELING.**

21 (a) COUNSELING SERVICES.—The Attorney General
22 shall make available to an eligible dependent upon such
23 person's request, counseling services, including such edu-
24 cational and vocational counseling and guidance, testing,

1 and other assistance as the Attorney General deems nec-
2 essary to aid such person in selecting—

3 (1) an educational or training objective and an
4 educational institution or training establishment ap-
5 propriate for the attainment of such objective; or

6 (2) an employment objective that would be like-
7 ly to provide such eligible dependent with satisfac-
8 tory employment opportunities in light of such per-
9 son's personal circumstances.

10 (b) NOTIFICATION.—The Attorney General shall take
11 appropriate steps (including individual notification where
12 feasible) to acquaint all eligible persons with the availabil-
13 ity and advantages of such counseling services.

14 (c) SERVICE PROVIDERS.—For purposes of this sub-
15 part, the Attorney General may provide by interagency
16 agreement with Federal, or State agency to provide the
17 services specified.

18 **SEC. 5. APPLICATIONS; APPROVAL.**

19 (a) APPLICATION.—Any eligible dependent who de-
20 sires to initiate a program of education under this subpart
21 shall submit an application to the Attorney General in
22 such form and containing such information as the Attor-
23 ney General may reasonably require.

24 (b) APPROVAL.—The Attorney General shall approve
25 such application unless the Attorney General finds that—

1 (1) such dependent is not eligible or is not
2 longer eligible for or entitled to the educational as-
3 sistance for which application is made;

4 (2) the eligible dependent selected educational
5 institution or training establishment fails to meet
6 any requirement of this subpart;

7 (3) the eligible dependent's enrollment in, or
8 pursuit of, the program of education selected would
9 violate a provision of this subpart; or

10 (4) the eligible dependent is already qualified by
11 reason of previous education or training, for the
12 educational, professional, or vocational objective for
13 which the program of education is offered.

14 (c) ACCEPTANCE.—The Attorney General shall notify
15 an eligible dependent of approval or disapproval of such
16 dependent's application.

17 **SEC. 6. STANDARDS.**

18 The Attorney General shall promulgate rules and reg-
19 ulations regarding unacceptable courses or programs of
20 study for which funding will not be provided under this
21 subpart.

22 **SEC. 7. DISCONTINUANCE FOR UNSATISFACTORY CONDUCT**
23 **OR PROGRESS.**

24 (a) DISCONTINUATION.—The Attorney General shall
25 discontinue the direct payment to an educational institu-

1 tion or institution of higher education and educational as-
2 sistance allowance of an eligible dependent if, at any time,
3 the Attorney General finds that according to the regularly
4 prescribed standards and practices of the educational in-
5 stitution, the dependent's conduct or progress is unsatis-
6 factory.

7 (b) RENEWAL.—The Attorney General may review
8 the payment of the educational assistance allowance if the
9 Attorney General finds that—

10 (1) the cause of the unsatisfactory conduct or
11 progress of the eligible dependent has been removed;
12 and

13 (2) the program which the eligible dependent
14 now proposes to pursue (whether the same or re-
15 vised) is suitable to the eligible dependent's inter-
16 ests, and abilities.

17 **SEC. 8. SPECIAL RULE.**

18 Notwithstanding any other provisions of law and any
19 other general or special law to the contrary, the Attorney
20 General is authorized and directed to reimburse or pay
21 each eligible dependent of an eligible officer who was killed
22 in the performance of duties on or after July 1, 1992,
23 but before the effective date of this statute, an amount
24 equivalent to—

1 (1) the full cost of tuition, room and board, and
2 other charges paid or for the eligible dependent to,
3 and imposed on, an eligible dependent by an edu-
4 cational institution or institution of higher edu-
5 cation; and

6 (2) a retroactive educational assistance allow-
7 ance for each month in which the eligible dependent
8 attended an educational institution or institution of
9 higher education, up to the date of the payment.
10 Following this initial payment, further benefits will
11 be paid to or for the benefit of such eligible depend-
12 ents in accordance with this chapter.

13 **SEC. 9. DEFINITIONS.**

14 For purposes of this Act:

15 (1) The term “Federal law enforcement agen-
16 cy” means the Federal Bureau of Investigation, the
17 Bureau of Alcohol, Tobacco and Firearms, the Drug
18 Enforcement Administration, the United States
19 Marshals Service, and any other federal agency di-
20 rectly engaged in the enforcement of the criminal
21 laws of the United States, or the apprehension of in-
22 dividuals subject to criminal prosecution by the
23 United States.

24 (2) The term “eligible officer” means any
25 agent, special agent, marshal, deputy, or assistant

1 marshal or other similar field officer by whatever
2 name or title such officer is known in a Federal law
3 enforcement agency who has served at least one hun-
4 dred and eighty days and who is either killed in the
5 performance of duties or suffers injuries that are to-
6 tally and permanently disabling while performing
7 such duties.

8 (3) The term “eligible dependent” means the
9 child of any eligible officer who is a “dependent” (as
10 defined in section 152 of the Internal Revenue Code)
11 or spouse of an eligible officer at the time of such
12 officer’s death or on the date of total and disabling
13 injury.

14 (4) The term “program of education” shall
15 mean any curriculum or any combination of unit
16 courses or subjects pursued at an educational insti-
17 tution which is generally accepted as necessary to
18 fulfill requirements for the attainment of a pre-
19 determined and identified educational, professional,
20 or vocational objective. Such term also means any
21 curriculum of unit course or subjects pursued at an
22 educational institution which fulfill requirements for
23 the attainment of more than one predetermined and
24 identified educational, professional, or vocational ob-
25 jective if all the objectives pursued as generally rec-

1 ognized as being reasonably related to a single ca-
2 reer field. To pursue any other course of study, an
3 eligible dependent shall apply to the AG for ap-
4 proval.

5 (5) The term “educational institution” means
6 any public or private elementary school, secondary
7 school, vocational school, correspondence school,
8 business school, junior college, teachers’ college, col-
9 lege, normal school, professional school, university,
10 or scientific or technical institutions, or other ac-
11 credited institutions furnishing education for adults.

12 (6) The term “institution of higher learning”
13 means a college, university, or similar institution, in-
14 cluding a technical or business school, offering post-
15 secondary level academic instruction that leads to an
16 associate or higher degree if the school is empowered
17 by the appropriate State educational authority under
18 State law to grant an associate or higher degree.
19 When there is no State law to authorize the granting
20 of a degree, the school may be recognized as an in-
21 stitution of higher learning if it is accredited for de-
22 gree programs by a recognized accrediting agency.
23 Such term shall also include a hospital offering edu-
24 cational programs at the post-secondary level with-
25 out regard to whether the hospital grants a post-

1 secondary degree. Such term shall also include an
2 educational institution which is not located in a
3 State, which offers a course leading to a standard
4 college degree, or the equivalent, and which is recog-
5 nized as such by the Secretary of Education (or
6 comparable official) of the country or other jurisdic-
7 tion in which the institution is located.

8 (7) The term “standard college degree” means
9 an associate or higher degree awarded by—

10 (A) an institution of higher learning that is
11 accredited as a collegiate institution by a recog-
12 nized regional or national accrediting agency;

13 (B) an institution of higher learning that
14 is a “candidate” for accreditation as that term
15 is used by the regional or national accrediting
16 agencies; or

17 (C) an institution of higher learning upon
18 completion of a course which is accredited by
19 an agency recognized to accredit specialized de-
20 gree-level programs. For the purpose of this
21 section, the accrediting agency must be one rec-
22 ognized by the Secretary of Education under
23 the provisions of section 1775 of this title 38.

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