

34 USC Subtitle I, CHAPTER 101, SUBCHAPTER XI: PUBLIC SAFETY OFFICERS' DEATH BENEFITS

From Title 34—CRIME CONTROL AND LAW ENFORCEMENT

Subtitle I—Comprehensive Acts

CHAPTER 101—JUSTICE SYSTEM IMPROVEMENT

SUBCHAPTER XI—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

PART A—DEATH BENEFITS

§10281. Payment of death benefits

(a) Amount; recipients

In any case in which the Bureau of Justice Assistance (hereinafter in this subchapter referred to as the "Bureau") determines, under regulations issued pursuant to this subchapter, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, a benefit of \$250,000, adjusted in accordance with subsection (h), and calculated in accordance with subsection (i), shall be payable by the Bureau, as follows (if the payee indicated is living on the date on which the determination is made)—

- (1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;
- (2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;
- (3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);
- (4) if there is no surviving spouse of the public safety officer and no surviving child—

(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term "child" under section 10284 of this title but for age.

(b) Benefits for permanent and total disability

In accordance with regulations issued pursuant to this subchapter, in any case in which the Bureau determines that a public safety officer has become permanently and totally disabled as the direct and proximate result of a personal injury sustained in the line of duty, a benefit shall be payable to the public safety officer (if living on the date on which the determination is made) in the same amount that would be payable, as of the date such injury was sustained (including as adjusted in accordance with subsection (h), and calculated in accordance with subsection (i)), if such determination were a determination under subsection (a): *Provided*, That for the purposes of making these benefit payments, there are authorized to be appropriated for each fiscal year such sums as may be necessary.

(c) Interim benefit payment

Whenever the Bureau determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding \$6,000, adjusted in accordance with subsection (h), to the individual entitled to receive a benefit under subsection (a) of this section.

(d) Deduction of interim payment

The amount of an interim payment under subsection (c) shall be deducted from the amount of any final benefit paid to such individual.

(e) Repayment of interim payment; waiver

Where there is no final benefit paid, the recipient of any interim payment under subsection (c) shall be liable for repayment of such amount. The Bureau may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

(f) Reductions from final benefit payment

The benefit payable under this subchapter shall be in addition to any other benefit that may be due from any other source, except—

- (1) payments authorized by section 12(k) of the Act of September 1, 1916;
- (2) benefits authorized by section 8191 of title 5, such that beneficiaries shall receive only such benefits under such section 8191 as are in excess of the benefits received under this subchapter; or
- (3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).

(g) Execution or attachment prohibited

No benefit paid under this subchapter shall be subject to execution or attachment.

(h) Consumer Price Index adjustment

On October 1 of each fiscal year beginning after June 1, 1988, the Bureau shall adjust the level of the benefit payable immediately before such October 1 under subsections (a) and (b) and the level of the interim benefit payable immediately before such October 1 under subsection (c), to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 1-year period ending on June 1 immediately preceding such October 1.

(i) Amount payable

The amount payable under subsections (a) and (b), with respect to the death or permanent and total disability of a public safety officer, shall be the greater of—

- (1) the amount payable under the relevant subsection as of the date of death or of the catastrophic injury of the public safety officer; or
- (2) in any case in which the claim filed thereunder has been pending for more than 365 days at the time of final determination by the Bureau, the amount that would be payable under the relevant subsection if the death or the catastrophic injury of the public safety officer had occurred on the date on which the Bureau makes such final determination.

(j) Limitations on benefits

(1) No benefit is payable under this subchapter with respect to the death of a public safety officer if a benefit is paid under this subchapter with respect to the disability of such officer.

(2) No benefit is payable under this subchapter with respect to the disability of a public safety officer if a benefit is payable under this subchapter with respect to the death of such public safety officer.

(k) Death by heart attack, stroke, or vascular rupture; presumption

As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

- (1) the public safety officer, while on duty—
 - (A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or
 - (B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;
- (2) the heart attack, stroke, or vascular rupture commences—
 - (A) while the officer is engaged or participating as described in paragraph (1);
 - (B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or
 - (C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.

(l) Definition

For purposes of subsection (k), "nonroutine stressful or strenuous physical" excludes actions of a clerical, administrative, or nonmanual nature.

(m) Suspension or end of collection action

The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or otherwise disbursed in error under subsection (a), (b), or (c), where such collection would be impractical, or would cause undue hardship to a debtor who acted in good faith.

(n) Confidentiality

The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.

(o) Post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders

(1) Definitions

In this section:

(A) Mass casualty event

The term "mass casualty event" means an incident resulting in casualties to not fewer than 3 victims, including

- (i) an incident that exceeds the normal resources for emergency response available in the jurisdiction where the incident takes place; and
- (ii) an incident that results in a sudden and timely surge of injured individuals necessitating emergency services.

(B) Mass fatality event

The term "mass fatality event" means an incident resulting in the fatalities of not fewer than 3 individuals at 1 or more locations close to one another with a common cause.

(C) Mass shooting

The term "mass shooting" means a multiple homicide incident in which not fewer than 3 victims are killed—

- (i) with a firearm;
- (ii) during one event; and
- (iii) in one or more locations in close proximity.

(D) Exposed

The term "exposed" includes—

- (i) directly experiencing or witnessing an event; or
- (ii) being subjected, in an intense way, to aversive consequences of the event (including a public safety officer collecting human remains).

(E) Traumatic event

The term "traumatic event" means, in the case of a public safety officer exposed to an event, an event that is—

- (i) a homicide, suicide, or the violent or gruesome death of another individual (including such a death resulting from a mass casualty event, mass fatality event, or mass shooting);
- (ii) a harrowing circumstance posing an extraordinary and significant danger or threat to the life of or of serious bodily harm to any individual (including such a circumstance as a mass casualty event, mass fatality event, or mass shooting); or
- (iii) an act of criminal sexual violence committed against any individual.

(2) Personal injury sustained in line of duty

As determined by the Bureau—

(A) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders suffered by a public safety officer and diagnosed by a licensed medical or mental health professional, shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer, if the officer was exposed, while on duty, to one or more traumatic events and such exposure was a substantial factor in the disorder;

(B) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders, suffered by a public safety officer who has contacted or attempted to contact the employee assistance program of the agency or entity that the officer serves, a licensed medical or mental health professional, suicide prevention services, or another mental health assistance service in order to receive help, treatment, or diagnosis for post-traumatic stress disorder or acute stress disorder, shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer, if the officer, was exposed, while on duty, to one or more traumatic events and such exposure was a substantial factor in the disorder; and

(C) post-traumatic stress disorder, acute stress disorder, or trauma and stress related disorders, suffered by a public safety officer who was exposed, while on duty, to one or more traumatic events shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer if such exposure was a substantial factor in the disorder.

(3) Presumption of death or total disability

A public safety officer shall be presumed to have died or become permanently and totally disabled (within the meaning of subsection (a) or (b)) as the direct and proximate result of a personal injury sustained in the line of duty, if (as determined by the Bureau) the officer either—

(A) took an action, which action was intended to bring about the officer's death and directly and proximately resulted in such officer's death or permanent and total disability and exposure, while on duty, to one or more traumatic events was a substantial factor in the action taken by the officer; or

(B) took an action within 45 days of the end of exposure, while on duty, to a traumatic event, which action was intended to bring about the officer's death and directly and proximately resulted in such officer's death or permanent and total disability, if such action was not inconsistent with a psychiatric disorder.

(4) Applicability of limitations on benefits

(A) Intentional actions

Section 10282(a)(1) of this title shall not apply to any claim for a benefit under this part that is payable in accordance with this subsection.

(B) Substance use

Section 10282(a)(2) of this title shall not preclude the payment of a benefit under this part if the benefit is otherwise payable in accordance with this subsection.

(Pub. L. 90–351, title I, §1201, as added Pub. L. 98–473, title II, §609F, Oct. 12, 1984, 98 Stat. 2098; amended Pub. L. 100–690, title VI, §6105(a)–(c), Nov. 18, 1988, 102 Stat. 4341; Pub. L. 101–647, title XIII, §1301(a), Nov. 29, 1990, 104 Stat. 4834; Pub. L. 102–520, §1, Oct. 25, 1992, 106 Stat. 3402; Pub. L. 103–322, title XXXIII, §330001(e)(1), Sept. 13, 1994, 108 Stat. 2138; Pub. L. 107–56, title VI, §613(a), Oct. 26, 2001, 115 Stat. 369; Pub. L. 107–196, §2(b), June 24, 2002, 116 Stat. 719; Pub. L. 108–182, §2, Dec. 15, 2003, 117 Stat. 2649; Pub. L. 109–162, title XI, §1164(c)–(e), Jan. 5, 2006, 119 Stat. 3120, 3121; Pub. L. 112–239, div. A, title X, §1086(b)(1)(B), Jan. 2, 2013, 126 Stat. 1964; Pub. L. 117–61, §2, Nov. 18, 2021, 135 Stat. 1474; Pub. L. 117–172, §3(a), Aug. 16, 2022, 136 Stat. 2099.)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 12 of the Act of September 1, 1916, referred to in subsec. (f)(1), is section 12 of act Sept. 1, 1916, ch. 433, 39 Stat. 718, which is not classified to the Code.

The September 11th Victim Compensation Fund of 2001, referred to in subsec. (f)(3), is title IV of Pub. L. 107–42, Sept. 22, 2001, 115 Stat. 237, which is set out in a note under section 40101 of Title 49, Transportation.

CODIFICATION

Section was formerly classified to section 3796 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.

PRIOR PROVISIONS

A prior section 1201 of title I of Pub. L. 90–351, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1219; amended Pub. L. 98–411, title II, §204(a)(1), Aug. 30, 1984, 98 Stat. 1561; Pub. L. 98–473, title II, §609Z, Oct. 12, 1984, 98 Stat. 2107, contained provisions similar to this section, prior to the general amendment of part I of title I of Pub. L. 90–351 by section 609F of Pub. L. 98–473.

Another prior section 1201 of Pub. L. 90–351, title VII, June 19, 1968, 82 Stat. 236, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99–308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

2022—Subsec. (o). Pub. L. 117–172 added subsec. (o).

2021—Subsec. (a). Pub. L. 117–61, §2(1), in introductory provisions, struck out "the Bureau shall pay" before "a benefit of \$250,000," and inserted ", and calculated in accordance with subsection (i), shall be payable by the Bureau" after " subsection (h)".

Subsec. (b). Pub. L. 117–61, §2(2), substituted "a benefit shall be payable" for "the Bureau shall pay the same benefit", "in the same amount that would be payable, as of the date such injury was sustained (including" for "that is payable under subsection (a) with respect to the date on which the catastrophic injury occurred,", and "necessary." for "necessary: *Provided further*, That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer."

and inserted ", and calculated in accordance with subsection (i)), if such determination were a determination under subsection (a)" before ": *Provided, That*".

Subsec. (c). Pub. L. 117-61, §2(3), substituted "\$6,000, adjusted in accordance with subsection (h)," for "\$3,000".

Subsec. (h). Pub. L. 117-61, §2(4), substituted "subsections (a) and (b) and the level of the interim benefit payable immediately before such October 1 under subsection (c)" for "subsection (a)".

Subsec. (i). Pub. L. 117-61, §2(5), added subsec. (i) and struck out former subsec. (i). Prior to amendment, text read as follows: "The amount payable under subsection (a) with respect to the death of a public safety officer shall be the amount payable under subsection (a) as of the date of death of such officer."

Subsec. (m). Pub. L. 117-61, §2(6), inserted ", (b)," after "subsection (a)".

2013—Subsec. (a). Pub. L. 112-239, §1086(b)(1)(B)(i), substituted "follows (if the payee indicated is living on the date on which the determination is made)—" for "follows:" in introductory provisions, added pars. (1) to (6), and struck out former pars. (1) to (6) which listed a succession of beneficiaries.

Subsec. (b). Pub. L. 112-239, §1086(b)(1)(B)(ii), substituted "direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay the same benefit to the public safety officer (if living on the date on which the determination is made) that is payable under subsection (a) of this section with respect to the date on which the catastrophic injury occurred, as adjusted in accordance with subsection (h) of this section:" for "direct result of a catastrophic injury sustained in the line of duty, the Bureau shall pay, to the extent that appropriations are provided, the same benefit in any year that is payable under subsection (a) of this section in such year, adjusted in accordance with subsection (h) of this section, to such officer:", "That for the purposes" for "That the total annual benefits paid under this subsection may not exceed \$5,000,000. For the purposes", and "That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer." for "That these benefit payments are subject to the availability of appropriations and that each beneficiary's payment shall be reduced by a proportionate share to the extent that sufficient funds are not appropriated."

Subsec. (f)(1). Pub. L. 112-239, §1086(b)(1)(B)(iii)(I), substituted semicolon at end for ", as amended (D.C. Code, sec. 4-622); or".

Subsec. (f)(2). Pub. L. 112-239, §1086(b)(1)(B)(iii)(II), substituted ", such that beneficiaries shall receive only such benefits under such section 8191 as are in excess of the benefits received under this subchapter; or" for ". Such beneficiaries shall only receive benefits under such section 8191 that are in excess of the benefits received under this subchapter."

Subsec. (f)(3). Pub. L. 112-239, §1086(b)(1)(B)(iii)(III), added par. (3).

Subsec. (k). Pub. L. 112-239, §1086(b)(1)(B)(iv), amended subsec. (k) generally. Prior to amendment, subsec. (k) related to presumption with respect to death by heart attack or stroke.

Subsec. (n). Pub. L. 112-239, §1086(b)(1)(B)(v), added subsec. (n).

2006—Subsec. (a)(4). Pub. L. 109-162, §1164(d), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "if there is no surviving spouse or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or".

Subsec. (a)(6). Pub. L. 109-162, §1164(e), which directed amendment of section 1201(1)(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)) by adding par. (6) at end, was executed by adding par. (6) at end of subsec. (a) of this section to reflect the probable intent of Congress.

Subsec. (m). Pub. L. 109-162, §1164(c), added subsec. (m).

2003—Subsecs. (k), (l). Pub. L. 108-182 added subsecs. (k) and (l).

2002—Subsec. (a)(4), (5). Pub. L. 107-196 added par. (4) and redesignated former par. (4) as (5).

2001—Subsec. (a). Pub. L. 107-56 substituted "\$250,000" for "\$100,000" in introductory provisions.

1994—Subsec. (a). Pub. L. 103-322, §330001(e)(1)(A), substituted "subsection (h) of this section," for "subsection (g) of this section" in introductory provisions.

Subsec. (b). Pub. L. 103-322, §330001(e)(1)(B), substituted "catastrophic injury" for "catastrophic personal injury", "subsection (h)" for "subsection (g)", and "benefits paid under this subsection" for "benefits paid under this section".

1992—Subsec. (b). Pub. L. 102-520 substituted "the same benefit in any year that is payable under subsection (a) of this section in such year," for "a benefit of up to \$100,000,".

1990—Subsec. (b). Pub. L. 101-647, §1301(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 101-647, §1301(a)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsecs. (d), (e). Pub. L. 101-647, §1301(a)(1), (2), redesignated subsecs. (c) and (d) as (d) and (e), respectively, and substituted "(c)" for "(b)". Former subsec. (e) redesignated (f).

Subsecs. (f) to (i). Pub. L. 101–647, §1301(a)(2), redesignated former subsecs. (e) to (h) as (f) to (i), respectively.

Subsec. (j). Pub. L. 101–647, §1301(a)(4), added subsec. (j).

1988—Subsec. (a). Pub. L. 100–690, §6105(a), substituted "\$100,000, adjusted in accordance with subsection (g) of this section" for "\$50,000".

Subsec. (a)(4). Pub. L. 100–690, §6105(c), struck out "dependent" before "parent".

Subsecs. (g), (h). Pub. L. 100–690, §6105(b), added subsecs. (g) and (h).

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–172, §3(b), Aug. 16, 2022, 136 Stat. 2099, provided that:

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section [amending this section] shall—

"(A) take effect on the date of enactment of this Act [Aug. 16, 2022]; and

"(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed (consistent with pre-existing effective dates) or accruing after that date.

"(2) EXCEPTIONS.—The amendments made by this section shall apply to any action taken by a public safety officer described in paragraph (3) of section 1201(o) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10281(o)(3)] (as added by this Act) that occurred on or after January 1, 2019."

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117–61, §8, Nov. 18, 2021, 135 Stat. 1479, provided that:

"(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act [amending this section and sections 10225, 10284, 10285, 10288, and 10306 of this title, and amending provisions set out as a note below] shall take effect on the date of enactment of this Act [Nov. 18, 2021].

"(b) APPLICABILITY.—

"(1) CERTAIN INJURIES.—The amendments made to paragraphs (2) and (7) of section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284) shall apply with respect to injuries occurring on or after January 1, 2008.

"(2) MATTERS PENDING.—Except as provided in paragraph (1), the amendments made by this Act shall apply to any matter pending, before the Bureau or otherwise, on the date of enactment of this Act, or filed (consistent with pre-existing effective dates) or accruing after that date.

"(c) EFFECTIVE DATE FOR WTC RESPONDERS.—

"(1) CERTAIN NEW CLAIMS.—Not later than two years after the effective date of this Act, a WTC responder may file a claim, under section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)), that is predicated on a personal injury sustained in the line of duty by such responder as a result of the September 11, 2001, attacks, where—

"(A) no claim under such section 1201(b) so predicated has previously been filed; or

"(B) a claim under such section 1201(b) so predicated had previously been denied, in a final agency determination, on the basis (in whole or in part) that the claimant was not totally disabled.

"(2) CLAIMS FOR A DECEASED WTC RESPONDER.—Not later than two years after the effective date of this Act, a claim may be filed, constructively under section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(a)), where a WTC responder who otherwise could have filed a claim pursuant to paragraph (1) has died before such effective date (or dies not later than 365 days after such effective date), or where a WTC responder has filed such a claim but dies while it is pending before the Bureau: Provided, That—

"(A) no claim under such section 1201(a) otherwise shall have been filed, or determined, in a final agency determination; and

"(B) if it is determined, in a final agency determination, that a claim under such paragraph (1) would have been payable had the WTC responder not died, then the WTC responder shall irrefutably be presumed (solely for purposes of determining to whom benefits otherwise pursuant to such paragraph (1) may be payable under the claim filed constructively under such section 1201(a)) to have died as the direct and proximate result of the injury on which the claim under such paragraph (1) would have been predicated.

"(3) DIFFERENCE IN BENEFIT PAY.—In the event that a claim under section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)) and predicated on an injury sustained in the line of duty by a WTC responder as a result of the September 11, 2001, attacks was

approved, in a final agency determination, before the effective date of this Act, the Bureau shall, upon application filed (not later than three years after such effective date of this Act) by the payee (or payees) indicated in subparagraphs (A) or (B), pay a bonus in the amount of the difference (if any) between the amount that was paid pursuant to such determination and the amount that would have been payable had the amendments made by this Act, other than those indicated in subsection (b)(1), been in effect on the date of such determination—

"(A) to the WTC responder, if living on the date the application is determined, in a final agency determination; or

"(B) if the WTC responder is not living on the date indicated in subparagraph (A), to the individual (or individuals), if living on such date, to whom benefits would have been payable on such date under section 1201(a) of such title I (34 U.S.C. 10281(a)) had the application been, instead, a claim under such section 1201(a).

"(4) SPECIAL LIMITED RULE OF CONSTRUCTION.—A claim filed pursuant to paragraph (1) or (2) shall be determined as though the date of catastrophic injury of the public safety officer were the date of enactment of this Act [Nov. 18, 2021], for purposes of determining the amount that may be payable."

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.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–196, §2(c), June 24, 2002, 116 Stat. 720, provided that: "The amendments made by this section [amending this section and section 10284 of this title] shall take effect on September 11, 2001, and shall apply to injuries or deaths that occur in the line of duty on or after such date."

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–56, title VI, §613(b), Oct. 26, 2001, 115 Stat. 370, provided that: "The amendment made by subsection (a) [amending this section] shall apply to any death or disability occurring on or after January 1, 2001."

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102–520, §2, Oct. 25, 1992, 106 Stat. 3402, provided that: "The amendments made by section 1 of this Act [amending this section] shall apply with respect to injuries occurring on or after November 29, 1990, using the calculation method used to determine benefits under section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10281(a)]."

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101–647, title XIII, §1303, Nov. 29, 1990, 104 Stat. 4835, provided that: "The amendments made by this title [amending this section and sections 10282 and 10284 of this title] shall take effect upon enactment [Nov. 29, 1990] and shall not apply with respect to injuries occurring before the effective date of such amendments."

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100–690, title VI, §6105(e), Nov. 18, 1988, 102 Stat. 4341, provided that: "The amendments made by this section [amending this section and section 10284 of this title] shall take effect on June 1, 1988."

EFFECTIVE DATE

Subchapter effective Oct. 1, 1984, and inapplicable with respect to injuries sustained before Oct. 1, 1984, see section 609AA(b)(1) of Pub. L. 98–473, set out as a note under section 10101 of this title.

FINDINGS

Pub. L. 117–172, §2, Aug. 16, 2022, 136 Stat. 2098, provided that: "Congress finds the following:

"(1) Every day, public safety officers, including police officers, firefighters, emergency medical technicians, and others, work to maintain the safety, health, and well-being of the communities they serve.

"(2) This means public safety officers are routinely called to respond to stressful and potentially traumatic situations, often putting their own lives in danger.

"(3) This work not only puts public safety officers at-risk for experiencing harm, serious injury, and cumulative and acute trauma, but also places them at up to 25.6 times higher risk for developing post-

traumatic stress disorder when compared to individuals without such experiences.

"(4) Psychological evidence indicates that law enforcement officers experience significant job-related stressors and exposures that may confer increased risk for mental health morbidities (such as post-traumatic stress disorder and suicidal thoughts, ideation, intents, and behaviors) and hastened mortality.

"(5) Public safety officers often do not have the resources or support they need, leaving them at higher risk for long-term mental health consequences.

"(6) Whereas, although the Department of Defense already considers servicemember suicides to be line-of-duty deaths and provides Federal support to eligible surviving families, the Federal Government does not recognize public safety officer suicides as deaths in the line of duty.

"(7) In 2017, the Department of Justice approved 481 claims under the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281 et seq.), but not one of them for the more than 240 public safety officers who died by suicide that year.

"(8) Public safety officers who have died or are disabled as a result of suicide or post-traumatic stress disorder do not qualify for the Public Safety Officers' Benefits Program, despite the fact that public safety officers are more likely to die by suicide than from any other line-of-duty cause of death."

SAFEGUARDING AMERICA'S FIRST RESPONDERS

Pub. L. 116–157, Aug. 14, 2020, 134 Stat. 704, as amended by Pub. L. 117–61, §9, Nov. 18, 2021, 135 Stat. 1481, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Safeguarding America's First Responders Act of 2020'.

"SEC. 2. SENSE OF CONGRESS; PURPOSE.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) an infectious disease pandemic known as COVID–19 exists;

"(2) to date, there is much still unknown about COVID–19, but it is known that COVID–19 and related complications may be fatal;

"(3) services provided by public safety officers are nonetheless essential during this pandemic;

"(4) due to the COVID–19 pandemic and what is currently known about how the disease is spread, public safety officers are uncharacteristically at risk of contracting the disease; and

"(5) although the Public Safety Officers' Benefits program currently covers deaths and permanent and total disabilities resulting from infectious disease sustained by public safety officers in carrying out their duties, the determination of claims involving personal injuries believed to have resulted from COVID–19 or its complications may be uniquely challenging or delayed given the lack of—

"(A) definitive testing and medical records at this time; and

"(B) a definitive uniform body of medical information about how the disease is spread or its effects.

"(b) PURPOSE.—The purpose of this Act is to establish a carefully drawn framework wherein claims under the Public Safety Officers' Benefits program, arising under the unique circumstances described in subsection (a), can be processed expeditiously and under fair and clear standards.

"SEC. 3. PUBLIC SAFETY OFFICER BENEFITS.

"(a) DEATH BENEFITS.—As determined by the Bureau of Justice Assistance, unless competent medical evidence establishes that the death of a public safety officer (as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284)) was directly and proximately caused by something other than COVID–19, COVID–19 (or complications therefrom) suffered by the public safety officer shall be presumed to constitute a personal injury within the meaning of section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(a)), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

"(1) the officer engaged in a line of duty action or activity during the period beginning on January 1, 2020, and ending on the termination date;

"(2) the officer was diagnosed with COVID–19 (or evidence indicates that the officer had COVID–19) during the 45-day period beginning on the last day of duty of the officer; and

"(3) evidence indicates that the officer had COVID–19 (or complications therefrom) at the time of the officer's death.

"(b) DISABILITY BENEFITS.—As determined by the Bureau of Justice Assistance, COVID–19 (or complications therefrom) suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)), sustained in the line of duty by the officer, if—

"(1) the officer engaged in a line of duty action or activity during the period beginning on January 1, 2020, and ending on the termination date; and

"(2) the officer was diagnosed with COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on the last day of duty of the officer.

"(c) TERMINATION DATE.—For purposes of this section, the term 'termination date' means the earlier of—

"(1) the date on which the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the Coronavirus Disease (COVID-19), expires; and

"(2) December 31, 2023."

§10282. Limitations on benefits

(a) In general

No benefit shall be paid under this subchapter—

(1) if the fatal or catastrophic injury was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death, disability, or injury;

(2) if the public safety officer was voluntarily intoxicated at the time of his fatal or catastrophic injury;

(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his fatal or catastrophic injury;

(4) to any individual who would otherwise be entitled to a benefit under this subchapter if such individual's actions were a substantial contributing factor to the fatal or catastrophic injury of the public safety officer; or

(5) with respect to any individual employed in a capacity other than a civilian capacity.

(b) Presumption

In determining whether a benefit is payable under this subchapter, the Bureau—

(1) shall presume that none of the limitations described in subsection (a) apply; and

(2) shall not determine that a limitation described in subsection (a) applies, absent clear and convincing evidence.

(Pub. L. 90-351, title I, §1202, as added Pub. L. 98-473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 101-647, title XIII, §1301(b), Nov. 29, 1990, 104 Stat. 4834; Pub. L. 109-162, title XI, §1164(b), Jan. 5, 2006, 119 Stat. 3120; Pub. L. 112-239, div. A, title X, §1086(b)(1)(C), Jan. 2, 2013, 126 Stat. 1966; Pub. L. 115-36, §5, June 2, 2017, 131 Stat. 852.)

EDITORIAL NOTES

CODIFICATION

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

PRIOR PROVISIONS

A prior section 1202 of title I of Pub. L. 90-351, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1220; amended Pub. L. 98-411, title II, §204(a)(2), Aug. 30, 1984, 98 Stat. 1561; Pub. L. 98-473, title II, §609Z, Oct. 12, 1984, 98 Stat. 2107, contained provisions similar to this section, prior to the general amendment of part L of title I of Pub. L. 90-351 by section 609F of Pub. L. 98-473.

Another prior section 1202 of Pub. L. 90-351, title VII, June 19, 1968, 82 Stat. 236, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99-308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

2017—Pub. L. 115-36 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2013—Pub. L. 112-239, §1086(b)(1)(C)(i), substituted "fatal" for "death" wherever appearing except in par. (1) following "bring about his".

Par. (1). Pub. L. 112-239, §1086(b)(1)(C)(ii), substituted "bring about his death, disability, or injury" for "bring about his death or catastrophic injury".

2006—Par. (5). Pub. L. 109-162 inserted "with respect" before "to any individual".

1990—Pars. (1) to (4). Pub. L. 101-647 inserted "or catastrophic injury" after "death" wherever appearing.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–36, §6, June 2, 2017, 131 Stat. 852, provided that: "The amendments made by this Act [enacting section 10288 of this title and amending this section and sections 10285 and 10302 of this title] shall—

- "(1) take effect on the date of enactment of this Act [June 2, 2017]; and
- "(2) apply to any benefit claim or application under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) [now 34 U.S.C. 10281 et seq.] that is—
 - "(A) pending before the Bureau of Justice Assistance on the date of enactment; or
 - "(B) received by the Bureau on or after the date of enactment of this Act."

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.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring before Nov. 29, 1990, see section 1303 of Pub. L. 101–647, set out as a note under section 10281 of this title.

§10283. National programs for families of public safety officers who have sustained fatal or catastrophic injury in the line of duty

The Director is authorized to use no less than \$150,000 of the funds appropriated for this subchapter to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have sustained fatal or catastrophic injury in the line of duty.

(Pub. L. 90–351, title I, §1203, as added Pub. L. 100–690, title VI, §6106(a)(2), Nov. 18, 1988, 102 Stat. 4341; amended Pub. L. 105–180, §2(a), June 16, 1998, 112 Stat. 511; Pub. L. 112–239, div. A, title X, §1086(b)(1)(D), Jan. 2, 2013, 126 Stat. 1966.)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3796a–1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1203 of Pub. L. 90–351 was renumbered section 1204 and is classified to section 10284 of this title.

Another prior section 1203 of Pub. L. 90–351, title VII, June 19, 1968, 82 Stat. 237, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99–308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

2013—Pub. L. 112–239 substituted "who have sustained fatal or catastrophic injury in the line of duty" for "who have died in the line of duty" in section catchline and text.

1998—Pub. L. 105–180 amended text generally. Prior to amendment, text read as follows: "The Director is authorized and directed to use up to \$150,000 of the funds appropriated for this subchapter to establish national programs to assist the families of public safety officers who have died in the line of duty."

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.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 10142(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 10141 of this title.

§10284. Definitions

As used in this subchapter—

- (1) "action outside of jurisdiction" means an action, not in the course of any compensated employment involving either the performance of public safety activity or the provision of security services, by a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew that—
 - (A) was taken in a jurisdiction where—
 - (i) the law enforcement officer or firefighter then was not authorized to act, in the ordinary course, in an official capacity; or
 - (ii) the member of a rescue squad or ambulance crew then was not authorized or licensed to act, in the ordinary course, by law or by the applicable agency or entity;
 - (B) then would have been within the authority and line of duty of—
 - (i) a law enforcement officer or a firefighter to take, who was authorized to act, in the ordinary course, in an official capacity, in the jurisdiction where the action was taken; or
 - (ii) a member of a rescue squad or ambulance crew to take, who was authorized or licensed by law and by a pertinent agency or entity to act, in the ordinary course, in the jurisdiction where the action was taken; and
 - (C) was, in an emergency situation that presented an imminent and significant danger or threat to human life or of serious bodily harm to any individual, taken—
 - (i) by a law enforcement officer—
 - (I) to prevent, halt, or respond to the immediate consequences of a crime (including an incident of juvenile delinquency); or
 - (II) while engaging in a rescue activity or in the provision of emergency medical services;
 - (ii) by a firefighter—
 - (I) while engaging in fire suppression; or
 - (II) while engaging in a rescue activity or in the provision of emergency medical services; or
 - (iii) by a member of a rescue squad or ambulance crew, while engaging in a rescue activity or in the provision of emergency medical services;
- (2) "candidate officer" means an individual who is enrolled or admitted, as a cadet or trainee, in a formal and officially established program of instruction or of training (such as a police or fire academy) that is specifically intended to result upon completion, in the—
 - (A) commissioning of such individual as a law enforcement officer;
 - (B) conferral upon such individual of official authority to engage in fire suppression (as an officer or employee of a public fire department or as an officially recognized or designated member of a legally organized volunteer fire department); or
 - (C) granting to such individual official authorization or license to engage in a rescue activity, or in the provision of emergency medical services, as a member of a rescue squad, or as a member of an ambulance crew that is (or is a part of) the agency or entity that is sponsoring the individual's enrollment or admission;
- (3) "blind" means an individual who has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens or whose eye is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;
- (4) "catastrophic injury" means an injury, the direct and proximate result of which is to permanently render an individual functionally incapable (including through a directly and proximately resulting neurocognitive disorder), based on the state of medicine on the date on which the claim is determined by the Bureau, of performing work, including sedentary work: Provided, That, if it appears that a claimant may be functionally capable of performing work—
 - (A) the Bureau shall disregard work where any compensation provided is de minimis, nominal, honorary, or mere reimbursement of incidental expenses, such as—
 - (i) work that involves ordinary or simple tasks, that because of the claimed disability, the claimant cannot perform without significantly more supervision, accommodation, or assistance than is typically provided to an individual without the claimed disability doing similar work;

- (ii) work that involves minimal duties that make few or no demands on the claimant and are of little or no economic value to the employer; or
- (iii) work that is performed primarily for therapeutic purposes and aids the claimant in the physical or mental recovery from the claimed disability; and

(B) the claimant shall be presumed, absent clear and convincing medical evidence to the contrary as determined by the Bureau, to be functionally incapable of performing such work if the direct and proximate result of the injury renders the claimant—

- (i) blind;
- (ii) parapalegic; $\frac{1}{2}$ or
- (iii) quadriplegic;

(5) "chaplain" includes any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;

(6) "child" means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased or permanently and totally disabled public safety officer who, at the time of the public safety officer's death or fatal injury (in connection with any claim predicated upon such death or injury) or the date of the public safety officer's catastrophic injury or of the final determination by the Bureau of any claim predicated upon such catastrophic injury, is—

- (A) 18 years of age or under;
- (B) over 18 years of age and a student as defined in section 8101 of title 5; or
- (C) over 18 years of age and incapable of self-support because of physical or mental disability;

(7) "firefighter" includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department, including an individual who, as such a member, engages in scene security or traffic management as the primary or only duty of the individual during emergency response;

(8) "intoxication" means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

- (A) a post-injury blood alcohol level of .20 per centum or greater; or
- (B) a post-injury blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his fatal or catastrophic injury;

or resulting from drugs or other substances in the body;

(9) "law enforcement officer" means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency), including, but not limited to, police, corrections, probation, parole, and judicial officers;

(10) "member of a rescue squad or ambulance crew" means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

- (A) is a public agency; or
- (B) is (or is a part of) a nonprofit entity serving the public that—
 - (i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and
 - (ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;

(11) "neurocognitive disorder" means a disorder that is characterized by a clinically significant decline in cognitive functioning and may include symptoms and signs such as disturbances in memory, executive functioning (that is, higher-level cognitive processes, such as, regulating attention, planning, inhibiting responses, decision-making), visual-spatial functioning, language, speech, perception, insight, judgment, or an insensitivity to social standards;

(12) "sedentary work" means work that—

- (A) involves lifting articles weighing no more than 10 pounds at a time or occasionally lifting or carrying articles such as docket files, ledgers, or small tools; and
- (B) despite involving sitting on a regular basis, may require walking or standing on an occasional basis;

(13) "public agency" means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing, and includes (as may be prescribed by regulation hereunder) a legally organized volunteer fire department that is a

nonprofit entity and provides services without regard to any particular relationship (such as a subscription) a member of the public may have with such a department; and

(14) "public safety officer" means—

(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain: Provided, That (notwithstanding section 10285(b)(2) or (3) of this title) the Bureau shall, absent clear and convincing evidence to the contrary as determined by the Bureau, deem the actions outside of jurisdiction taken by any such law enforcement officer or firefighter, to have been taken while serving such public agency in such capacity, in any case in which the principal legal officer of such public agency, and the head of such agency, together, certify that such actions—

(i) were not unreasonable;

(ii) would have been within the authority and line of duty of such law enforcement officer or such firefighter to take, had they been taken in a jurisdiction where such law enforcement officer or firefighter was authorized to act, in the ordinary course, in an official capacity; and

(iii) would have resulted in the payment of full line-of-duty death or disability benefits (as applicable), if any such benefits typically were payable by (or with respect to or on behalf of) such public agency, as of the date the actions were taken;

(B) a candidate officer who is engaging in an activity or exercise that itself is a formal or required part of the program in which the candidate officer is enrolled or admitted, as provided in this section;

(C) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the Administrator of the Federal Emergency Management Agency to be hazardous duties;

(D) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the head of the agency to be hazardous duties;

(E) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services:

Provided, That (notwithstanding section 10285(b)(2) or (3) of this title) the Bureau shall, absent clear and convincing evidence to the contrary as determined by the Bureau, deem the actions outside of jurisdiction taken by any such member to have been thus authorized or licensed, in any case in which the principal legal officer of such agency or entity, and the head of such agency or entity, together, certify that such actions—

(i) were not unreasonable;

(ii) would have been within the authority and line of duty of such member to take, had they been taken in a jurisdiction where such member was authorized or licensed by law and by a pertinent agency or entity to act, in the ordinary course; and

(iii) would have resulted in the payment of full line-of-duty death or disability benefits (as applicable), if any such benefits typically were payable by (or with respect to or on behalf of) such applicable agency or entity, as of the date the action was taken;

(F) omitted

(G) an employee or contractor of the Department of Energy who—

(i) is—

(I) a nuclear materials courier (as defined in section 8331(27) of title 5); or

(II) designated by the Secretary of Energy as a member of an emergency response team; and

(ii) is performing official duties of the Department, pursuant to a deployment order issued by the Secretary, to protect the public, property, or the interests of the United States by—

(I) assessing, locating, identifying, securing, rendering safe, or disposing of weapons of mass destruction (as defined in section 2302 of title 50); or

(II) managing the immediate consequences of a radiological release or exposure.

(Pub. L. 90–351, title I, §1204, formerly §1203, as added Pub. L. 98–473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 99–500, §101(b) [title II, §207], Oct. 18, 1986, 100 Stat. 1783–39, 1783–56, and Pub. L. 99–591, §101(b) [title II, §207], Oct. 30, 1986, 100 Stat. 3341–39, 3341–56; renumbered §1204 and amended Pub. L. 100–690, title VI, §§6105(d), 6106(a)(1), Nov. 18, 1988, 102 Stat. 4341; Pub. L. 101–647, title XIII, §§1301(c), 1302, Nov. 29, 1990, 104 Stat. 4834; Pub. L. 103–322, title XXXIII, §330001(e)(2), Sept. 13, 1994, 108 Stat. 2139; Pub. L. 106–390, title III, §305(a), Oct. 30, 2000, 114 Stat. 1573; Pub. L. 107–196, §2(a), June 24, 2002, 116 Stat. 719; Pub. L. 109–162, title XI, §1164(a), Jan. 5, 2006, 119 Stat. 3120; Pub. L. 109–295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L.

112–239, div. A, title X, §1086(b)(1)(E), Jan. 2, 2013, 126 Stat. 1967; Pub. L. 116–22, title III, §301(d)(2), June 24, 2019, 133 Stat. 933; Pub. L. 116–283, div. C, title XXXI, §3142, Jan. 1, 2021, 134 Stat. 4386; Pub. L. 117–61, §3, Nov. 18, 2021, 135 Stat. 1475; Pub. L. 117–172, §4(b), Aug. 16, 2022, 136 Stat. 2101.)

EDITORIAL NOTES

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in par. (14)(C)(i), (D) (i), is Pub. L. 93–288, [May 22, 1974](#), 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

CODIFICATION

Par. (14)(F) of this section, which was originally enacted as par. (9)(E) by section 301(d)(2) of Pub. L. 116–22, ceased to have force or effect on Oct. 1, 2021. Prior to being omitted, par. (14)(F) included within the definition of public safety officer an individual appointed to the National Disaster Medical System under section 300hh–11 of Title 42, The Public Health and Welfare, performing official duties of the Department of Health and Human Services that were related to responding to a public health emergency, potential public health emergency, or other activities for which the National Disaster Medical System was activated and that were determined by the Secretary of Health and Human Services to be hazardous.

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

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

PRIOR PROVISIONS

A prior section 1204 of Pub. L. 90–351 was renumbered section 1205 and is classified to section 10285 of this title.

AMENDMENTS

2022—Par. (11). Pub. L. 117–172, §4(b)(1), struck out "and" at end.

Par. (12)(B). Pub. L. 117–172, §4(b)(2), substituted semicolon for period at end.

Par. (14)(F), (G). Pub. L. 117–172, §4(b)(3), redesignated subpar. (F) relating to an employee or contractor of the Department of Energy as (G).

2021—Pars. (1) to (3). Pub. L. 117–61, §3(8), added pars. (1) to (3). Former pars. (1) to (3) redesignated (4) to (6), respectively.

Par. (4). Pub. L. 117–61, §3(2), added par. (4) and struck out former par. (4) which read as follows: "'catastrophic injury' means an injury, the direct and proximate consequences of which permanently prevent an individual from performing any gainful work;".

Pub. L. 117–61, §3(1), redesignated par. (1) as (4). Former par. (4) redesignated (7).

Par. (5). Pub. L. 117–61, §3(1), redesignated par. (2) as (5). Former par. (5) redesignated (8).

Par. (6). Pub. L. 117–61, §3(1), (3), redesignated par. (3) as (6) and substituted "at the time of the public safety officer's death or fatal injury (in connection with any claim predicated upon such death or injury) or the date of the public safety officer's catastrophic injury or of the final determination by the Bureau of any claim predicated upon such catastrophic injury" for "at the time of the public safety officer's fatal or catastrophic injury" in introductory provisions. Former par. (6) redesignated (9).

Par. (7). Pub. L. 117–61, §3(1), (4), redesignated par. (4) as (7) and inserted ", including an individual who, as such a member, engages in scene security or traffic management as the primary or only duty of the individual during emergency response" before semicolon at end. Former par. (7) redesignated (10).

Par. (8). Pub. L. 117–61, §3(1), redesignated par. (5) as (8). Former par. (8) redesignated (13).

Par. (9). Pub. L. 117–61, §3(1), (5), redesignated par. (6) as (9) and substituted "delinquency," for "delinquency).". Former par. (9) redesignated (14).

Par. (9)(F). Pub. L. 116–283 added subpar. (F) relating to an employee or contractor of the Department of Energy. Par. (9) was subsequently redesignated (14) by Pub. L. 117–61, §3(1).

Par. (10). Pub. L. 117–61, §3(1), redesignated par. (7) as (10).

Pars. (11), (12). Pub. L. 117–61, §3(9), added pars. (11) and (12).

Par. (13). Pub. L. 117–61, §3(1), (6), redesignated par. (8) as (13) and inserted ", and includes (as may be prescribed by regulation hereunder) a legally organized volunteer fire department that is a nonprofit entity and provides services without regard to any particular relationship (such as a subscription) a member of the public may have with such a department" before "; and".

Par. (14). Pub. L. 117–61, §3(1), redesignated par. (9) as (14).

Par. (14)(A). Pub. L. 117–61, §3(7)(A), added subpar. (A) and struck out former subpar. (A) which read as follows: "an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain;"

Par. (14)(B). Pub. L. 117–61, §3(7)(C), added subpar. (B). Former subpar. (B) redesignated (C).

Par. (14)(C), (D). Pub. L. 117–61, §3(7)(B), redesignated subpars. (B) and (C) as (C) and (D), respectively.

Par. (14)(E). Pub. L. 117–61, §3(7)(D), added subpar. (E) and struck out former subpar. (E) which read as follows: "a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services;"

Pub. L. 117–61, §3(7)(B), redesignated subpar. (D) as (E). Former subpar. (E), relating to an individual appointed to the National Disaster Medical System under section 300hh–11 of title 42 and whose effect ceased Oct. 1, 2021, redesignated (F).

Par. (14)(F). Pub. L. 117–61, §3(7)(B), redesignated omitted subpar. (E), relating to an individual appointed to the National Disaster Medical System under section 300hh–11 of title 42 and whose effect ceased on Oct. 1, 2021, as (F). See Codification note above.

2019—Par. (9)(E). Pub. L. 116–22, §301(d)(2), (3), temporarily added subpar. (E) which related to an individual appointed to the National Disaster Medical System under section 300hh–11 of title 42. See Codification note above and Termination Date of 2019 Amendment note below.

2013—Par. (1). Pub. L. 112–239, §1086(b)(1)(E)(i), substituted "an injury, the direct and proximate consequences of which" for "consequences of an injury that".

Par. (3). Pub. L. 112–239, §1086(b)(1)(E)(ii), inserted "or permanently and totally disabled" after "deceased" and substituted "fatal or catastrophic injury" for "death" in introductory provisions and redesignated cls. (i) to (iii) as subpars. (A) to (C), respectively.

Par. (5). Pub. L. 112–239, §1086(b)(1)(E)(iii)(II), (III), redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively, and, in subpar. (B), substituted "fatal or catastrophic injury" for "death".

Pub. L. 112–239, §1086(b)(1)(E)(iii)(I), substituted "post-injury" for "post-mortem" in cls. (i) and (ii).

Par. (7). Pub. L. 112–239, §1086(b)(1)(E)(iv), substituted "employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—" for "public employee member of a rescue squad or ambulance crew;" and added subpars. (A) and (B).

Par. (9)(A). Pub. L. 112–239, §1086(b)(1)(E)(v)(I), substituted "or as a chaplain;" for "as a chaplain, or as a member of a rescue squad or ambulance crew;"

Par. (9)(D). Pub. L. 112–239, §1086(b)(1)(E)(v)(II)–(IV), added subpar. (D).

2006—Par. (4). Pub. L. 109–162, §1164(a)(3), struck out "and an officially recognized or designated public employee member of a rescue squad or ambulance crew" before semicolon at end.

Par. (6). Pub. L. 109–162, §1164(a)(4), substituted "enforcement of the criminal laws (including juvenile delinquency)." for "enforcement of the laws".

Pars. (7) to (9). Pub. L. 109–162, §1164(a)(1), (2), added par. (7) and redesignated former pars. (7) and (8) as (8) and (9), respectively.

2002—Pars. (2) to (7). Pub. L. 107–196, §2(a)(1), (2), added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively. Former par. (7) redesignated (8).

Par. (8). Pub. L. 107–196, §2(a)(1), (3), redesignated par. (7) as (8) and inserted "as a chaplain," after "firefighter," in subpar. (A).

2000—Par. (7). Pub. L. 106–390 added par. (7) and struck out former par. (7) which read as follows: "'public safety officer' means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, a firefighter, or rescue squad or ambulance crew".

1994—Par. (3). Pub. L. 103–322 struck out before semicolon at end "who was responding to a fire, rescue or police emergency".

1990—Par. (1). Pub. L. 101–647, §1301(c), added par. (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 101–647, §1302, which directed amendment of par. (2) by inserting a period after "ambulance crew" and striking out "who was responding to a fire, rescue or police emergency.", could not be executed because the phrases "ambulance crew" and "who was responding to a fire, rescue or police emergency." did not appear in text of par. (2).

Pub. L. 101–647, §1301(c)(1), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pars. (3) to (7). Pub. L. 101–647, §1301(c)(1), redesignated pars. (2) to (6) as (3) to (7), respectively.

1988—Pars. (2) to (7). Pub. L. 100–690, §6105(d), redesignated pars. (3) to (7) as (2) to (6), respectively, and struck out former par. (2) defining a "dependent" as any individual substantially reliant for support upon income of deceased public safety officer.

1986—Pub. L. 99–500 and Pub. L. 99–591 inserted "and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire, rescue or police

emergency" in par. (3), and substituted ", a firefighter, or rescue squad or ambulance crew" for "or a firefighter." in par. (7).

STATUTORY NOTES AND RELATED SUBSIDIARIES

CHANGE OF NAME

"Administrator of the Federal Emergency Management Agency" substituted for "Director of the Federal Emergency Management Agency" in par. (9)(B)(ii) (now (14)(C)(ii)) on authority of section 612(c) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6.

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, except that amendments to pars. (2) and (7) of this section by Pub. L. 117–61 applicable with respect to injuries occurring on or after Jan. 1, 2008, see section 8(a) and (b) of Pub. L. 117–61, set out in a note under section 10281 of this title.

TERMINATION DATE OF 2019 AMENDMENT

Pub. L. 116–22, [title III, §301\(d\)\(3\), June 24, 2019](#), 133 Stat. 933, provided that: "The amendments made by paragraphs (1) and (2) [amending this section and section 300hh–11 of Title 42, The Public Health and Welfare] shall cease to have force or effect on October 1, 2021."

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.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–196 effective Sept. 11, 2001, and applicable to injuries or deaths that occur in the line of duty on or after such date, see section 2(c) of Pub. L. 107–196, set out as a note under section 10281 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–390, [title III, §305\(b\), Oct. 30, 2000](#), 114 Stat. 1574, provided that: "The amendment made by subsection (a) [amending this section] applies only to employees described in subparagraphs (B) and (C) of section 1204(7) [now 1204(14)(C) and (D)] of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10284(14)(C), (D)] (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act [Oct. 30, 2000]."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring before Nov. 29, 1990, see section 1303 of Pub. L. 101–647, set out as a note under section 10281 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6105(d) of Pub. L. 100–690 effective June 1, 1988, see section 6105(e) of Pub. L. 100–690, set out as a note under section 10281 of this title.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating

thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

EXECUTIVE DOCUMENTS

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

¹ *So in original. Probably should be "paraplegic:".*

§10285. Administrative provisions

(a) Rules, regulations, and procedures

The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this subchapter. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this subchapter. Rules, regulations, and procedures issued under this subchapter may include regulations governing the recognition of agents or other persons representing claimants under this subchapter before the Bureau. Rules, regulations, and procedures issued under this subchapter may include regulations based on standards developed by another Federal agency for programs related to public safety officer death or disability claims. The Bureau may prescribe the maximum fees which may be charged for services performed in connection with any claim under this subchapter before the Bureau, and any agreement in violation of such rules and regulations shall be void.

(b) Use of State and local administrative and investigative assistance

(1) In making determinations under section 10281 of this title, the Bureau may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Bureau.

(2) In making a determination under section 10281 of this title, the Bureau shall give substantial weight to the evidence and all findings of fact presented by a State, local, or Federal administrative or investigative agency regarding eligibility for death or disability benefits.

(3) If the head of a State, local, or Federal administrative or investigative agency, in consultation with the principal legal officer of the agency, provides a certification of facts regarding eligibility for death or disability benefits, the Bureau shall adopt the factual findings, if the factual findings are supported by substantial evidence.

(c) Use of appropriated funds to conduct appeals

Notwithstanding any other provision of law, the Bureau is authorized to use appropriated funds to conduct appeals of public safety officers' death and disability claims.

(d) References to provisions outside this subchapter

Unless expressly provided otherwise, any reference in this subchapter to any provision of law not in this subchapter shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.

(e) Reports on claims under this subchapter

(1)(A) Not later than 30 days after June 2, 2017, the Bureau shall make available on the public website of the Bureau information on all death, disability, and educational assistance claims submitted under this subchapter that are pending as of the date on which the information is made available.

(B) Not less frequently than once per week, the Bureau shall make available on the public website of the Bureau updated information with respect to all death, disability, and educational assistance claims submitted under this subchapter that are pending as of the date on which the information is made available.

(C) The information made available under this paragraph shall include—

(i) for each pending claim—

- (I) the date on which the claim was submitted to the Bureau;
- (II) the State of residence of the claimant;
- (III) an anonymized, identifying claim number; and
- (IV) the nature of the claim; and

(ii) the total number of pending claims that were submitted to the Bureau more than 1 year before the date on which the information is made available.

(2) Not later than 180 days after June 2, 2017, the Bureau shall publish on the public website of the Bureau a report, and shall update such report on such website not less than once every 180 days thereafter, containing—

(A) the total number of claims for which a final determination has been made during the 180-day period preceding the report;

(B) the amount of time required to process each claim for which a final determination has been made during the 180-day period preceding the report;

(C) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before that date for which a final determination has not been made;

(D) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before the date that is 1 year before that date for which a final determination has not been made;

(E) for each claim described in subparagraph (D), a detailed description of the basis for delay;

(F) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before that date relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination has not been made;

(G) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before the date that is 1 year before that date relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination has not been made;

(H) for each claim described in subparagraph (G), a detailed description of the basis for delay;

(I) the total number of claims submitted to the Bureau relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination was made during the 180-day period preceding the report, and the average award amount for any such claims that were approved;

(J) the result of each claim for which a final determination was made during the 180-day period preceding the report, including the number of claims rejected and the basis for any denial of benefits;

(K) the number of final determinations which were appealed during the 180-day period preceding the report, regardless of when the final determination was first made;

(L) the average number of claims processed per reviewer of the Bureau during the 180-day period preceding the report;

(M) for any claim submitted to the Bureau that required the submission of additional information from a public agency, and for which the public agency completed providing all of the required information during the 180-day period preceding the report, the average length of the period beginning on the date the public agency was contacted by the Bureau and ending on the date on which the public agency submitted all required information to the Bureau;

(N) for any claim submitted to the Bureau for which the Bureau issued a subpoena to a public agency during the 180-day period preceding the report in order to obtain information or documentation necessary to determine the claim, the name of the public agency, the date on which the subpoena was issued, and the dates on which the public agency was contacted by the Bureau before the issuance of the subpoena; and

(O) information on the compliance of the Bureau with the obligation to offset award amounts under section 10281(f)(3) of this title, including—

(i) the number of claims that are eligible for compensation under both this subchapter and the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) (commonly referred to as the "VCF");

(ii) for each claim described in clause (i) for which compensation has been paid under the VCF, the amount of compensation paid under the VCF;

(iii) the number of claims described in clause (i) for which the Bureau has made a final determination; and

(iv) the number of claims described in clause (i) for which the Bureau has not made a final determination.

(3) Not later than 2 years after June 2, 2017, and 2 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study on the compliance of the Bureau with the obligation to offset award amounts under section 10281(f)(3) of this title; and

(B) submit to Congress a report on the study conducted under subparagraph (A) that includes an assessment of whether the Bureau has provided the information required under subparagraph (I) of paragraph (2) of this subsection in each report required under that paragraph.

(4) In this subsection, the term "nature of the claim" means whether the claim is a claim for—

(A) benefits under this part with respect to the death of a public safety officer;

(B) benefits under this part with respect to the disability of a public safety officer; or

(C) education assistance under part B.

(Pub. L. 90–351, title I, §1205, formerly §1204, as added Pub. L. 98–473, title II, §609F, Oct. 12, 1984, 98 Stat. 2100; renumbered §1205, Pub. L. 100–690, title VI, §6106(a)(1), Nov. 18, 1988, 102 Stat. 4341; amended Pub. L. 105–180, §2(b), June 16, 1998, 112 Stat. 511; Pub. L. 112–239, div. A, title X, §1086(b)(1)(F), Jan. 2, 2013, 126 Stat. 1967; Pub. L. 115–36, §2, June 2, 2017, 131 Stat. 849; Pub. L. 117–61, §6, Nov. 18, 2021, 135 Stat. 1479.)

EDITORIAL NOTES

REFERENCES IN TEXT

The September 11th Victim Compensation Fund of 2001, referred to in subsec. (e)(2)(O)(i), is title IV of Pub. L. 107-42, **Sept. 22, 2001**, 115 Stat. 237, which is set out in a note under section 40101 of Title 49, Transportation.

CODIFICATION

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

AMENDMENTS

2021—Subsec. (e)(3)(B). Pub. L. 117-61 substituted "subparagraph (I)" for "subparagraph (B)(ix)".

2017—Subsec. (a). Pub. L. 115-36, §2(1), inserted "Rules, regulations, and procedures issued under this subchapter may include regulations based on standards developed by another Federal agency for programs related to public safety officer death or disability claims." before "The Bureau may prescribe".

Subsec. (b). Pub. L. 115-36, §2(2), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (e). Pub. L. 115-36, §2(3), added subsec. (e).

2013—Subsec. (d). Pub. L. 112-239 added subsec. (d).

1998—Subsec. (c). Pub. L. 105-180 added subsec. (c).

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 OF 2017 AMENDMENT

Amendment by Pub. L. 115-36 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 a note under section 10282 of this title.

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.

§10286. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack

(a) In general

Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a),¹ upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency 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))¹ was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).¹

(b) Definitions

For purposes of this section, the terms "catastrophic injury", "public agency", and "public safety officer" have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3796b).¹

(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.

¹ *See References in Text note below.*

§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))¹ 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 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.

¹ *See References in Text note below.*

§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".

§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 of full-time education or training or a proportional period of time for a part-time program.

(c) Age limitation for children

(1) In general

Subject to paragraph (2), 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.

(2) Delayed approvals

(A) Educational assistance application

If a claim for assistance under this part is approved more than 1 year after the date on which the application for such assistance is filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

- (i) beginning on the day after the date that is 1 year after the date on which the application is filed; and
- (ii) ending on the date on which the application is approved.

(B) Claim for benefits for death or permanent and total disability

In addition to an extension under subparagraph (A), if any, for an application for assistance under this part that relates to a claim for benefits under part A that was approved more than 1 year after the date on which the claim was filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

- (i) beginning on the day after the date that is 1 year after the date on which the claim for benefits is submitted; and
- (ii) ending on the date on which the claim for benefits is approved.

(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; Pub. L. 115–36, §3, June 2, 2017, 131 Stat. 851.)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3796d–1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2017—Subsec. (c). Pub. L. 115–36 designated existing provisions as par. (1) and inserted heading, substituted "Subject to paragraph (2), no child" for "No child", and added par. (2).

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).

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115–36 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 a note under section 10282 of this title.

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.

§10303. 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.)

EDITORIAL NOTES

CODIFICATION

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

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".

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.

§10304. Regulations

(a) In general

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

(b) Sliding scale

Notwithstanding section 10303(b) of this title, the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible person who is in financial need receives priority in receiving funds under this part.

(Pub. L. 90–351, title I, §1214, as added Pub. L. 104–238, §2(2), Oct. 3, 1996, 110 Stat. 3115; amended Pub. L. 105–390, §2(4), Nov. 13, 1998, 112 Stat. 3495; Pub. L. 112–239, div. A, title X, §1086(b)(1)(G), Jan. 2, 2013, 126 Stat. 1968.)

EDITORIAL NOTES

CODIFICATION

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

AMENDMENTS

2013—Subsec. (b). Pub. L. 112–239 substituted "person" for "dependent".

1998—Pub. L. 105–390 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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.

§10305. Discontinuation for unsatisfactory conduct or progress

The Attorney General may discontinue assistance under this part 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 1091(c) of title 20.

(Pub. L. 90–351, title I, §1215, as added Pub. L. 104–238, §2(2), Oct. 3, 1996, 110 Stat. 3115.)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3796d–4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§10306. Special rule

(a) Retroactive eligibility

Notwithstanding any other provision of law, a spouse or child of a Federal law enforcement officer killed in the line of duty on or after January 1, 1978,¹ and a spouse or child of a public safety officer killed in the line of duty on or after January 1, 1978, shall be eligible for assistance under this part, subject to the other limitations of this part.

(b) Retroactive assistance

The Attorney General shall (unless prospective assistance has been provided) provide retroactive assistance to a person eligible under this section for each month in which the person pursued a program of education at an eligible

educational institution. The Attorney General shall apply the limitations contained in this part to retroactive assistance.

(c) Prospective assistance

The Attorney General may provide prospective assistance to a person eligible under this section on the same basis as assistance to a person otherwise eligible. In applying the limitations on assistance under this part, the Attorney General shall include assistance provided retroactively. A person eligible under this section may waive retroactive assistance and apply only for prospective assistance on the same basis as a person otherwise eligible.

(Pub. L. 90–351, title I, §1216, as added Pub. L. 104–238, §2(2), Oct. 3, 1996, 110 Stat. 3115; amended Pub. L. 105–390, §2(5), Nov. 13, 1998, 112 Stat. 3496; Pub. L. 106–276, §1(a), Oct. 2, 2000, 114 Stat. 812; Pub. L. 112–239, div. A, title X, §1086(b)(1)(G), (J), Jan. 2, 2013, 126 Stat. 1968; Pub. L. 117–61, §5, Nov. 18, 2021, 135 Stat. 1479.)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3796d–5 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 "shall (unless prospective assistance has been provided)" for "may".

2013—Subsec. (a). Pub. L. 112–239, §1086(b)(1)(J)(i), substituted "a spouse or child" for "each dependent" in two places.

Subsec. (b). Pub. L. 112–239, §1086(b)(1)(G), (J)(ii), substituted "to a person" for "to dependents" and "the person" for "the dependent".

Subsec. (c). Pub. L. 112–239, §1086(b)(1)(G), (J)(ii), substituted "A person" for "A dependent" and substituted "a person" for "dependents" wherever appearing.

2000—Subsec. (a). Pub. L. 106–276 substituted "January 1, 1978," for "May 1, 1992" and "January 1, 1978, shall" for "October 1, 1997, shall".

1998—Subsec. (a). Pub. L. 105–390 inserted "and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997," after "1992,".

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 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.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–276, §1(b), Oct. 2, 2000, 114 Stat. 812, provided that: "The amendments made by subsection (a) [amending this section] shall take effect October 1, 1999."

¹ *So in original.*

§10307. Definitions

For purposes of this part:

(1) The term "Attorney General" means the Attorney General of the United States.

(2) 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.

(3) The term "eligible educational institution" means an institution which—

(A) is an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) is eligible to participate in programs under title IV of such Act [20 U.S.C. 1070 et seq.].

(Pub. L. 90–351, title I, §1217, as added Pub. L. 104–238, §2(2), Oct. 3, 1996, 110 Stat. 3116; amended Pub. L. 105–390, §2(6), Nov. 13, 1998, 112 Stat. 3496; Pub. L. 112–239, div. A, title X, §1086(b)(1)(K), Jan. 2, 2013, 126 Stat. 1968.)

EDITORIAL NOTES

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in par. (3)(B), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

CODIFICATION

Section was formerly classified to section 3796d–6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2013—Par. (3)(A). Pub. L. 112–239 substituted "an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and" for "described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on October 3, 1996; and".

1998—Pars. (2) to (4). Pub. L. 105–390 redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: "The term 'Federal law enforcement officer' has the same meaning as under part A of this subchapter."

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.

§10308. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary.

(Pub. L. 90–351, title I, §1218, as added Pub. L. 104–238, §2(2), Oct. 3, 1996, 110 Stat. 3117.)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3796d–7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.