

Department of Justice

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(2) The BJA Director shall make the final agency determination of eligibility within 30 days after expiration of the comment period. The notice of final determination shall set forth the findings of fact and conclusions of law supporting the determination. The BJA Director's determination shall be the final agency decision.

(j) No payment of any portion of a death or permanent and total disability benefit, except interim death benefits payable under §32.16, shall be made until all hearings and reviews which may affect that payment have been completed.

NATIONAL PROGRAMS FOR FAMILIES OF PUBLIC SAFETY OFFICERS WHO HAVE DIED IN THE LINE OF DUTY

§ 32.25 National programs.

The Director is authorized and directed to use up to \$150,000 of the funds appropriated for this part to establish national programs to assist the families of public safety officers who have died in the line of duty.

Subpart B—Public Safety Officers' Educational Assistance

SOURCE: 62 FR 37716, July 15, 1997, unless otherwise noted.

§ 32.31 Purpose.

This subpart implements the Federal Law Enforcement Dependents Assistance Act of 1996, as amended by the Police, Fire, and Emergency Assistance Act of 1998, which authorizes the payment of financial assistance for the purpose of higher education to the dependents of public safety officers who are found, under the provisions of subpart A of this part, to have died as a direct and proximate result of a personal injury sustained in the line of duty, or to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty.

[64 FR 49953, Sept. 14, 1999]

§ 32.32 Definitions.

For purposes of this subpart:

(a) The Act means the Federal Law Enforcement Dependents Assistance

Act of 1996, Public Law 104-238, Oct. 3, 1996, as amended by the Police, Fire, and Emergency Assistance Act of 1998, Public Law 104-238, codified as Subpart 2 of Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3796d *et seq.*

(b)(1) *Bureau* means the Bureau of Justice Assistance of the Office of Justice Programs, which is authorized to implement the provisions of this subpart.

(2) *PSOB* means the Public Safety Officers' Benefits program administered by the Bureau under subpart A of this part.

(3) *PSOEA* means the Public Safety Officers' Educational Assistance program administered by the Bureau under this subpart.

(c) *Public safety officer* is an officer as defined in §32.2(j), with respect to whom PSOB benefits have been approved under subpart A of this part on account of the officer's death or disability in the line of duty.

(d) *Child* means any person who was the biological, adopted, or posthumous child, or the stepchild, of a public safety officer at the time of the officer's death or disabling injury with respect to which PSOB benefits were approved under subpart A of this part. A stepchild must meet the provisions set forth in §32.15.

(e) *Spouse* means the husband or wife of a deceased or permanently and totally disabled officer at the time of the officer's death or disabling injury with respect to which PSOB benefits were approved under subpart A of this part, and includes a spouse living apart from the officer at that time for any reason.

(f) *Dependent* means the child or spouse of any eligible public safety officer.

(g) *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

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the attainment of more than one objective if, in addition to the previous requirements, all of the objectives generally are recognized as reasonably related to a single career field.

(h) *Eligible educational institution* means a postsecondary institution which—

(1) Is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on October 3, 1996, including—

(i) An institution of higher education as defined in section 1201(a) of such Act (20 U.S.C. 1141(a)),

(ii) A proprietary institution of higher education,

(iii) A postsecondary vocational institution, or

(iv) A foreign medical school; and

(2) Is eligible to participate in student assistance programs under title IV of such Act (20 U.S.C. 1070 *et seq.*).

(i) *Satisfactory progress* means that the dependent is maintaining satisfactory progress in the program of education, as determined under section 484(c) of the Higher Education Act of 1965, as amended (20 U.S.C. 1091(c)).

(j) *Educational expenses* means tuition, room and board, books, supplies, fees, and transportation expenses that are consistent with the educational, professional or vocational objectives set forth by the applicant in the application for assistance.

[62 FR 37716, July 15, 1997, as amended at 64 FR 49953, Sept. 14, 1999]

§ 32.33 Eligibility for assistance.

(a) Subject to the availability of appropriations, and the provisions of the Act and this subpart, the Bureau shall provide financial assistance to a dependent who attends a program of education at an eligible educational institution and is—

(1) The child of any public safety officer with respect to whom PSOB benefits have been approved under subpart A of this part;

(2) The spouse of such an officer at the time of the officer's death or on the date of the officer's totally and permanently disabling injury.

(b) The educational assistance under this subpart is intended for the sole purpose of defraying the costs of educational expenses and may only be used

to defray such costs. A certification of educational use will be required.

(c) No child shall be eligible for assistance under this subpart after the child's 27th birthday, absent a finding by the Bureau of extraordinary circumstances precluding the child from pursuing a program of education, including but not limited to the death of a relative, personal injury or illness of the student, military service, or financial hardship.

(d) No dependent shall receive assistance under this subpart for a period in excess of forty-five months of full-time education or training, or a proportionate period of time for a part-time program.

[62 FR 37716, July 15, 1997, as amended at 64 FR 49953, Sept. 14, 1999]

§ 32.34 Application for assistance.

(a) A person seeking assistance under this subpart shall submit an application to the Bureau in such form and containing such information as the Bureau may reasonably require. The provisions of § 32.21 relating to evidence shall apply to applications under this subpart.

(b) An applicant for assistance under this subpart must establish that the Bureau previously has received and approved a claim for PSOB benefits under subpart A of this part with respect to the death or disability of the parent or spouse of the applicant.

(1) A spouse or child recognized as the beneficiary of a PSOB claim under subpart A of the part with respect to a deceased officer will be recognized as a spouse or child for purposes of this subpart.

(2) In the case of a disabled public safety officer approved for PSOB benefits under subpart A of this part, applicants for assistance under this subpart must submit birth or marriage certificates or other proof of relationship consistent with §§ 32.12 (spouse) and 32.13 (child), if such evidence had not been submitted with respect to the PSOB claim.

(c) The application shall describe the program of education at an eligible educational institution, and the educational expenses for which assistance is sought. A request for assistance may