

105TH CONGRESS
1ST SESSION

H. R. 2088

To provide for the surviving spouse and dependent children of public safety officers who are killed in performance of their official duties, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1997

Mrs. KELLY introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide for the surviving spouse and dependent children of public safety officers who are killed in performance of their official duties, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Safety Officers
5 Memorial Scholarship Act”.

6 **SEC. 2. SCHOLARSHIPS AUTHORIZED.**

7 (a) IN GENERAL.—

8 (1) SCHOLARSHIP AWARDS.—The Secretary is
9 authorized to award a scholarship to—

1 (A) any eligible applicant who is attending,
2 or who has been accepted for attendance at,
3 any eligible institution providing instruction for
4 one or more of grades kindergarten through 12;
5 or

6 (B) any eligible applicant who is enrolled,
7 or has been accepted for enrollment, in an eligi-
8 ble institution as a full-time or part-time post-
9 secondary level student.

10 (2) APPLICATION.—To receive a scholarship
11 award under this Act, each eligible applicant shall
12 submit an application to the Secretary in such time
13 and manner as may be determined appropriate by
14 the Secretary, accompanied by a certification from
15 the head of the agency that employed the public
16 safety officer to whom the applicant was married (in
17 the case of a surviving spouse), or with whom the
18 applicant was living or from whom the applicant was
19 receiving support contributions (in the case of a de-
20 pendent child), stating that such officer died as a re-
21 sult of the performance of the officer's official du-
22 ties.

23 (b) MAXIMUM AWARD.—

24 (1) ELEMENTARY AND SECONDARY AWARDS.—

25 For any academic year, the maximum amount of a

1 scholarship award under this section for a kinder-
2 garten or elementary or secondary school student
3 may equal, but not exceed, the lesser of the follow-
4 ing:

5 (A) The average per pupil expenditure for
6 elementary and secondary education of the local
7 educational agency for the geographic area in
8 which the eligible applicant resides.

9 (B) The actual cost to the student for at-
10 tendance at the school, including expenses such
11 as tuition, fees, books, transportation costs, and
12 other related expenses determined by the Sec-
13 retary.

14 (2) POSTSECONDARY AWARDS.—For any aca-
15 demic year, the maximum amount of a scholarship
16 award under this section for a postsecondary student
17 may equal, but not exceed, the lesser of the follow-
18 ing:

19 (A) The average cost of attendance (as de-
20 fined in section 472 of the Higher Education
21 Act of 1965), at a State university in the State
22 in which the student resides, for a State resi-
23 dent carrying the same academic workload as
24 the student, with the same number of depend-

1 ents as the student, and residing in the same
2 type of housing as the student.

3 (B) The actual cost of attendance (as de-
4 fined in section 472 of the Higher Education
5 Act of 1965) of such student.

6 (c) AWARD PERIOD.—The duration of each award
7 under this Act—

8 (1) for a kindergarten or elementary or second-
9 ary school student, shall be the period of time nor-
10 mally required for the completion of a high school
11 diploma by a student in the grade that the recipient
12 is in at the time the award commences; and

13 (2) for a postsecondary student, shall be the
14 lesser of—

15 (A) the time actually required by the stu-
16 dent to complete a course of study and obtain
17 a diploma; and

18 (B) 6 years in the case of a student en-
19 gaged in undergraduate studies and 3 years in
20 the case of a student engaged in postgraduate
21 studies.

22 (d) NOTIFICATION.—The Secretary shall notify the
23 recipient and the eligible institution of the applicant's se-
24 lection for receipt of an award under this Act, the condi-
25 tions pertaining to award eligibility and continuance.

1 (e) FISCAL AGENT.—The Secretary shall, if prac-
2 ticable, use the eligible institution as fiscal agent for pay-
3 ment of an award.

4 **SEC. 3. ADDITIONAL AWARD REQUIREMENTS.**

5 A student awarded a scholarship grant under this
6 Act, as a condition for initial receipt of such award and
7 periodically thereafter as a condition for its continuation,
8 shall demonstrate to the satisfaction of the Secretary that
9 the student is—

10 (1) maintaining satisfactory progress in the
11 course of study the student is pursuing—

12 (A) in the case of a kindergarten or ele-
13 mentary or secondary school student, as deter-
14 mined by the Secretary; and

15 (B) in the case of a postsecondary student,
16 consistent with section 484(e) of the Higher
17 Education Act of 1965;

18 (2) committed to remaining drug-free; and

19 (3) attending class on a regular basis as to not
20 interfere with normal course of studies except for ex-
21 cused absence for vacation, illness, military service
22 and such other periods deemed good cause by the el-
23 igible institution or the Secretary.

1 **SEC. 4. AGREEMENTS WITH ELIGIBLE INSTITUTIONS.**

2 For the purposes of this Act, the Secretary is author-
3 ized to enter into agreements with eligible institutions in
4 which any student receiving a scholarship award under
5 this Act has enrolled or has been accepted for enrollment.

6 Each such agreement shall—

7 (1) provide that an eligible institution will co-
8 operate with the Secretary in carrying out the provi-
9 sions of this Act, including the provision of informa-
10 tion necessary for a student to satisfy the require-
11 ments in section 3;

12 (2) provide that the institution will conduct a
13 periodic review to determine whether students en-
14 rolled and receiving scholarship awards continue to
15 be entitled to payments under this Act and will no-
16 tify the Secretary of the results of such reviews; and

17 (3) provide for control and accounting proce-
18 dures as may be necessary to assure proper dis-
19 bursements and accounting of funds paid under to
20 the institution under section 2(e).

21 **SEC. 5. DEFINITIONS.**

22 In this Act:

23 (1) **DEPENDENT CHILD.**—The term “dependent
24 child” means a child who is either living with or re-
25 ceiving regular support contributions from a public

1 safety officer at the time of the officer’s death, in-
2 cluding a stepchild or an adopted child.

3 (2) ELIGIBLE APPLICANT.—The term “eligible
4 applicant” means a person residing in a State who
5 is—

6 (A) a surviving spouse; or

7 (B) a dependent child.

8 (3) ELIGIBLE INSTITUTION.—The term “eligi-
9 ble institution” means a public or private kinder-
10 garten or elementary or secondary school, or any in-
11 stitution defined in section 435(a) of the Higher
12 Education Act of 1965, if the kindergarten, school,
13 or institution—

14 (A) is located in a State; and

15 (B) complies with the antidiscrimination
16 provisions of section 601 of the Civil Rights Act
17 of 1964 and does not discriminate on the basis
18 of race.

19 (4) PUBLIC SAFETY OFFICER.—The term “pub-
20 lic safety officer” means a person serving a public
21 agency of a State or of a unit of general local gov-
22 ernment, with or without compensation, as—

23 (A) a law enforcement officer, including a
24 corrections or a court officer engaged in—

1 (i) apprehending or attempting to ap-
2 prehend of any person—

3 (I) for the commission of a crimi-
4 nal act; or

5 (II) who at the time was sought
6 as a material witness in a criminal
7 proceeding; or

8 (ii) protecting or guarding a person
9 held for the commission of a criminal act,
10 or held as a material witness in connection
11 with a criminal act; or

12 (iii) lawfully preventing of, or lawfully
13 attempting to prevent the commission of, a
14 criminal act or an apparent criminal act in
15 the performance of his official duty; or

16 (B) a firefighter.

17 (5) SECRETARY.—The term “Secretary” means
18 the Secretary of Education.

19 (6) STATE.—The term “State” means any
20 State of the United States, the District of Columbia,
21 the Commonwealth of Puerto Rico, and any territory
22 or possession of the United States.

23 (7) SURVIVING SPOUSE.—The term “surviving
24 spouse” means the legally married husband or wife

1 of a public safety officer at the time of the officer's
2 death.

3 (8) UNIT OF GENERAL LOCAL GOVERNMENT.—

4 The term “unit of general local government” means
5 any city, county, township, town, borough, parish,
6 village, or any other general purpose subdivision of
7 a State, or any Indian tribe which the Secretary of
8 the Interior determines performs law enforcement
9 functions.

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