

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.—

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(c) 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 “eligible  
9 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—

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

16 (B) a firefighter.

17 (5) SECRETARY.—The term “Secretary” means

18 the Secretary of Education

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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