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IDENTIFIERS \*Public Safety Officers Memorial Scholarship Act

ABSTRACT

The text of the Act includes sections pertaining to definitions, scholarships authorized, award requirements and limitations, agreements with eligible institutions and appropriations authorized. (S JL)

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94TH CONGRESS  
2D SESSION

# S. 972

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EDUCATION & WELFARE  
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## IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1976

Referred to the Committee on Education and Labor

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# AN ACT

To provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing 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 That this Act may be cited as the "Public Safety Officers  
4 Memorial Scholarship Act".

### DEFINITIONS

5  
6 SEC. 2. As used in this Act the term—

7 (1) "academic year" means an academic year or its  
8 equivalent as defined in regulations of the Commissioner;

9 (2) "actual cost of attendance" means, subject to  
10 regulations of the Commissioner, the actual per-student

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1 charges for tuition, fees, room and board (or expenses  
2 related to reasonable commuting), books, and an allow-  
3 ance for such other expenses as the Commissioner deter-  
4 mines to be reasonably related to attendance at the  
5 institution at which the student is in attendance;

6 (3) "Commissioner" means the Commissioner of  
7 Education;

8 (4) "dependent child" means a child who is either  
9 living with or receiving regular support contributions  
10 from the public safety officer at the time of his death, in-  
11 cluding a stepchild, an adopted child, or posthumous  
12 child;

13 (5) "dependent spouse" means a surviving husband  
14 or wife living with or dependent for support on the de-  
15 cedent at the time of his or her death, or living apart  
16 for reasonable cause or because of desertion by the  
17 decedent;

18 (6) "dependent for support" means more than one-  
19 half of the support of the dependent concerned;

20 (7) "eligible applicant" means a dependent child  
21 or dependent spouse of a public safety officer as defined  
22 by (4) and (5) of this section, who has been accepted  
23 for enrollment at or is enrolled in an eligible institution;

1           (8) "eligible institution" means any such institu-  
2           tion as defined under section 1201 (a) of the Higher Ed-  
3           ucation Act of 1965;

4           (9) "public safety officer" means a person serving  
5           a public agency, with or without compensation, as—

6                   (A) a law enforcement officer, including a cor-  
7                   rections or a court officer, engaged in—

8                           (i) the apprehension or attempted appre-  
9                           hension of any person—

10                                   (I) for the commission of a criminal  
11                                   act, or

12                                   (II) who at the time was sought as a  
13                                   material witness in a criminal proceeding;

14                   or

15                           (ii) protecting or guarding a person held  
16                           for the commission of a criminal act or held as  
17                           a material witness in connection with a criminal  
18                           act; or

19                           (iii) the lawful prevention of, or lawful  
20                           attempt to prevent the commission of, a criminal  
21                           act or an apparent criminal act or in the per-  
22                           formance of his official duty; or

23                   (B) a firefighter; and

1           (10) the term "State" means any State of the  
2 United States, the Commonwealth of Puerto Rico, and  
3 any territory or possession of the United States; and

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

9                                   SCHOLARSHIPS AUTHORIZED

10         SEC. 3. (a) The Commissioner is authorized to award  
11 a scholarship to any eligible applicant having an application  
12 approved under section 4 (a) for full-time undergraduate  
13 study at an eligible institution. Each applicant shall submit  
14 an application accompanied by a certification from the head  
15 of the agency which employed the public safety officer upon  
16 whom the applicant was dependent, stating that such officer  
17 lost his life while engaged in the performance of his official  
18 duties.

19         (b) The maximum amount of the scholarship award  
20 payable under this section shall not exceed the actual cost of  
21 attendance at the appropriate eligible institution to such  
22 applicant, or \$3,500, whichever is less, for each academic  
23 year for which the scholarship is awarded, as determined by  
24 the Commissioner. This maximum amount shall be reduced  
25 when an eligible recipient is receiving grant assistance from

1 certain Federal programs as specified herein, whenever the  
2 student's cost of attendance is \$3,500 or less. The Commis-  
3 sioner shall reduce the maximum amount of \$3,500 or the  
4 actual cost of attendance, whichever is less, by subtracting  
5 any grant awards made or to be made for that academic year  
6 for programs authorized or funded, wholly or in part, by  
7 subparts 1, 2, and 3 of part A, title IV, of the Higher Educa-  
8 tion Act of 1965, as amended.

9 (c) The duration of a scholarship award under this Act  
10 shall be the period required for the completion by the re-  
11 cipient of the award of his undergraduate course of study, or  
12 other appropriate course of study at an eligible institution.  
13 That period shall not exceed four academic years except  
14 where the Commissioner determines that the student is en-  
15 rolled in a degree program which normally requires more  
16 than four academic years for a baccalaureate degree, in  
17 which event such period shall not exceed five years.

18 (d) (1) The Commissioner shall notify both the eligible  
19 applicant and the eligible institution in which the applicant  
20 is enrolled or has been accepted for enrollment of the award  
21 of a scholarship under this Act.

22 (2) A separate determination shall, on the basis of the  
23 latest available information, be made as to the eligibility of a  
24 student for, and the amount of the award to be made under  
25 this Act, for each academic year of its duration.

1       (3) The Commissioner shall, in accordance with agree-  
2 ments pursuant to section 5, utilize the services and facilities  
3 of eligible institutions as fiscal agents for paying to students  
4 attending such institutions the amounts, if any, to which  
5 such students have been determined, with respect to each  
6 academic year, to be entitled under this Act.

7       **ADDITIONAL AWARD REQUIREMENTS AND LIMITATIONS**

8       **SEC. 4. (a)** No payment shall be made to an eligible  
9 applicant under this Act unless an application therefor is  
10 made by such applicant containing such information as the  
11 Commissioner may reasonably require together with the  
12 certification required under section 3 (a) of this Act.

13       **(b)** A student awarded a scholarship grant under this  
14 Act shall continue to be entitled to that grant only if such  
15 student (1) is maintaining good standing in the course of  
16 study which he is pursuing according to the regularly pre-  
17 scribed standards and practices of the eligible institution  
18 which he is attending, (2) devoted himself full time to such  
19 course of study during the academic year in attendance at an  
20 eligible institution, except that failure to be at an eligible  
21 institution during periods of vacation, military service, and  
22 such other periods as the Commissioner determines are good  
23 cause for nonattendance, shall not be considered contrary to  
24 the requirements of this clause, (3) expends all funds under

1 this Act for the purposes used in the determination of actual  
2 costs of attendance, as defined in section 2 (2) of this Act.

3 (c) Failure to comply with requirement (b) (3) of this  
4 section shall create a debt to the United States by that student  
5 in the amount which was not expended on actual cost of  
6 attendance.

7 (d) No payment shall be made to an eligible applicant  
8 under this Act—

9 (1) if the death of the public safety officer was  
10 caused by the intentional misconduct of that officer or by  
11 such officer's intention to bring about his death; or

12 (2) to any person who would otherwise be entitled  
13 to a benefit under this Act if such person's actions were  
14 a substantial contributing factor to the death of the  
15 public safety officer.

16 **AGREEMENTS WITH ELIGIBLE INSTITUTIONS**

17 **SEC. 5.** (a) For the purpose of this Act, the Commis-  
18 sioner is authorized to enter into agreements with eligible  
19 institutions in which any student receiving a scholarship  
20 award under this Act has enrolled or is accepted for enroll-  
21 ment. Each such agreement shall—

22 (1) provide that an eligible institution will cooper-  
23 ate with the Commissioner in carrying out the provisions  
24 of this Act;



1           (2) provide that the institution will periodically  
2           conduct a review to determine whether students enrolled  
3           and receiving a scholarship award under this Act con-  
4           tinue to be entitled to payments under such grants and  
5           the amounts of such payments;

6           (3) provide for the authorization of such institution  
7           as a Federal agent for payments to students under this  
8           Act;

9           (4) provide for such Federal control and account-  
10          ing procedures as may be necessary to assure proper dis-  
11          bursement of and accounting of funds paid under this  
12          Act; and

13          (5) include such other provisions as may be neces-  
14          sary to protect the financial interest of the United States  
15          and promote the purposes of this Act.

16          (b) The Commission is authorized to pay a cost of  
17          agreement allowance to any eligible institution in which a  
18          student receiving a scholarship award was enrolled during  
19          an academic year ending during any fiscal year after June  
20          30, 1976. With respect to each such student, such allowance  
21          shall be an amount equal to \$15. The Commissioner shall  
22          prescribe regulations to insure that a student who received  
23          payments pursuant to a scholarship grant during an academic  
24          year in more than one institution is not counted more than  
25          once for the purpose of computing the cost of agreement

1 allowance to which each such institution is entitled under  
2 this section.

3                                   **APPROPRIATIONS AUTHORIZED**

4       **SEC. 6.** There is authorized to be appropriated \$1,750,-  
5 000 for the fiscal year ending September 30, 1977, and  
6 \$3,500,000 for each of the succeeding fiscal years ending  
7 prior to October 1, 1982, to carry out the provisions of this  
8 Act. The Commissioner may reserve up to 10 per centum  
9 of the appropriated funds in fiscal year 1977 and up to 5  
10 per centum in succeeding fiscal years for the purposes of  
11 administering this Act. The award of scholarships author-  
12 ized in this Act shall be limited to not greater than five  
13 hundred new scholarships in any fiscal year, and not greater  
14 than one thousand scholarships, including new and continu-  
15 ing awards in any fiscal year.

Passed the Senate July 20, 1976.

Attest:

**FRANCIS R. VALEO,**

*Secretary.*

94TH CONGRESS  
2D SESSION

**S. 972**

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