

110TH CONGRESS  
2D SESSION

# H. R. 4926

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IN THE SENATE OF THE UNITED STATES

JUNE 10, 2008

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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## AN ACT

To establish a grant program for automated external  
defibrillators in elementary and secondary schools.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Josh Miller Helping  
3 Everyone Access Responsive Treatment in Schools Act of  
4 2008” or the “Josh Miller HEARTS Act”.

5 **SEC. 2. GRANT PROGRAM FOR AUTOMATED EXTERNAL**  
6 **DEFIBRILLATORS.**

7 (a) PROGRAM REQUIRED.—The Secretary of Edu-  
8 cation shall carry out a program under which the Sec-  
9 retary makes grants to local educational agencies, to be  
10 used by the local educational agencies for one or both of  
11 the following:

12 (1) To purchase automated external  
13 defibrillators for use in elementary and secondary  
14 schools served by the local educational agency.

15 (2) To provide training to enable elementary  
16 and secondary schools served by the local edu-  
17 cational agency to meet the requirements of sub-  
18 section (d)(1), but only if automated external  
19 defibrillators are already in use at such schools or  
20 are acquired through this program.

21 (b) ELIGIBILITY.—

22 (1) LOCAL EDUCATIONAL AGENCIES.—To be el-  
23 igible to receive a grant under this section, a local  
24 educational agency shall submit an application to  
25 the Secretary at such time, in such form, and con-

1       taining such information as the Secretary may re-  
2       quire.

3               (2) ELEMENTARY AND SECONDARY SCHOOLS.—

4       To be eligible to receive an automated external  
5       defibrillator through a grant under this section, a  
6       school may be any public or private school served by  
7       the local educational agency, except that an  
8       Internet- or computer-based community school is not  
9       eligible.

10              (c) MATCHING FUNDS REQUIRED.—

11              (1) IN GENERAL.—To be eligible to receive a  
12       grant under this section, the local educational agen-  
13       cy must provide matching funds from non-Federal  
14       sources equal to not less than 25 percent of the  
15       amount of the grant.

16              (2) WAIVER.—The Secretary shall waive the re-  
17       quirement of paragraph (1) for a local educational  
18       agency if the number of children counted under sec-  
19       tion 1124(c)(1)(A) of the Elementary and Secondary  
20       Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)) is  
21       20 percent or more of the total number of children  
22       aged 5 to 17, inclusive, served by the local edu-  
23       cational agency.

24              (d) TRAINING AND COORDINATION REQUIRED.—A  
25       local educational agency that receives a grant under this

1 section shall demonstrate that, for each elementary and  
2 secondary school at which the automated external  
3 defibrillators are to be used—

4 (1) there are at least 5 individuals at the school  
5 who—

6 (A) are employees or volunteers at the  
7 school;

8 (B) are at least 18 years of age; and

9 (C) have successfully completed training,  
10 with the expectation that the certification shall  
11 be maintained, in the use of automated external  
12 defibrillators and in cardiopulmonary resuscita-  
13 tion, conducted by the American Heart Associa-  
14 tion, the American Red Cross, the National  
15 Safety Council, or another nationally recognized  
16 organization offering training programs of simi-  
17 lar caliber;

18 (2) local paramedics and other emergency serv-  
19 ices personnel are notified where on school grounds  
20 the automated external defibrillators are to be lo-  
21 cated; and

22 (3) the automated external defibrillator will be  
23 integrated into the school's emergency response plan  
24 or procedures.

1 (e) PRIORITY.—In making grants under this section,  
2 the Secretary shall give priority to schools—

3 (1) that do not already have an automated ex-  
4 ternal defibrillator on school grounds;

5 (2) at which a significant number of students,  
6 staff, and visitors are present on school grounds  
7 during a typical day;

8 (3) with respect to which the average time re-  
9 quired for emergency medical services (as defined in  
10 section 330J of the Public Health Service Act (42  
11 U.S.C. 254c-15(f))) to reach the school is greater  
12 than the average time for emergency medical serv-  
13 ices to reach other public facilities in the community;  
14 and

15 (4) that have not received funds under the  
16 Rural Access to Emergency Devices Act (42 U.S.C.  
17 254c note).

18 (f) ESEA DEFINITIONS.—The terms used in this sec-  
19 tion shall have the meanings given to such terms in section  
20 9101 of the Elementary and Secondary Education Act of  
21 1965 (20 U.S.C. 7801).

22 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to carry out this section

- 1 such sums as may be necessary for each of fiscal years
- 2 2008 through 2013.

Passed the House of Representatives June 9, 2008.

Attest:                      LORRAINE C. MILLER,  
*Clerk.*