

110TH CONGRESS
2D SESSION

S. 3520

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008

Mrs. CLINTON (for herself, Mr. VOINOVICH, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Josh Miller Helping
5 Everyone Access Responsive Treatment in Schools Act of
6 2008” or the “Josh Miller HEARTS Act”.

7 **SEC. 2. GRANT PROGRAM FOR AUTOMATED EXTERNAL**
8 **DEFIBRILLATORS.**

9 (a) PROGRAM REQUIRED.—The Secretary of Edu-
10 cation shall carry out a program under which the Sec-

1 retary makes grants to local educational agencies, to be
2 used by the local educational agencies for one or both of
3 the following:

4 (1) To purchase automated external
5 defibrillators for use in elementary and secondary
6 schools served by the local educational agency.

7 (2) To provide training to enable elementary
8 and secondary schools served by the local edu-
9 cational agency to meet the requirements of sub-
10 section (d)(1), but only if automated external
11 defibrillators are already in use at such schools or
12 are acquired through this program.

13 (b) ELIGIBILITY.—

14 (1) LOCAL EDUCATIONAL AGENCIES.—To be el-
15 igible to receive a grant under this section, a local
16 educational agency shall submit an application to
17 the Secretary at such time, in such form, and con-
18 taining such information as the Secretary may re-
19 quire.

20 (2) ELEMENTARY AND SECONDARY SCHOOLS.—

21 To be eligible to receive an automated external
22 defibrillator through a grant under this section, a
23 school may be any public or private school served by
24 the local educational agency, except that an

1 Internet- or computer-based community school is not
 2 eligible.

3 (c) MATCHING FUNDS REQUIRED.—

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

9 (2) WAIVER.—The Secretary shall waive the re-
 10 quirement of paragraph (1) for a local educational
 11 agency if the number of children counted under sec-
 12 tion 1124(c)(1)(A) of the Elementary and Secondary
 13 Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)) is
 14 20 percent or more of the total number of children
 15 aged 5 to 17, inclusive, served by the local edu-
 16 cational agency.

17 (d) TRAINING AND COORDINATION REQUIRED.—A
 18 local educational agency that receives a grant under this
 19 section shall demonstrate that, for each elementary and
 20 secondary school at which the automated external
 21 defibrillators are to be used—

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

24 (A) are employees or volunteers at the
 25 school;

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

2 (C) have successfully completed training,
3 with the expectation that the certification shall
4 be maintained, in the use of automated external
5 defibrillators and in cardiopulmonary resuscita-
6 tion, conducted by the American Heart Associa-
7 tion, the American Red Cross, the National
8 Safety Council, or another nationally recognized
9 organization offering training programs of simi-
10 lar caliber;

11 (2) local paramedics and other emergency serv-
12 ices personnel are notified where on school grounds
13 the automated external defibrillators are to be lo-
14 cated; and

15 (3) the automated external defibrillator will be
16 integrated into the school's emergency response plan
17 or procedures.

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

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

22 (2) at which a significant number of students,
23 staff, and visitors are present on school grounds
24 during a typical day;

1 (3) with respect to which the average time re-
2 quired for emergency medical services (as defined in
3 section 330J of the Public Health Service Act (42
4 U.S.C. 254c–15(f))) to reach the school is greater
5 than the average time for emergency medical serv-
6 ices to reach other public facilities in the community;
7 and

8 (4) that have not received funds under the
9 Rural Access to Emergency Devices Act (42 U.S.C.
10 254e note).

11 (f) ESEA DEFINITIONS.—The terms used in this sec-
12 tion shall have the meanings given to such terms in section
13 9101 of the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7801).

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as may be necessary for each of fiscal years
18 2008 through 2013.

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