

111TH CONGRESS
2D SESSION

H. R. 959

IN THE SENATE OF THE UNITED STATES

MAY 17, 2010

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

AN ACT

To increase Federal Pell Grants for the children of fallen
public safety officers, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Officer Daniel Faulk-
3 ner Children of Fallen Heroes Scholarship Act of 2010”.

4 **SEC. 2. CALCULATION OF ELIGIBILITY.**

5 Section 473(b) of the Higher Education Act of 1965
6 (20 U.S.C. 1087mm(b)) is amended—

7 (1) in paragraph (2)—

8 (A) in the matter preceding subparagraph
9 (A), by inserting “(in the case of a student who
10 meets the requirement of subparagraph (B)(i)),
11 or academic year 2011–2012 (in the case of a
12 student who meets the requirement of subpara-
13 graph (B)(ii)),” after “academic year 2009–
14 2010”; and

15 (B) by amending subparagraph (B) to read
16 as follows:

17 “(B) whose parent or guardian was—

18 “(i) a member of the Armed Forces of
19 the United States and died as a result of
20 performing military service in Iraq or Af-
21 ghanistan after September 11, 2001; or

22 “(ii) was actively serving as a public
23 safety officer and died in the line of duty
24 while performing as a public safety officer;
25 and”;

26 (2) in paragraph (3)—

1 (A) by striking “Notwithstanding” and in-
2 serting the following:

3 “(A) ARMED FORCES.—Notwithstanding”;

4 (B) by striking “paragraph (2)” and in-
5 serting “subparagraphs (A), (B)(i), and (C) of
6 paragraph (2)”; and

7 (C) by adding at the end the following:

8 “(B) PUBLIC SAFETY OFFICERS.—Not-
9 withstanding any other provision of law, unless
10 the Secretary establishes an alternate method
11 to adjust the expected family contribution, for
12 each student who meets the requirements of
13 subparagraphs (A), (B)(ii), and (C) of para-
14 graph (2), a financial aid administrator shall—

15 “(i) verify with the student that the
16 student is eligible for the adjustment;

17 “(ii) adjust the expected family con-
18 tribution in accordance with this sub-
19 section; and

20 “(iii) notify the Secretary of the ad-
21 justment and the student’s eligibility for
22 the adjustment.”; and

23 (3) by adding at the end the following:

24 “(4) TREATMENT OF PELL AMOUNT.—Notwith-
25 standing section 1212 of the Omnibus Crime Control

1 and Safe Streets Act of 1968, in the case of a stu-
2 dent who receives an increased Federal Pell Grant
3 amount under this section, the total amount of such
4 Federal Pell Grant, including the increase under this
5 subsection, shall not be considered in calculating
6 that student's educational assistance benefits under
7 the Public Safety Officer's Benefits program.

8 “(5) DEFINITIONS.—For purposes of this sub-
9 section—

10 “(A) the term ‘public safety officer’ means
11 an individual serving a public agency in an offi-
12 cial capacity, with or without compensation, as
13 a law enforcement officer, as a firefighter, or as
14 a member of a rescue squad or ambulance crew;

15 “(B) the term ‘law enforcement officer’
16 means an individual who—

17 “(i) is authorized by law to engage in
18 or supervise the prevention, detection, in-
19 vestigation, or prosecution of, or the incar-
20 ceration of any person for, any violation of
21 law; and

22 “(ii) has statutory powers of arrest or
23 apprehension;

24 “(C) the term ‘firefighter’ means an indi-
25 vidual who is trained in the suppression of fire

1 or hazardous-materials response and has the
2 legal authority to engage in these duties;

3 “(D) the term ‘member of a rescue squad
4 or ambulance crew’ means an individual who is
5 an officially recognized or designated public em-
6 ployee member of a rescue squad or ambulance
7 crew; and

8 “(E) the term ‘public agency’ means the
9 United States, any State of the United States,
10 the District of Columbia, the Commonwealth of
11 Puerto Rico, the Virgin Islands of the United
12 States, Guam, American Samoa, the Trust Ter-
13 ritory of the Pacific Islands, the Commonwealth
14 of the Northern Mariana Islands, any territory
15 or possession of the United States, or any unit
16 of local government, department, agency, or in-
17 strumentality of any of the foregoing, and the
18 Amtrak Police and Federal Reserve Police de-
19 partments.”.

20 **SEC. 3. CALCULATION OF PELL GRANT AMOUNT.**

21 Section 401(b)(2) of the Higher Education Act of
22 1965, as amended by the SAFRA Act (Public Law 111–
23 152), is amended—

24 (1) in subparagraph (A), in the matter pre-
25 ceding clause (i), by striking “The Amount” and in-

1 serting “Subject to subparagraph (C), the amount”;
2 and

3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(C) In the case of a student who meet the
6 requirements of subparagraphs (A), (B)(ii), and
7 (C) of section 473(b)(2)—

8 “(i) clause (ii) of subparagraph (A) of
9 this paragraph shall be applied by sub-
10 stituting ‘from the amounts appropriated
11 in the last enacted appropriation Act appli-
12 cable to that award year, an amount equal
13 to the amount of the increase calculated
14 under paragraph (8)(B) for that year’ for
15 ‘the amount of the increase calculated
16 under paragraph (8)(B) for that year’; and

17 “(ii) such student—

18 “(I) shall be provided an amount
19 under clause (i) of this subparagraph
20 only to the extent that funds are spe-
21 cifically provided in advance in an ap-
22 propriation Act to such students for
23 that award year; and

24 “(II) shall not be eligible for the
25 amounts made available pursuant to

1 clauses (i) through (iii) of paragraph
2 (8)(A).”.

3 **SEC. 4. BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

12 **SEC. 5. EFFECTIVE DATE.**

13 This Act, and the amendments made by this Act,
14 shall take effect on July 1, 2011.

Passed the House of Representatives May 12, 2010.

Attest: LORRAINE C. MILLER,
Clerk.