

112TH CONGRESS  
2D SESSION

# S. 2106

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

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2012

Mr. BROWN of Ohio (for himself, Mr. BEGICH, Mr. SANDERS, and Mrs. GILLIBRAND) 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 schools 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       2012” 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 defibrilla-  
 5           tors for use in elementary schools and secondary  
 6           schools served by the local educational agency.

7           (2) To provide training to enable elementary  
 8           schools and secondary schools served by the local  
 9           educational 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 shall 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))  
14 for the local educational agency is 20 percent or  
15 more of the total number of children aged 5 to 17,  
16 inclusive, served by the local educational 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 not less than 5 individuals at the  
23 school 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 defibrillators 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(f) 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 required for emergency med-  
6           ical services to reach other public facilities in the  
7           community; 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 the fiscal years  
18          2013 through 2018.

○