

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3880

To increase Federal Pell Grants for the children of fallen public safety officers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

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,*

3       **SECTION 1. SHORT TITLE.**

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

6       **SEC. 2. CALCULATION OF ELIGIBILITY.**

7       Section 473(b) of the Higher Education Act of 1965  
8       (20 U.S.C. 1087mm(b)) is amended—

9               (1) in paragraph (2)—

1 (A) in the matter preceding subparagraph  
2 (A), by inserting “(in the case of a student who  
3 meets the requirement of subparagraph (B)(i)),  
4 or academic year 2011–2012 (in the case of a  
5 student who meets the requirement of subpara-  
6 graph (B)(ii)),” after “academic year 2009–  
7 2010”; and

8 (B) by amending subparagraph (B) to read  
9 as follows:

10 “(B) whose parent or guardian was—

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

15 “(ii) actively serving as a public safety  
16 officer and died in the line of duty while  
17 performing as a public safety officer; and”;

18 (2) in paragraph (3)—

19 (A) by striking “Notwithstanding” and in-  
20 serting the following:

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

22 (B) by striking “paragraph (2)” and in-  
23 serting “subparagraphs (A), (B)(i), and (C) of  
24 paragraph (2)”;

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

1           “(B) PUBLIC SAFETY OFFICERS.—Not-  
2           withstanding any other provision of law, unless  
3           the Secretary establishes an alternate method  
4           to adjust the expected family contribution, for  
5           each student who meets the requirements of  
6           subparagraphs (A), (B)(ii), and (C) of para-  
7           graph (2), a financial aid administrator shall—

8                   “(i) verify with the student that the  
9                   student is eligible for the adjustment;

10                   “(ii) adjust the expected family con-  
11                   tribution in accordance with this sub-  
12                   section; and

13                   “(iii) notify the Secretary of the ad-  
14                   justment and the student’s eligibility for  
15                   the adjustment.”; and

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

17                   “(4) TREATMENT OF PELL AMOUNT.—Notwith-  
18           standing section 1212 of the Omnibus Crime Control  
19           and Safe Streets Act of 1968 (42 U.S.C. 3796d–1),  
20           in the case of a student who receives an increased  
21           Federal Pell Grant amount under this section, the  
22           total amount of such Federal Pell Grant, including  
23           the increase under this subsection, shall not be con-  
24           sidered in calculating that student’s educational as-  
25           sistance benefits under the Public Safety Officers’

1 Benefits program under subpart 2 of part L of title  
2 I of such Act.

3 “(5) DEFINITIONS.—For purposes of this sub-  
4 section:

5 “(A) FIREFIGHTER.—The term ‘fire-  
6 fighter’ means an individual who is trained in  
7 the suppression of fire or hazardous materials  
8 response and has the legal authority to engage  
9 in these duties.

10 “(B) LAW ENFORCEMENT OFFICER.—The  
11 term ‘law enforcement officer’ means an indi-  
12 vidual who—

13 “(i) is authorized by law to engage in  
14 or supervise the prevention, detection, in-  
15 vestigation, or prosecution of, or the incar-  
16 ceration of any person for, any violation of  
17 law; and

18 “(ii) has statutory powers of arrest or  
19 apprehension.

20 “(C) MEMBER OF A RESCUE SQUAD OR  
21 AMBULANCE CREW.—The term ‘member of a  
22 rescue squad or ambulance crew’ means an in-  
23 dividual who is an officially recognized or des-  
24 ignated public employee member of a rescue  
25 squad or ambulance crew.

1           “(D) FEDERAL OR PUBLIC AGENCY.—The  
2 term ‘Federal or public agency’ means—

3           “(i) the United States, any State of  
4 the United States, the District of Colum-  
5 bia, the Commonwealth of Puerto Rico, the  
6 Virgin Islands of the United States, Guam,  
7 American Samoa, the Commonwealth of  
8 the Northern Mariana Islands, the Freely  
9 Associated States, or any territory or pos-  
10 session of the United States;

11           “(ii) any unit of local government, de-  
12 partment, agency, or instrumentality of  
13 any of the entities described in clause (i);  
14 or

15           “(iii) the Amtrak Police department  
16 or Federal Reserve Police department.

17           “(E) PUBLIC SAFETY OFFICER.—The term  
18 ‘public safety officer’ means an individual serv-  
19 ing a Federal or public agency in an official ca-  
20 pacity, with or without compensation, as a law  
21 enforcement officer, as a firefighter, or as a  
22 member of a rescue squad or ambulance crew.”.

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

24           Section 401(b)(2) of the Higher Education Act of  
25 1965 (20 U.S.C. 1070a(b)(2)) is amended—

1           (1) in subparagraph (A), in the matter pre-  
2           ceding clause (i), by striking “The Amount” and in-  
3           serting “Subject to subparagraph (C), the amount”;  
4           and

5           (2) by adding at the end the following new sub-  
6           paragraph:

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

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

19                           “(ii) such student—

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

1                   “(II) shall not be eligible for the  
2                   amounts made available pursuant to  
3                   clauses (i) through (iii) of paragraph  
4                   (8)(A).”.

5 **SEC. 4. BUDGETARY EFFECTS.**

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

14 **SEC. 5. EFFECTIVE DATE.**

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

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