

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To make our communities safer.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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**A BILL**

To make our communities safer.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Bipartisan Safer Communities Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—MENTAL HEALTH AND FIREARMS PROVISIONS

TITLE I—CHILDREN AND FAMILY MENTAL HEALTH SERVICES

Sec. 11001. Expansion of community mental health services demonstration pro-  
gram.

Sec. 11002. Medicaid and telehealth.

Sec. 11003. Supporting access to health care services in schools.

## 2

- Sec. 11004. Review of State implementation of early and periodic screening, diagnostic, and treatment services.
- Sec. 11005. Pediatric mental health care access grants.

## TITLE II—FIREARMS

- Sec. 12001. Juvenile records.
- Sec. 12002. Defining “engaged in the business”.
- Sec. 12003. Use of Byrne grants for implementation of State crisis intervention programs.
- Sec. 12004. Stop Illegal Trafficking in Firearms Act.
- Sec. 12005. Misdemeanor crime of domestic violence.

## TITLE III—OTHER MATTERS

## Subtitle A—Extension of Moratorium

- Sec. 13101. Extension of moratorium on implementation of rule relating to eliminating the anti-kickback statute safe harbor protection for prescription drug rebates.

## Subtitle B—Medicare Improvement Fund

- Sec. 13201. Medicare Improvement Fund.

## Subtitle C—Luke and Alex School Safety Act of 2022

- Sec. 13301. Short title.
- Sec. 13302. Federal Clearinghouse on School Safety Evidence-based Practices.
- Sec. 13303. Notification of clearinghouse.
- Sec. 13304. Grant program review.
- Sec. 13305. Rules of construction.

## Subtitle D—Amendment on ESEA Funding

- Sec. 13401. Amendment on ESEA funding.

## DIVISION B—APPROPRIATIONS

1 **DIVISION A—MENTAL HEALTH**  
 2 **AND FIREARMS PROVISIONS**  
 3 **TITLE I—CHILDREN AND FAMILY**  
 4 **MENTAL HEALTH SERVICES**  
 5 **SEC. 11001. EXPANSION OF COMMUNITY MENTAL HEALTH**  
 6 **SERVICES DEMONSTRATION PROGRAM.**

7 Section 223 of the Protecting Access to Medicare Act  
 8 of 2014 (42 U.S.C. 1396a note) is amended—

1 (1) in subsection (c), by adding at the end the  
2 following new paragraph:

3 “(3) ADDITIONAL PLANNING GRANTS FOR  
4 STATES.—In addition to the planning grants award-  
5 ed under paragraph (1), as soon as practicable after  
6 the date of enactment of this paragraph, the Sec-  
7 retary shall award planning grants to States (other  
8 than States selected to conduct demonstration pro-  
9 grams under paragraph (1) or (8) of subsection (d))  
10 to develop proposals to participate in time-limited  
11 demonstration programs described in subsection (d)  
12 so that, beginning July 1, 2024, and every 2 years  
13 thereafter, up to 10 additional States may partici-  
14 pate in the demonstration programs described in  
15 subsection (d) in accordance with paragraph (9) of  
16 that subsection.”;

17 (2) in subsection (d)—

18 (A) in paragraph (3)—

19 (i) by striking “September 30, 2023”  
20 and inserting “September 30, 2025”; and

21 (ii) by striking “Subject to paragraph  
22 (8)” and inserting “Subject to paragraphs  
23 (8) and (9)”;

24 (B) in paragraph (5)—

1 (i) in subparagraph (B), in the matter  
2 preceding clause (i), by striking “that is  
3 furnished” and inserting “that is furnished  
4 by a State participating in an ongoing  
5 demonstration program under this sub-  
6 section”;

7 (ii) in subparagraph (C)(iii)—

8 (I) in subclause (I), by striking  
9 “September 30, 2023; and” and in-  
10 serting “September 30, 2025;”;

11 (II) in subclause (II), by striking  
12 “under paragraph (8)” and all that  
13 follows through the period and insert-  
14 ing “under paragraph (8), during the  
15 first 24 fiscal quarter period (or any  
16 portion of such period) that the State  
17 participates in the demonstration pro-  
18 gram; and”; and

19 (III) by adding at the end the  
20 following new subclause:

21 “(III) in the case of a State se-  
22 lected to participate in the demonstra-  
23 tion program under paragraph (9),  
24 during the first 16 fiscal quarter pe-  
25 riod (or any portion of such period)

1 that the State participates in the dem-  
2 onstration program.”; and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(D) RULE OF CONSTRUCTION.—Nothing  
6 in this section shall be construed as prohibiting  
7 a State that participated in a demonstration  
8 program under this subsection that has ended  
9 from receiving Federal financial participation  
10 under title XIX of the Social Security Act for  
11 amounts expended by the State under a State  
12 plan under such title (or a waiver of such plan)  
13 for providing medical assistance for items and  
14 services, and carrying out activities, including  
15 continuing to pay for services under the pro-  
16 spective payment system established under sub-  
17 section (c), that were provided or carried out by  
18 the State under the demonstration program, to  
19 the extent such financial participation is other-  
20 wise available under such title.”;

21 (C) in paragraph (7)—

22 (i) in subparagraph (A), by inserting  
23 “through the year in which the last dem-  
24 onstration under this section ends” after  
25 “annually thereafter”;

1 (ii) in subparagraph (B)—

2 (I) by striking “December 31,  
3 2021” and inserting “September 30,  
4 2025”; and

5 (II) by adding at the end the fol-  
6 lowing new sentence: “Such rec-  
7 ommendations shall include data col-  
8 lected after 2019, where feasible.”;  
9 and

10 (iii) by adding at the end the fol-  
11 lowing new subparagraph:

12 “(C) FINAL EVALUATION.—Not later than  
13 24 months after all demonstration programs  
14 under this section have ended, the Secretary  
15 shall submit to Congress a final evaluation of  
16 such programs.”;

17 (D) in paragraph (8)(A), by striking “2  
18 years” and all that follows through the period  
19 and inserting “6 years.”; and

20 (E) by adding at the end the following new  
21 paragraph:

22 “(9) FURTHER ADDITIONAL PROGRAMS.—

23 “(A) IN GENERAL.—In addition to the  
24 States selected under paragraphs (1) and (8),  
25 the Secretary shall select any State that meets

1 the requirements described in subparagraph (B)  
2 to conduct a demonstration program that meets  
3 the requirements of this subsection for 4 years.

4 “(B) REQUIREMENTS.—The requirements  
5 described in this subparagraph with respect to  
6 a State are that the State—

7 “(i) was awarded a planning grant  
8 under paragraph (1) or (3) of subsection  
9 (c); and

10 “(ii) submits an application (in addi-  
11 tion to any application that the State may  
12 have previously submitted under this sec-  
13 tion) that includes the information de-  
14 scribed in paragraph (2)(B).

15 “(C) REQUIREMENTS FOR SELECTED  
16 STATES.—The requirements applicable to  
17 States selected under paragraph (8) pursuant  
18 to subparagraph (C) of such paragraph shall  
19 apply in the same manner to States selected  
20 under this paragraph.

21 “(D) LIMITATION.—The Secretary shall  
22 not select more than 10 States to conduct a  
23 demonstration program under this paragraph  
24 for each 2 fiscal year period.”; and

25 (3) in subsection (f)(1)—

1 (A) in subparagraph (A), by striking  
2 “and” after the semicolon;

3 (B) in subparagraph (B), by striking the  
4 period and inserting “; and”; and

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

6 “(C) for purposes of awarding planning  
7 grants under subsection (c)(3), providing tech-  
8 nical assistance to States applying for grants  
9 under such subsection, and carrying out dem-  
10 onstration programs under subsection (d),  
11 \$40,000,000 for fiscal year 2023, to remain  
12 available until expended.”.

13 **SEC. 11002. MEDICAID AND TELEHEALTH.**

14 (a) GUIDANCE TO STATES ON FURNISHING SERVICES  
15 THROUGH TELEHEALTH UNDER MEDICAID AND  
16 CHIP.—Not later than 18 months after the date of enact-  
17 ment of this Act, the Secretary shall provide technical as-  
18 sistance and issue guidance to States on improving access  
19 to telehealth for services covered under Medicaid and  
20 CHIP, including with respect to:

21 (1) How States can adopt flexibilities under  
22 Medicaid and CHIP to expand access to covered  
23 services via telehealth, including when States may  
24 adopt such flexibilities without the need for approval  
25 of a State plan amendment or waiver.



1           (2) Best practices regarding billing for services,  
2 including recommended voluntary billing codes,  
3 modifiers, and place of service designations and how  
4 such billing codes, modifiers, and designations can  
5 be used to create consistent data sets.

6           (3) Strategies for integrating telehealth services  
7 into value-based care models.

8           (4) Best practices from States that have used  
9 Medicaid waivers and other Medicaid authorities to  
10 expand access to telehealth, including during the  
11 COVID–19 public health emergency declared by the  
12 Secretary pursuant to section 319 of the Public  
13 Health Service Act on January 31, 2020, entitled  
14 “Determination that a Public Health Emergency  
15 Exists Nationwide as the Result of the 2019 Novel  
16 Coronavirus”, including any renewal of such declara-  
17 tion.

18           (5) Strategies to promote the delivery of acces-  
19 sible and culturally competent care via telehealth, in-  
20 cluding addressing the needs of individuals with dis-  
21 abilities, medically underserved urban and rural  
22 communities, racial and ethnic minorities such as  
23 American Indians and Alaska Natives, individuals  
24 with limited English proficiency, and individuals of

1 different age groups including children, young  
2 adults, and seniors;

3 (6) Strategies for training and providing re-  
4 sources to providers and patients on the use of tele-  
5 health, including working with interpreters to fur-  
6 nish health services and providing resources in mul-  
7 tiple languages.

8 (7) Integrating the use of existing video plat-  
9 forms that enable multi-person video calls.

10 (8) Best practices to support the delivery of  
11 covered services under Medicaid and CHIP via tele-  
12 health in schools, including specifically for the provi-  
13 sion of mental health and substance use disorder  
14 services in such settings.

15 (9) Strategies for evaluating how the delivery of  
16 health services via telehealth affects quality, out-  
17 comes, and cost under Medicaid and CHIP.

18 (10) Best practices for conveying information to  
19 beneficiaries regarding the availability of telehealth  
20 as an option to receive services covered under Med-  
21 icaid and CHIP, including the availability of audio-  
22 only telehealth, the ability to receive such services  
23 from a patient's home, and requirements related to  
24 in-person visits.

25 (b) DEFINITIONS.—In this section:

1           (1) CHIP.—The term “CHIP” means the  
2 State children’s health insurance program estab-  
3 lished under title XXI of the Social Security Act (42  
4 U.S.C. 1397aa et seq.).

5           (2) MEDICAID.—The term “Medicaid” means  
6 the program established under title XIX of the So-  
7 cial Security Act (42 U.S.C. 1396 et seq.).

8           (3) SECRETARY.—Except as otherwise provided,  
9 the term “Secretary” means the Secretary of Health  
10 and Human Services.

11           (4) STATE.—The term “State” has the mean-  
12 ing given that term in section 1101(a)(1) of the So-  
13 cial Security Act (42 U.S.C. 1301(a)(1)) for pur-  
14 poses of titles XIX and XXI of such Act.

15 **SEC. 11003. SUPPORTING ACCESS TO HEALTH CARE SERV-**  
16 **ICES IN SCHOOLS.**

17 (a) GUIDANCE AND TECHNICAL ASSISTANCE.—

18 (1) GUIDANCE.—

19 (A) IN GENERAL.—Not later than 12  
20 months after the date of enactment of this Act,  
21 the Secretary, in consultation with the Sec-  
22 retary of Education, shall issue guidance to  
23 State Medicaid agencies, local educational agen-  
24 cies, and school-based entities to support the

1 delivery of medical assistance to Medicaid and  
2 CHIP beneficiaries in school-based settings.

3 (B) REQUIRED INFORMATION.—The guid-  
4 ance issued pursuant to subparagraph (A)  
5 shall—

6 (i) include updates to the May 2003  
7 Medicaid School-Based Administrative  
8 Claiming Guide, the 1997 Medicaid and  
9 Schools Technical Assistance Guide, and  
10 other relevant guidance in effect on the  
11 date of enactment of this Act;

12 (ii) clarify that payments may be  
13 made to school-based entities under Med-  
14 icaid for delivering assistance under Med-  
15 icaid, including any such assistance pro-  
16 vided in accordance with an individualized  
17 education program or under the policy de-  
18 scribed in the State Medicaid Director let-  
19 ter on payment for services issued on De-  
20 cember 15, 2014 (#14-006);

21 (iii) outline strategies and tools to re-  
22 duce administrative burdens on, and sim-  
23 plify billing for, local educational agencies,  
24 in particular small and rural local edu-  
25 cational agencies, and support compliance

1 with Federal requirements regarding bill-  
2 ing, payment, and recordkeeping, including  
3 by aligning direct service billing and  
4 school-based administrative claiming pay-  
5 ment systems;

6 (iv) include a comprehensive list of  
7 best practices and examples of approved  
8 methods that State Medicaid agencies and  
9 local educational agencies have used to pay  
10 for, and increase the availability of, assist-  
11 ance under Medicaid, including expanding  
12 State programs to include all Medicaid-en-  
13 rolled students, providing early and peri-  
14 odic screening, diagnostic, and treatment  
15 (EPSDT) services in schools, utilizing tele-  
16 health, coordinating with community-based  
17 mental health and substance use disorder  
18 treatment providers and organizations, co-  
19 ordinating with managed care entities, and  
20 supporting the provision of culturally com-  
21 petent and trauma-informed care in school  
22 settings; and

23 (v) provide examples of the types of  
24 providers (which may include qualified  
25 school health personnel) that States may

1 choose to enroll, deem, or otherwise treat  
2 as participating providers for purposes of  
3 school-based programs under Medicaid and  
4 best practices related to helping such pro-  
5 viders enroll in Medicaid for purposes of  
6 participating in school-based programs  
7 under Medicaid.

8 (2) TECHNICAL ASSISTANCE CENTER.—

9 (A) IN GENERAL.—Not later than 12  
10 months after the date of enactment of this Act,  
11 the Secretary, in consultation with the Sec-  
12 retary of Education, shall establish a technical  
13 assistance center to—

14 (i) assist and expand the capacity of  
15 State Medicaid agencies and local edu-  
16 cational agencies and school-based entities  
17 to provide assistance under Medicaid;

18 (ii) reduce administrative burdens for  
19 such agencies and health centers or enti-  
20 ties;

21 (iii) support State educational agen-  
22 cies, local educational agencies, and school-  
23 based entities in obtaining payment for the  
24 provision of assistance under Medicaid;

1 (iv) ensure ongoing coordination and  
2 collaboration between the Department of  
3 Health and Human Services and the De-  
4 partment of Education with respect to the  
5 provision of, and payment for, assistance  
6 under Medicaid by local educational agen-  
7 cies; and

8 (v) provide information to State and  
9 local educational agencies and States on  
10 how to utilize funding from the Depart-  
11 ment of Health and Human Services, the  
12 Department of Education, and other Fed-  
13 eral agencies to ensure payment under  
14 Medicaid for assistance provided in school-  
15 based settings.

16 (B) SMALL AND RURAL SCHOOLS.—The  
17 Secretary shall ensure that the technical assist-  
18 ance center includes resources which are specifi-  
19 cally designed to help support small and rural  
20 local educational agencies in obtaining payment  
21 for the provision of assistance under Medicaid.

22 (C) REPORTING.—The technical assistance  
23 center shall, on a biennial basis, submit to the  
24 Secretary a report on the work of the center

1           that identifies the areas where the most assist-  
2           ance was requested.

3           (3) FUNDING.—Out of any funds in the Treas-  
4           ury not otherwise appropriated, there is appro-  
5           priated to the Secretary to carry out this subsection,  
6           \$8,000,000, for fiscal year 2022, to remain available  
7           until expended.

8           (b) GRANTS.—There is authorized to be appropriated  
9           \$50,000,000 for fiscal year 2022 for the Secretary to  
10          award grants to States for the purpose of implementing,  
11          enhancing, or expanding the provision of assistance  
12          through school-based entities under Medicaid or CHIP. A  
13          State shall not use any grant funds to provide medical  
14          assistance, child health assistance, or other health serv-  
15          ices.

16          (c) DEFINITIONS.—For purposes of this section:

17               (1) CHIP.—The term “CHIP” means the  
18               State children’s health insurance program estab-  
19               lished under title XXI of the Social Security Act (42  
20               U.S.C. 1397aa et seq.).

21               (2) INDIVIDUALIZED EDUCATION PROGRAM.—  
22               The term “individualized education program” has  
23               the meaning given such term in section 602(14) of  
24               the Individuals with Disabilities Education Act (20  
25               U.S.C. 1401(14)).



1           (3) **MEDICAID.**—The term “Medicaid” means  
2 the program established under title XIX of the So-  
3 cial Security Act (42 U.S.C. 1396 et seq.).

4           (4) **SCHOOL-BASED ENTITY.**—The term  
5 “school-based entity” means—

6           (A) a school-based health center, as that  
7 term is defined in section 2110(c)(9) of the So-  
8 cial Security Act (42 U.S.C. 1397jj(e)(9)); and

9           (B) an entity that provides medical assist-  
10 ance in a school-based setting for which Federal  
11 financial participation is allowed under Med-  
12 icaid.

13           (5) **SECRETARY.**—Except as otherwise provided,  
14 the term “Secretary” means the Secretary of Health  
15 and Human Services.

16           (6) **STATE.**—The term “State” has the mean-  
17 ing given that term in section 1101(a)(1) of the So-  
18 cial Security Act (42 U.S.C. 1301(a)(1)) for pur-  
19 poses of titles XIX and XXI of such Act.

20           (7) **STATE EDUCATIONAL AGENCY; LOCAL EDU-  
21 CATIONAL AGENCY.**—The terms “State educational  
22 agency” and “local educational agency” have the  
23 meaning given those terms in section 8101 of the  
24 Elementary and Secondary Education Act of 1965  
25 (20 U.S.C. 7801).

1 **SEC. 11004. REVIEW OF STATE IMPLEMENTATION OF EARLY**  
2 **AND PERIODIC SCREENING, DIAGNOSTIC,**  
3 **AND TREATMENT SERVICES.**

4 (a) REVIEW.—

5 (1) IN GENERAL.—Not later than 24 months  
6 after the date of enactment of Act, and every 5  
7 years thereafter, the Secretary shall—

8 (A) review State implementation of the re-  
9 quirements for providing early and periodic  
10 screening, diagnostic, and treatment services  
11 under Medicaid in accordance with sections  
12 1902(a)(43), 1905(a)(4)(B), and 1905(r) of the  
13 Social Security Act (42 U.S.C. 1396a(a)(43),  
14 1396d(a)(4)(B), 1396d(r)), including with re-  
15 spect to the provision of such services by man-  
16 aged care organizations, prepaid inpatient  
17 health plans, prepaid ambulatory health plans,  
18 and primary care case managers;

19 (B) identify gaps and deficiencies with re-  
20 spect to State compliance with such require-  
21 ments;

22 (C) provide technical assistance to States  
23 to address such gaps and deficiencies; and

24 (D) issue guidance to States on the Med-  
25 icaid coverage requirements for such services  
26 that includes best practices for ensuring chil-

1           dren have access to comprehensive health care  
2           services, including children without a mental  
3           health or substance use disorder diagnosis.

4           (2) REPORTS TO CONGRESS.—Not later than 6  
5           months after each date on which the Secretary com-  
6           pletes the activities described in paragraph (1), the  
7           Secretary shall submit to the Committee on Finance  
8           of the Senate and the Committee on Energy and  
9           Commerce of the House of Representatives a report  
10          on the most recent activities completed for purposes  
11          of such paragraph that includes the findings made,  
12          and descriptions of actions taken by the Secretary or  
13          by States as a result of such activities, and any ad-  
14          ditional actions the Secretary plans to carry out or  
15          that States are required to carry out as a result of  
16          such activities.

17          (3) FUNDING.—Out of any funds in the Treas-  
18          ury not otherwise appropriated, there is appro-  
19          priated to the Secretary to carry out this subsection,  
20          to remain available until expended, \$5,000,000, for  
21          each of fiscal years 2023 and 2024, and \$1,000,000  
22          for each fiscal year thereafter.

23          (b) GAO STUDY AND REPORT.—

24                  (1) STUDY.—The Comptroller General of the  
25          United States (in this subsection referred to as the

1 “Comptroller General”) shall conduct a study evalu-  
2 ating State implementation under Medicaid of the  
3 early and periodic screening, diagnostic, and treat-  
4 ment services benefit required for children by section  
5 1905(a)(4)(B) of the Social Security Act (42 U.S.C.  
6 1396d(a)(4)(B)) and as defined in section 1905(r)  
7 of such Act (42 U.S.C. 1396d(r)) and provided in  
8 accordance with the requirements of section  
9 1902(a)(43) of such Act (42 U.S.C. 1396a(a)(43)),  
10 specifically with respect to State oversight of man-  
11 aged care organizations, prepaid inpatient health  
12 plans, prepaid ambulatory health plans, and primary  
13 care case managers, and shall provide recommenda-  
14 tions as appropriate to improve State compliance  
15 with the requirements for providing such benefit,  
16 State oversight of managed care organizations, pre-  
17 paid inpatient health plans, prepaid ambulatory  
18 health plans, and primary care case managers, and  
19 oversight of State programs under Medicaid by the  
20 Administrator of the Centers for Medicare & Med-  
21 icaid Services.

22 (2) REPORT.—Not later than 3 years after the  
23 date of enactment of this Act, the Comptroller Gen-  
24 eral shall submit to Congress a report on the study  
25 conducted under paragraph (1) that includes the

1 recommendations required by such paragraph, as  
2 well as recommendations for such legislation and ad-  
3 ministrative action as the Comptroller General deter-  
4 mines appropriate.

5 (c) DEFINITIONS.—In this section:

6 (1) MEDICAID.—The term “Medicaid” means  
7 the program established under title XIX of the So-  
8 cial Security Act (42 U.S.C. 1396 et seq.).

9 (2) SECRETARY.—Except as otherwise provided,  
10 the term “Secretary” means the Secretary of Health  
11 and Human Services.

12 (3) STATE.—The term “State” has the mean-  
13 ing given that term in section 1101(a)(1) of the So-  
14 cial Security Act (42 U.S.C. 1301(a)(1)) for pur-  
15 poses of titles XIX and XXI of such Act.

16 **SEC. 11005. PEDIATRIC MENTAL HEALTH CARE ACCESS**  
17 **GRANTS.**

18 Section 330M of the Public Health Service Act (42  
19 U.S.C. 254c-19) is amended—

20 (1) in the section enumerator, by striking  
21 “**330M**” and inserting “**330M.**”;

22 (2) in subsection (a), in the matter preceding  
23 paragraph (1)—

24 (A) by inserting “or cooperative agree-  
25 ments” after “award grants”; and

1 (B) by striking “Indian tribes and tribal  
2 organizations” and inserting “Indian Tribes  
3 and Tribal organizations”;

4 (3) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-  
7 graph (A), by striking “a grant” and in-  
8 serting “an award”;

9 (ii) in subparagraph (G), by inserting  
10 “developmental-behavioral pediatricians,”  
11 after “psychiatrists,”;

12 (iii) in subparagraph (H), by inserting  
13 “provide information to pediatric health  
14 care providers about available mental  
15 health services for children in the commu-  
16 nity and” before “assist”; and

17 (iv) in subparagraph (I), by striking  
18 “problems” and inserting “conditions”;

19 (B) by redesignating paragraph (2) as  
20 paragraph (3);

21 (C) by inserting after paragraph (1) the  
22 following:

23 “(2) SUPPORT TO SCHOOLS AND EMERGENCY  
24 DEPARTMENTS.—

1           “(A) IN GENERAL.—In addition to the ac-  
2           tivities required under paragraph (1), a pedi-  
3           atric mental health care access program re-  
4           ferred to in subsection (a), with respect to  
5           which an award under such subsection may be  
6           used, may provide information, consultative  
7           support, training, and technical assistance to—

8                     “(i) emergency departments; and

9                     “(ii) State educational agencies, local  
10           educational agencies, Tribal educational  
11           agencies, and elementary and secondary  
12           schools.

13           “(B) REQUIREMENTS FOR CERTAIN RE-  
14           CIPIENTS.—An entity receiving information,  
15           consultative support, training, and technical as-  
16           sistance under subparagraph (A)(ii) shall oper-  
17           ate in a manner consistent with, and shall en-  
18           sure consistency with, the requirements of sub-  
19           sections (a) and (c) of section 4001 of the Ele-  
20           mentary and Secondary Education Act with re-  
21           spect to such information, consultative support,  
22           training, and technical assistance.”; and

23           (D) in paragraph (3), as so redesignated,  
24           by inserting “, and which may include a devel-

1           opmental-behavioral pediatrician” before the pe-  
2           riod at the end of the first sentence;

3           (4) in subsections (c), (d), and (f), by striking  
4           “Indian tribe, or tribal organization” each place it  
5           appears and inserting “Indian Tribe, or Tribal orga-  
6           nization”;

7           (5) in subsections (c) and (d)—

8                 (A) by striking “a grant” each place it ap-  
9                 pears and inserting “an award”; and

10                (B) by striking “such grant” each place it  
11                appears and inserting “such award”;

12           (6) in subsection (e), by striking “grants” and  
13           inserting “awards”;

14           (7) in subsection (f)—

15                 (A) by striking “award a grant” and in-  
16                 serting “make an award”; and

17                 (B) by striking “the grant” and inserting  
18                 “the award”;

19           (8) by redesignating subsection (g) as sub-  
20           section (h);

21           (9) by inserting after subsection (f) the fol-  
22           lowing:

23           “(g) **TECHNICAL ASSISTANCE.**—The Secretary  
24           may—



1           “(1) provide, or continue to provide, technical  
2 assistance to recipients of awards under subsection  
3 (a); and

4           “(2) award a grant or contract to an eligible  
5 public or nonprofit private entity (as determined by  
6 the Secretary) for the purpose of providing such  
7 technical assistance pursuant to this subsection.”;  
8 and

9           (10) in subsection (h), as so redesignated, by  
10 striking “\$9,000,000 for the period of fiscal years  
11 2018 through 2022” and inserting “\$31,000,000 for  
12 each of fiscal years 2023 through 2027”.

## 13           **TITLE II—FIREARMS**

### 14       **SEC. 12001. JUVENILE RECORDS.**

15       (a) IMPROVING NICS EXAMINATION OF JUVENILE  
16 RECORDS.—

17           (1) IN GENERAL.—Section 922 of title 18,  
18 United States Code, is amended—

19               (A) in subsection (d)—

20                   (i) in the matter preceding paragraph  
21 (1), by inserting “, including as a juvenile”  
22 after “such person”; and

23                   (ii) in paragraph (4), by inserting “at  
24 16 years of age or older” after “institu-  
25 tion”; and

1 (B) in subsection (t)—

2 (i) in paragraph (1)—

3 (I) in subparagraph (B)(ii)—

4 (aa) by inserting “subject to  
5 subparagraph (C),” before “3  
6 business days”; and

7 (bb) by striking “and” at  
8 the end;

9 (II) by redesignating subpara-  
10 graph (C) as subparagraph (D); and

11 (III) by inserting after subpara-  
12 graph (B) the following:

13 “(C) in the case of a person less than 21 years  
14 of age, in addition to all other requirements of this  
15 chapter—

16 “(i) the system provides the licensee with  
17 a unique identification number;

18 “(ii) 3 business days (meaning a day on  
19 which State offices are open) have elapsed since  
20 the licensee contacted the system, and the sys-  
21 tem has not notified the licensee that cause ex-  
22 ists to further investigate a possibly disquali-  
23 fying juvenile record under subsection (d); or

24 “(iii) in the case of such a person with re-  
25 spect to whom the system notifies the licensee

1 in accordance with clause (ii) that cause exists  
2 to further investigate a possibly disqualifying  
3 juvenile record under subsection (d), 10 busi-  
4 ness days (meaning a day on which State of-  
5 fices are open) have elapsed since the licensee  
6 contacted the system, and the system has not  
7 notified the licensee that—

8 “(I) transferring the firearm to the  
9 other person would violate subsection (d)  
10 of this section; or

11 “(II) receipt of a firearm by the other  
12 person would violate subsection (g) or (n)  
13 of this section, or State, local, or Tribal  
14 law; and”;

15 (ii) in paragraph (2)—

16 (I) by inserting “transfer or” be-  
17 fore “receipt”; and

18 (II) by striking “(g) or (n)” and  
19 inserting “(d), (g), or (n) (as applica-  
20 ble)”;

21 (iii) in paragraph (4)—

22 (I) by inserting “transfer of a  
23 firearm to or” before “receipt”; and

1 (II) by striking “(g) or (n)” and  
2 inserting “(d), (g), or (n) (as applica-  
3 ble)”; and

4 (iv) in paragraph (5)—

5 (I) by inserting “transfer of a  
6 firearm to or” before “receipt”; and

7 (II) by striking “(g) or (n)” and  
8 inserting “(d), (g), or (n) (as applica-  
9 ble)”.

10 (2) NICS REQUIREMENTS.—Section 103 of the  
11 Brady Handgun Violence Prevention Act (34 U.S.C.  
12 40901) is amended by adding at the end the fol-  
13 lowing:

14 “(1) REQUIREMENTS RELATING TO BACKGROUND  
15 CHECKS FOR PERSONS UNDER AGE 21.—If a licensee  
16 contacts the system established under this section regard-  
17 ing a proposed transfer of a firearm to a person less than  
18 21 years of age in accordance with subsection (t) of sec-  
19 tion 922 of title 18, United States Code, the system  
20 shall—

21 “(1) immediately contact—

22 “(A) the criminal history repository or ju-  
23 venile justice information system, as appro-  
24 priate, of the State in which the person resides  
25 for the purpose of determining whether the per-

1 son has a possibly disqualifying juvenile record  
2 under subsection (d) of such section 922;

3 “(B) the appropriate State custodian of  
4 mental health adjudication records in the State  
5 in which the person resides to determine wheth-  
6 er the person has a possibly disqualifying juve-  
7 nile record under subsection (d) of such section  
8 922; and

9 “(C) a local law enforcement agency of the  
10 jurisdiction in which the person resides for the  
11 purpose of determining whether the person has  
12 a possibly disqualifying juvenile record under  
13 subsection (d) of such section 922;

14 “(2) as soon as possible, but in no case more  
15 than 3 business days, after the licensee contacts the  
16 system, notify the licensee whether cause exists to  
17 further investigate a possibly disqualifying juvenile  
18 record under subsection (d) of such section 922; and

19 “(3) if there is cause for further investigation,  
20 as soon as possible, but in no case more than 10  
21 business days, after the licensee contacts the system,  
22 notify the licensee whether—

23 “(A) transfer of a firearm to the person  
24 would violate subsection (d) of such section  
25 922; or

1           “(B) receipt of a firearm by the person  
2           would violate subsection (g) or (n) of such sec-  
3           tion 922, or State, local, or Tribal law.”.

4           (3) SUNSET OF REQUIREMENTS TO CONTACT  
5           STATE AND LOCAL ENTITIES.—Effective on Sep-  
6           tember 30, 2032, paragraphs (1)(B) and (2) are re-  
7           pealed, and the provisions of law amended by those  
8           paragraphs are restored as if those paragraphs had  
9           not been enacted.

10          (b) REPORT ON REMOVING OUTDATED, EXPIRED, OR  
11          ERRONEOUS RECORDS.—

12           (1) IN GENERAL.—On an annual basis for each  
13           fiscal year through fiscal year 2032, each State and  
14           Federal agency responsible for the submission of dis-  
15           qualifying records under subsection (d), (g), or (n)  
16           of section 922 of title 18, United States Code, to the  
17           national instant criminal background check system  
18           established under section 103 of the Brady Handgun  
19           Violence Prevention Act (34 U.S.C. 40901) shall  
20           submit to the Committee on the Judiciary and the  
21           Committee on Appropriations of the Senate and the  
22           Committee on the Judiciary and the Committee on  
23           Appropriations of the House of Representatives a re-  
24           port detailing the removal from the system of  
25           records that no longer prohibit an individual from

1 lawfully acquiring or possessing a firearm under  
2 such subsection (d), (g), or (n).

3 (2) CONTENTS.—Each report submitted by a  
4 State or Federal agency under paragraph (1) shall  
5 include pertinent information on—

6 (A) the number of records that the State  
7 or Federal agency removed from the national  
8 instant criminal background check system es-  
9 tablished under section 103 of the Brady Hand-  
10 gun Violence Prevention Act (34 U.S.C. 40901)  
11 during the reporting period;

12 (B) why the records were removed; and

13 (C) for each record removed, the nature of  
14 the disqualifying characteristic outlined in sub-  
15 section (d), (g), or (n) of section 922 of title  
16 18, United States Code, that caused the State  
17 or Federal agency to originally submit the  
18 record to the system.

19 **SEC. 12002. DEFINING “ENGAGED IN THE BUSINESS”.**

20 Section 921(a) of title 18, United States Code, is  
21 amended—

22 (1) in paragraph (21)(C), by striking “with the  
23 principal objective of livelihood and profit” and in-  
24 serting “to predominantly earn a profit”;

1           (2) by redesignating paragraphs (22) through  
2           (29) as paragraphs (23) through (30), respectively;  
3           and

4           (3) by inserting after paragraph (21) the fol-  
5           lowing:

6           “(22) The term ‘to predominantly earn a profit’  
7           means that the intent underlying the sale or disposition  
8           of firearms is predominantly one of obtaining pecuniary  
9           gain, as opposed to other intents, such as improving or  
10          liquidating a personal firearms collection: *Provided*, That  
11          proof of profit shall not be required as to a person who  
12          engages in the regular and repetitive purchase and disposi-  
13          tion of firearms for criminal purposes or terrorism. For  
14          purposes of this paragraph, the term ‘terrorism’ means ac-  
15          tivity, directed against United States persons, which—

16                 “(A) is committed by an individual who is not  
17                 a national or permanent resident alien of the United  
18                 States;

19                 “(B) involves violent acts or acts dangerous to  
20                 human life which would be a criminal violation if  
21                 committed within the jurisdiction of the United  
22                 States; and

23                 “(C) is intended—

24                         “(i) to intimidate or coerce a civilian popu-  
25                         lation;





1 of the Constitution of the United  
2 States, including but not limited to  
3 the Bill of Rights, and the substantive  
4 or procedural due process rights guar-  
5 anteed under the Fifth and Four-  
6 teenth Amendments to the Constitu-  
7 tion of the United States, as applied  
8 to the States, and as interpreted by  
9 State courts and United States courts  
10 (including the Supreme Court of the  
11 United States). Such programs must  
12 include, at the appropriate phase to  
13 prevent any violation of constitutional  
14 rights, at minimum, notice, the right  
15 to an in-person hearing, an unbiased  
16 adjudicator, the right to know oppos-  
17 ing evidence, the right to present evi-  
18 dence, and the right to confront ad-  
19 verse witnesses;

20 “(II) the right to be represented  
21 by counsel at no expense to the gov-  
22 ernment;

23 “(III) pre-deprivation and post-  
24 deprivation heightened evidentiary  
25 standards and proof which mean not

1 less than the protections afforded to a  
2 similarly situated litigant in Federal  
3 court or promulgated by the State's  
4 evidentiary body, and sufficient to en-  
5 sure the full protections of the Con-  
6 stitution of the United States, includ-  
7 ing but not limited to the Bill of  
8 Rights, and the substantive and pro-  
9 cedural due process rights guaranteed  
10 under the Fifth and Fourteenth  
11 Amendments to the Constitution of  
12 the United States, as applied to the  
13 States, and as interpreted by State  
14 courts and United States courts (in-  
15 cluding the Supreme Court of the  
16 United States). The heightened evi-  
17 dentiary standards and proof under  
18 such programs must, at all appro-  
19 priate phases to prevent any violation  
20 of any constitutional right, at min-  
21 imum, prevent reliance upon evidence  
22 that is unsworn or unaffirmed, irrele-  
23 vant, based on inadmissible hearsay,  
24 unreliable, vague, speculative, and  
25 lacking a foundation; and

1                                   “(IV) penalties for abuse of the  
2                                   program.”.

3           (b) ANNUAL REPORT ON CRISIS INTERVENTION PRO-  
4 GRAMS.—Section 501 of title I of the Omnibus Crime Con-  
5 trol and Safe Streets Act of 1968 (34 U.S.C. 10152) is  
6 amended by adding at the end the following:

7           “(h) ANNUAL REPORT ON CRISIS INTERVENTION  
8 PROGRAMS.—The Attorney General shall publish an an-  
9 nual report with respect to grants awarded for crisis inter-  
10 vention programs or initiatives under subsection (a)(1)(I)  
11 that contains—

12                   “(1) a description of the grants awarded and  
13                   the crisis intervention programs or initiatives funded  
14                   by the grants, broken down by grant recipient;

15                   “(2) an evaluation of the effectiveness of the  
16                   crisis intervention programs or initiatives in pre-  
17                   venting violence and suicide;

18                   “(3) measures that have been taken by each  
19                   grant recipient to safeguard the constitutional rights  
20                   of an individual subject to a crisis intervention pro-  
21                   gram or initiative; and

22                   “(4) efforts that the Attorney General is mak-  
23                   ing, in coordination with the grant recipients, to pro-  
24                   tect the constitutional rights of individuals subject to  
25                   the crisis intervention programs or initiatives.”.

1 **SEC. 12004. STOP ILLEGAL TRAFFICKING IN FIREARMS ACT.**

2 (a) ANTI-STRAW PURCHASING AND FIREARMS TRAF-  
3 FICKING AMENDMENTS.—

4 (1) IN GENERAL.—Chapter 44 of title 18,  
5 United States Code, is amended by adding at the  
6 end the following:

7 **“§ 932. Straw purchasing of firearms**

8 “(a) DEFINITIONS.—For purposes of this section—

9 “(1) the term ‘drug trafficking crime’—

10 “(A) has the meaning given that term in  
11 section 924(c)(2); and

12 “(B) includes a felony punishable under  
13 the law of a State for which the conduct consti-  
14 tuting the offense would constitute a felony  
15 punishable under the Controlled Substances Act  
16 (21 U.S.C. 801 et seq.), the Controlled Sub-  
17 stances Import and Export Act (21 U.S.C. 951  
18 et seq.), or chapter 705 of title 46;

19 “(2) the term ‘Federal crime of terrorism’ has  
20 the meaning given that term in section 2332b(g)(5);  
21 and

22 “(3) the term ‘felony’ means any offense under  
23 Federal or State law punishable by imprisonment for  
24 a term exceeding 1 year.

25 “(b) VIOLATION.—It shall be unlawful for any person  
26 to knowingly purchase, or conspire to purchase, any fire-

1 arm in or otherwise affecting interstate or foreign com-  
2 merce for, on behalf of, or at the request or demand of  
3 any other person, knowing or having reasonable cause to  
4 believe that such other person—

5           “(1) meets the criteria of 1 or more paragraphs  
6 of section 922(d);

7           “(2) intends to use, carry, possess, or sell or  
8 otherwise dispose of the firearm in furtherance of a  
9 felony, a Federal crime of terrorism, or a drug traf-  
10 ficking crime; or

11           “(3) intends to sell or otherwise dispose of the  
12 firearm to a person described in paragraph (1) or  
13 (2).

14           “(c) PENALTY.—

15           “(1) IN GENERAL.—Except as provided in para-  
16 graph (2), any person who violates subsection (b)  
17 shall be fined under this title, imprisoned for not  
18 more than 15 years, or both.

19           “(2) USE IN FELONIES, CRIMES OF TERRORISM,  
20 OR DRUG TRAFFICKING CRIMES.—If a violation of  
21 subsection (b) is committed knowing or with reason-  
22 able cause to believe that any firearm involved will  
23 be used to commit a felony, a Federal crime of ter-  
24 rorism, or a drug trafficking crime, the person shall

1 be sentenced to a term of imprisonment of not more  
2 than 25 years.

3 **“§ 933. Trafficking in firearms**

4 “(a) IN GENERAL.—It shall be unlawful for any per-  
5 son to—

6 “(1) ship, transport, transfer, cause to be  
7 transported, or otherwise dispose of any firearm to  
8 another person in or otherwise affecting interstate or  
9 foreign commerce, if such person knows or has rea-  
10 sonable cause to believe that the use, carrying, or  
11 possession of a firearm by the recipient would con-  
12 stitute a felony (as defined in section 932(a));

13 “(2) receive from another person any firearm in  
14 or otherwise affecting interstate or foreign com-  
15 merce, if the recipient knows or has reasonable  
16 cause to believe that such receipt would constitute a  
17 felony; or

18 “(3) attempt or conspire to commit the conduct  
19 described in paragraph (1) or (2).

20 “(b) PENALTY.—Any person who violates subsection  
21 (a) shall be fined under this title, imprisoned for not more  
22 than 15 years, or both.

23 **“§ 934. Forfeiture and fines**

24 “(a) FORFEITURE.—

1           “(1) IN GENERAL.—Any person convicted of a  
2 violation of section 932 or 933 shall forfeit to the  
3 United States, irrespective of any provision of State  
4 law—

5                   “(A) any property constituting, or derived  
6 from, any proceeds the person obtained, directly  
7 or indirectly, as the result of such violation; and

8                   “(B) any of the person’s property used, or  
9 intended to be used, in any manner or part, to  
10 commit, or to facilitate the commission of, such  
11 violation, except that for any forfeiture of any  
12 firearm or ammunition pursuant to this section,  
13 section 924(d) shall apply.

14           “(2) IMPOSITION.—The court, in imposing sen-  
15 tence on a person convicted of a violation of section  
16 932 or 933, shall order, in addition to any other  
17 sentence imposed pursuant to section 932 or 933,  
18 that the person forfeit to the United States all prop-  
19 erty described in paragraph (1).

20           “(b) FINES.—A defendant who derives profits or  
21 other proceeds from an offense under section 932 or 933  
22 may be fined not more than the greater of—

23                   “(1) the fine otherwise authorized by this part;  
24 or



1           “(2) the amount equal to twice the gross profits  
2 or other proceeds of the offense under section 932  
3 or 933.”.

4           (2) TITLE III AUTHORIZATION.—Section  
5 2516(1)(n) of title 18, United States Code, is  
6 amended by striking “sections 922 and 924” and in-  
7 serting “section 922, 924, 932, or 933”.

8           (3) RACKETEERING AMENDMENT.—Section  
9 1961(1)(B) of title 18, United States Code, is  
10 amended by inserting “section 932 (relating to straw  
11 purchasing), section 933 (relating to trafficking in  
12 firearms),” before “section 1028”.

13           (4) MONEY LAUNDERING AMENDMENT.—Sec-  
14 tion 1956(c)(7)(D) of title 18, United States Code,  
15 is amended by striking “section 924(n)” and insert-  
16 ing “section 924(n), 932, or 933”.

17           (5) DIRECTIVE TO SENTENCING COMMISSION.—  
18 Pursuant to its authority under section 994 of title  
19 28, United States Code, and in accordance with this  
20 subsection, the United States Sentencing Commis-  
21 sion shall review and amend its guidelines and policy  
22 statements to ensure that persons convicted of an of-  
23 fense under section 932 or 933 of title 18, United  
24 States Code, and other offenses applicable to the  
25 straw purchases and trafficking of firearms are sub-

1       ject to increased penalties in comparison to those  
2       currently provided by the guidelines and policy state-  
3       ments for such straw purchasing and trafficking of  
4       firearms offenses. In its review, the Commission  
5       shall consider, in particular, an appropriate amend-  
6       ment to reflect the intent of Congress that straw  
7       purchasers without significant criminal histories re-  
8       ceive sentences that are sufficient to deter participa-  
9       tion in such activities and reflect the defendant’s  
10      role and culpability, and any coercion, domestic vio-  
11      lence survivor history, or other mitigating factors.  
12      The Commission shall also review and amend its  
13      guidelines and policy statements to reflect the intent  
14      of Congress that a person convicted of an offense  
15      under section 932 or 933 of title 18, United States  
16      Code, who is affiliated with a gang, cartel, organized  
17      crime ring, or other such enterprise should be sub-  
18      ject to higher penalties than an otherwise unaffili-  
19      ated individual.

20           (6) TECHNICAL AND CONFORMING AMEND-  
21      MENT.—The table of sections for chapter 44 of title  
22      18, United States Code, is amended by adding at  
23      the end the following:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.

“934. Forfeiture and fines.”.

1 (b) AMENDMENTS TO SECTION 922(d).—Section  
2 922(d) of title 18, United States Code, is amended—

3 (1) in paragraph (8), by striking “or” at the  
4 end;

5 (2) in paragraph (9), by striking the period at  
6 the end and inserting a semicolon; and

7 (3) by striking the matter following paragraph  
8 (9) and inserting the following:

9 “(10) intends to sell or otherwise dispose of the  
10 firearm or ammunition in furtherance of a felony, a  
11 Federal crime of terrorism, or a drug trafficking of-  
12 fense (as such terms are defined in section 932(a));  
13 or

14 “(11) intends to sell or otherwise dispose of the  
15 firearm or ammunition to a person described in any  
16 of paragraphs (1) through (10).

17 This subsection shall not apply with respect to the sale  
18 or disposition of a firearm or ammunition to a licensed  
19 importer, licensed manufacturer, licensed dealer, or li-  
20 censed collector who pursuant to subsection (b) of section  
21 925 is not precluded from dealing in firearms or ammuni-  
22 tion, or to a person who has been granted relief from dis-  
23 abilities pursuant to subsection (c) of section 925.”.

24 (c) AMENDMENTS TO SECTION 924(a).—Section  
25 924(a) of title 18, United States Code, is amended—

1 (1) in paragraph (2), by striking “(d), (g),”;  
2 and

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

4 “(8) Whoever knowingly violates subsection (d)  
5 or (g) of section 922 shall be fined under this title,  
6 imprisoned for not more than 15 years, or both.”.

7 (d) AMENDMENTS TO SECTION 924(d).—Section  
8 924(d) of title 18, United States Code, is amended—

9 (1) in paragraph (1), by inserting “932, or  
10 933,” after “section 924,”; and

11 (2) in paragraph (3)—

12 (A) in subparagraph (E), by striking  
13 “and” at the end;

14 (B) in subparagraph (F), by striking the  
15 period at the end and inserting “; and”; and

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

17 “(G) any offense under section 932 or  
18 933.”.

19 (e) AMENDMENTS TO SECTION 924(h).—Section 924  
20 of title 18, United States Code, is amended by striking  
21 subsection (h) and inserting the following:

22 “(h) Whoever knowingly receives or transfers a fire-  
23 arm or ammunition, or attempts or conspires to do so,  
24 knowing or having reasonable cause to believe that such  
25 firearm or ammunition will be used to commit a felony,

1 a Federal crime of terrorism, or a drug trafficking crime  
2 (as such terms are defined in section 932(a)), or a crime  
3 under the Arms Export Control Act (22 U.S.C. 2751 et  
4 seq.), the Export Control Reform Act of 2018 (50 U.S.C.  
5 4801 et seq.), the International Emergency Economic  
6 Powers Act (50 U.S.C. 1701 et seq.), or the Foreign Nar-  
7 cotics Kingpin Designation Act (21 U.S.C. 1901 et seq.),  
8 shall be fined under this title, imprisoned for not more  
9 than 15 years, or both.”.

10 (f) AMENDMENTS TO SECTION 924(k).—Section 924  
11 of title 18, United States Code, is amended by striking  
12 subsection (k) and inserting the following:

13 “(k)(1) A person who smuggles or knowingly brings  
14 into the United States a firearm or ammunition, or at-  
15 tempts or conspires to do so, with intent to engage in or  
16 to promote conduct that—

17 “(A) is punishable under the Controlled Sub-  
18 stances Import and Export Act (21 U.S.C. 951 et  
19 seq.), or chapter 705 of title 46; or

20 “(B) constitutes a felony, a Federal crime of  
21 terrorism, or a drug trafficking crime (as such terms  
22 are defined in section 932(a)),  
23 shall be fined under this title, imprisoned for not  
24 more than 15 years, or both.

1           “(2) A person who smuggles or knowingly takes out  
2 of the United States a firearm or ammunition, or attempts  
3 or conspires to do so, with intent to engage in or to pro-  
4 mote conduct that—

5           “(A) would be punishable under the Controlled  
6 Substances Import and Export Act (21 U.S.C. 951  
7 et seq.), or chapter 705 of title 46, if the conduct  
8 had occurred within the United States; or

9           “(B) would constitute a felony or a Federal  
10 crime of terrorism (as such terms are defined in sec-  
11 tion 932(a)) for which the person may be prosecuted  
12 in a court of the United States, if the conduct had  
13 occurred within the United States,  
14 shall be fined under this title, imprisoned for not more  
15 than 15 years, or both.”.

16           (g) PROHIBITION ON FIREARMS OR AMMUNITION  
17 TRANSFERS TO AGENTS OF DRUG CARTELS.—The De-  
18 partment of Justice, and any of its law enforcement co-  
19 ordinate agencies, shall not conduct or otherwise facilitate  
20 the transfer of an operable firearm or ammunition to an  
21 individual if any law enforcement officer employed by the  
22 Department of Justice involved with the transfer knows  
23 or has reasonable cause to believe that the recipient of  
24 the firearm or ammunition is an agent of a drug cartel,  
25 unless law enforcement personnel of the United States

1 continuously monitor or control the firearm or ammuni-  
2 tion at all times.

3 (h) FFL ACCESS TO LAW ENFORCEMENT INFORMA-  
4 TION.—

5 (1) IN GENERAL.—Section 103(b) of the Brady  
6 Handgun Violence Prevention Act (34 U.S.C.  
7 40901(b)), is amended—

8 (A) by striking “Not later than” and in-  
9 serting the following:

10 “(1) IN GENERAL.—Not later than”; and

11 (B) by adding at the end the following:

12 “(2) VOLUNTARY BACKGROUND CHECKS.—

13 “(A) IN GENERAL.—Not later than 90  
14 days after the date of enactment of this para-  
15 graph, the Attorney General shall promulgate  
16 regulations allowing licensees to use the na-  
17 tional instant criminal background check sys-  
18 tem established under this section for purposes  
19 of voluntarily conducting an employment back-  
20 ground check relating to a current or prospec-  
21 tive employee. The Attorney General may not  
22 collect a fee for an employment background  
23 check under this subparagraph.

24 “(B) NOTICE.—Before conducting an em-  
25 ployment background check relating to a cur-

1           rent or prospective employee under subpara-  
2           graph (A), a licensee shall—

3                   “(i) provide written notice to the cur-  
4                   rent or prospective employee that the li-  
5                   censee intends to conduct the background  
6                   check; and

7                   “(ii) obtain consent to conduct the  
8                   background check from the current or pro-  
9                   spective employee in writing.

10                   “(C) EXEMPTION.—An employment back-  
11                   ground check conducted by a licensee under  
12                   subparagraph (A) shall not be governed by the  
13                   Fair Credit Reporting Act (15 U.S.C. 1681 et  
14                   seq.).

15                   “(D) APPEAL.—Any individual who is the  
16                   subject of an employment background check  
17                   conducted by a licensee under subparagraph  
18                   (A) the result of which indicates that the indi-  
19                   vidual is prohibited from possessing a firearm  
20                   or ammunition pursuant to subsection (g) or  
21                   (n) of section 922 of title 18, United States  
22                   Code, may appeal the results of the background  
23                   check in the same manner and to the same ex-  
24                   tent as if the individual had been the subject of



1 a background check relating to the transfer of  
2 a firearm.”.

3 (2) ACQUISITION, PRESERVATION, AND EX-  
4 CHANGE OF IDENTIFICATION RECORDS AND INFOR-  
5 MATION.—Section 534 of title 28, United States  
6 Code, is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (3), by striking  
9 “and” at the end;

10 (ii) in paragraph (4), by striking the  
11 period at the end and inserting “; and”;  
12 and

13 (iii) by inserting after paragraph (4)  
14 the following:

15 “(5) provide a person licensed as an importer,  
16 manufacturer, or dealer of firearms under chapter  
17 44 of title 18 with information necessary to verify  
18 whether firearms offered for sale to such licensees  
19 have been stolen.”; and

20 (B) in subsection (b), by inserting “, ex-  
21 cept for dissemination authorized under sub-  
22 section (a)(5) of this section” before the period.

23 (3) REGULATIONS.—Not later than 90 days  
24 after the date of enactment of this Act, and without  
25 regard to chapter 5 of title 5, United States Code,

1 the Attorney General shall promulgate regulations  
2 allowing a person licensed as an importer, manufac-  
3 turer, or dealer of firearms under chapter 44 of title  
4 18, United States Code, to receive access to records  
5 of stolen firearms maintained by the National Crime  
6 Information Center operated by the Federal Bureau  
7 of Investigation, solely for the purpose of voluntarily  
8 verifying whether firearms offered for sale to such li-  
9 censees have been stolen.

10 (4) STATUTORY CONSTRUCTION; EVIDENCE.—

11 (A) STATUTORY CONSTRUCTION.—Nothing  
12 in this subsection or the amendments made by  
13 this subsection shall be construed—

14 (i) to create a cause of action against  
15 any person licensed as an importer, manu-  
16 facturer, or dealer of firearms under chap-  
17 ter 44 of title 18, United States Code, or  
18 any other person for any civil liability; or

19 (ii) to establish any standard of care.

20 (B) EVIDENCE.—Notwithstanding any  
21 other provision of law, evidence regarding the  
22 use or non-use by a person licensed as an im-  
23 porter, manufacturer, or dealer of firearms  
24 under chapter 44 of title 18, United States  
25 Code, of the systems, information, or records

1           made available under this subsection or the  
2           amendments made by this subsection shall not  
3           be admissible as evidence in any proceeding of  
4           any court, agency, board, or other entity.

5           (i) **FUNDING FOR EXISTING ATF ANTI-STRAW PUR-**  
6 **CHASING CAMPAIGN.**—There are authorized to be appro-  
7 priated to the Bureau of Alcohol, Tobacco, Firearms, and  
8 Explosives \$1,000,000 for each of fiscal years 2023  
9 through 2027 to continue and expand current efforts with  
10 existing partners to educate persons licensed as an im-  
11 porter, manufacturer, or dealer of firearms under chapter  
12 44 of title 18, United States Code, and the public to com-  
13 bat illegal straw purchases of firearms.

14           (j) **LOCAL LAW ENFORCEMENT REIMBURSEMENT**  
15 **FOR ASSISTANCE PROVIDED TO DHS-HSI TO PREVENT**  
16 **ILLEGAL TRAFFICKING.**—Section 432(d)(2) of the Home-  
17 land Security Act of 2002 (6 U.S.C. 240(d)(2)) is amend-  
18 ed by inserting “salary reimbursement,” after “adminis-  
19 trative,”.

20           (k) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
21 tion, or an amendment made by this section, shall be con-  
22 strued to allow the establishment of a Federal system of  
23 registration of firearms, firearms owners, or firearms  
24 transactions or dispositions.

1 **SEC. 12005. MISDEMEANOR CRIME OF DOMESTIC VIO-**  
2 **LENCE.**

3 (a) DEFINING “DATING RELATIONSHIP”.—Section  
4 921(a) of title 18, United States Code, is amended—

5 (1) in paragraph (33)(A)(ii)—

6 (A) by striking “or by a person” and in-  
7 serting “by a person”; and

8 (B) by inserting before the period at the  
9 end the following: “, or by a person who has a  
10 current or recent former dating relationship  
11 with the victim”; and

12 (2) by adding at the end the following:

13 “(37)(A) The term ‘dating relationship’ means a rela-  
14 tionship between individuals who have or have recently  
15 had a continuing serious relationship of a romantic or inti-  
16 mate nature.

17 “(B) Whether a relationship constitutes a dating re-  
18 lationship under subparagraph (A) shall be determined  
19 based on consideration of—

20 “(i) the length of the relationship;

21 “(ii) the nature of the relationship; and

22 “(iii) the frequency and type of interaction be-  
23 tween the individuals involved in the relationship.

24 “(C) A casual acquaintanceship or ordinary frater-  
25 nization in a business or social context does not constitute  
26 a dating relationship under subparagraph (A).”.

1 (b) NO RETROACTIVE APPLICATION.—The amend-  
2 ments made by subsection (a) shall not apply to any con-  
3 viction of a misdemeanor crime of domestic violence en-  
4 tered before the date of enactment of this Act.

5 (c) LIMITATIONS ON CONVICTIONS OF CRIMES OF  
6 DOMESTIC VIOLENCE WITH RESPECT TO DATING RELA-  
7 TIONSHIPS.—Section 921(a)(33) of title 18, United States  
8 Code, is amended—

9 (1) in subparagraph (A)—

10 (A) in the matter preceding clause (i), by  
11 striking “subparagraph (C)” and inserting  
12 “subparagraphs (B) and (C)”; and

13 (B) in clause (ii), by striking “State,,” and  
14 inserting “State,”; and

15 (2) by adding at the end the following:

16 “(C) A person shall not be considered to have been  
17 convicted of a misdemeanor crime of domestic violence  
18 against an individual in a dating relationship for purposes  
19 of this chapter if the conviction has been expunged or set  
20 aside, or is an offense for which the person has been par-  
21 doned or has had firearm rights restored unless the  
22 expungement, pardon, or restoration of rights expressly  
23 provides that the person may not ship, transport, possess,  
24 or receive firearms: *Provided*, That, in the case of a person  
25 who has not more than 1 conviction of a misdemeanor

1 crime of domestic violence against an individual in a dat-  
2 ing relationship, and is not otherwise prohibited under this  
3 chapter, the person shall not be disqualified from shipping,  
4 transport, possession, receipt, or purchase of a firearm  
5 under this chapter if 5 years have elapsed from the later  
6 of the judgment of conviction or the completion of the per-  
7 son's custodial or supervisory sentence, if any, and the  
8 person has not subsequently been convicted of another  
9 such offense, a misdemeanor under Federal, State, Tribal,  
10 or local law which has, as an element, the use or attempted  
11 use of physical force, or the threatened use of a deadly  
12 weapon, or any other offense that would disqualify the per-  
13 son under section 922(g). The national instant criminal  
14 background check system established under section 103  
15 of the Brady Handgun Violence Prevention Act (34 U.S.C.  
16 40901) shall be updated to reflect the status of the person.  
17 Restoration under this subparagraph is not available for  
18 a current or former spouse, parent, or guardian of the vic-  
19 tim, a person with whom the victim shares a child in com-  
20 mon, a person who is cohabiting with or has cohabited  
21 with the victim as a spouse, parent, or guardian, or a per-  
22 son similarly situated to a spouse, parent, or guardian of  
23 the victim.”.

1           **TITLE III—OTHER MATTERS**  
2                   **Subtitle A—Extension of**  
3                           **Moratorium**

4   **SEC. 13101. EXTENSION OF MORATORIUM ON IMPLEMENTA-**  
5                   **TION OF RULE RELATING TO ELIMINATING**  
6                   **THE ANTI-KICKBACK STATUTE SAFE HARBOR**  
7                   **PROTECTION FOR PRESCRIPTION DRUG RE-**  
8                   **BATES.**

9           Section 90006 of division I of the Infrastructure In-  
10 vestment and Jobs Act (42 U.S.C. 1320a–7b note) is  
11 amended by striking “January 1, 2026” and inserting  
12 “January 1, 2027”.

13           **Subtitle B—Medicare Improvement**  
14                   **Fund**

15   **SEC. 13201. MEDICARE IMPROVEMENT FUND.**

16           Section 1898(b)(1) of the Social Security Act (42  
17 U.S.C. 1395iii(b)(1)) is amended by striking “fiscal year  
18 2021, \$5,000,000” and inserting “fiscal year 2022,  
19 [\_\_\_\_\_]”.

20           **Subtitle C—Luke and Alex School**  
21                   **Safety Act of 2022**

22   **SEC. 13301. SHORT TITLE.**

23           This subtitle may be cited as the “Luke and Alex  
24 School Safety Act of 2022”.

1 **SEC. 13302. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY**

2 **EVIDENCE-BASED PRACTICES.**

3 (a) IN GENERAL.—Subtitle A of title XXII of the  
4 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)  
5 is amended by adding at the end the following:

6 **“SEC. 2220D. FEDERAL CLEARINGHOUSE ON SCHOOL SAFE-**  
7 **TY EVIDENCE-BASED PRACTICES.**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—The Secretary, in coordina-  
10 tion with the Secretary of Education, the Attorney  
11 General, and the Secretary of Health and Human  
12 Services, shall establish a Federal Clearinghouse on  
13 School Safety Evidence-based Practices (in this sec-  
14 tion referred to as the ‘Clearinghouse’) within the  
15 Department.

16 “(2) PURPOSE.—The Clearinghouse shall serve  
17 as a Federal resource to identify and publish online  
18 through SchoolSafety.gov, or any successor website,  
19 evidence-based practices and recommendations to  
20 improve school safety for use by State and local edu-  
21 cational agencies, institutions of higher education,  
22 State and local law enforcement agencies, health  
23 professionals, and the general public.

24 “(3) PERSONNEL.—

25 “(A) ASSIGNMENTS.—The Clearinghouse  
26 shall be assigned such personnel and resources



1 as the Secretary considers appropriate to carry  
2 out this section.

3 “(B) DETAILEES.—The Secretary of Edu-  
4 cation, the Attorney General, and the Secretary  
5 of Health and Human Services may detail per-  
6 sonnel to the Clearinghouse.

7 “(4) EXEMPTIONS.—

8 “(A) PAPERWORK REDUCTION ACT.—  
9 Chapter 35 of title 44, United States Code  
10 (commonly known as the ‘Paperwork Reduction  
11 Act’), shall not apply to any rulemaking or in-  
12 formation collection required under this section.

13 “(B) FEDERAL ADVISORY COMMITTEE  
14 ACT.—The Federal Advisory Committee Act (5  
15 U.S.C. App.) shall not apply for the purposes of  
16 carrying out this section.

17 “(b) CLEARINGHOUSE CONTENTS.—

18 “(1) CONSULTATION.—In identifying the evi-  
19 dence-based practices and recommendations for the  
20 Clearinghouse, the Secretary shall—

21 “(A) consult with appropriate Federal,  
22 State, local, Tribal, private sector, and non-  
23 governmental organizations, including civil  
24 rights and disability rights organizations; and

1           “(B) consult with the Secretary of Edu-  
2           cation to ensure that evidence-based practices  
3           published by the Clearinghouse are aligned with  
4           evidence-based practices to support a positive  
5           and safe learning environment for all students.

6           “(2) CRITERIA FOR EVIDENCE-BASED PRAC-  
7           TICES AND RECOMMENDATIONS.—The evidence-  
8           based practices and recommendations of the Clear-  
9           inghouse shall—

10           “(A) include comprehensive evidence-based  
11           school safety measures;

12           “(B) include the evidence or research ra-  
13           tionale supporting the determination of the  
14           Clearinghouse that the evidence-based practice  
15           or recommendation under subparagraph (A)  
16           has been shown to have a significant effect on  
17           improving the health, safety, and welfare of  
18           persons in school settings, including—

19           “(i) relevant research that is evidence-  
20           based, as defined in section 8101 of the  
21           Elementary and Secondary Education Act  
22           of 1965 (20 U.S.C. 7801), supporting the  
23           evidence-based practice or recommenda-  
24           tion;

1                   “(ii) findings and data from previous  
2                   Federal or State commissions recom-  
3                   mending improvements to the safety pos-  
4                   ture of a school; or

5                   “(iii) other supportive evidence or  
6                   findings relied upon by the Clearinghouse  
7                   in determining evidence-based practices  
8                   and recommendations, as determined in  
9                   consultation with the officers described in  
10                  subsection (a)(3)(B);

11                  “(C) include information on Federal pro-  
12                  grams for which implementation of each evi-  
13                  dence-based practice or recommendation is an  
14                  eligible use for the program;

15                  “(D) be consistent with Federal civil rights  
16                  laws, including title II of the Americans with  
17                  Disabilities Act of 1990 (42 U.S.C. 12131 et  
18                  seq.), the Rehabilitation Act of 1973 (29 U.S.C.  
19                  701 et seq.), and title VI of the Civil Rights Act  
20                  of 1964 (42 U.S.C. 2000d et seq.); and

21                  “(E) include options for developmentally  
22                  appropriate recommendations for use in edu-  
23                  cational settings with respect to children’s ages  
24                  and physical, social, sensory, and emotionally  
25                  developmental statuses.

1           “(3) PAST COMMISSION RECOMMENDATIONS.—  
2           The Clearinghouse shall present, as determined in  
3           consultation with the officers described in subsection  
4           (a)(3)(B), Federal, State, local, Tribal, private sec-  
5           tor, and nongovernmental organization issued best  
6           practices and recommendations and identify any best  
7           practice or recommendation of the Clearinghouse  
8           that was previously issued by any such organization  
9           or commission.

10          “(c) ASSISTANCE AND TRAINING.—The Secretary  
11          may produce and publish materials on the Clearinghouse  
12          to assist and train educational agencies and law enforce-  
13          ment agencies on the implementation of the evidence-  
14          based practices and recommendations.

15          “(d) CONTINUOUS IMPROVEMENT.—The Secretary  
16          shall—

17                  “(1) collect for the purpose of continuous im-  
18                  provement of the Clearinghouse—

19                          “(A) Clearinghouse data analytics;

20                          “(B) user feedback on the implementation  
21                          of resources, evidence-based practices, and rec-  
22                          ommendations identified by the Clearinghouse;  
23                          and

1           “(C) any evaluations conducted on imple-  
2           mentation of the evidence-based practices and  
3           recommendations of the Clearinghouse; and

4           “(2) in coordination with the Secretary of Edu-  
5           cation, the Secretary of Health and Human Services,  
6           and the Attorney General—

7           “(A) regularly assess and identify Clear-  
8           inghouse evidence-based practices and rec-  
9           ommendations for which there are no resources  
10          available through Federal Government pro-  
11          grams for implementation; and

12          “(B) establish an external advisory board,  
13          which shall be comprised of appropriate State,  
14          local, Tribal, private sector, and nongovern-  
15          mental organizations, including organizations  
16          representing parents of elementary and sec-  
17          ondary school students, representative from civil  
18          rights organizations, representatives of dis-  
19          ability rights organizations, representatives of  
20          educators, representatives of law enforcement,  
21          and nonprofit school safety and security organi-  
22          zations, to—

23          “(i) provide feedback on the imple-  
24          mentation of evidence-based practices and

1 recommendations of the Clearinghouse;  
2 and

3 “(ii) propose additional recommenda-  
4 tions for evidence-based practices for inclu-  
5 sion in the Clearinghouse that meet the re-  
6 quirements described in subsection  
7 (b)(2)(B).

8 “(e) PARENTAL ASSISTANCE.—The Clearinghouse  
9 shall produce materials in accessible formats to assist par-  
10 ents and legal guardians of students with identifying rel-  
11 evant Clearinghouse resources related to supporting the  
12 implementation of Clearinghouse evidence-based practices  
13 and recommendations.”.

14 (b) TECHNICAL AMENDMENTS.—The table of con-  
15 tents in section 1(b) of the Homeland Security Act of  
16 2002 (Public Law 107–296; 116 Stat. 2135) is amended  
17 by adding at the end the following:

“Sec. 2220D. Federal Clearinghouse on School Safety Evidence-based Prac-  
tices.”.

18 **SEC. 13303. NOTIFICATION OF CLEARINGHOUSE.**

19 (a) NOTIFICATION BY THE SECRETARY OF EDU-  
20 CATION.—The Secretary of Education shall provide writ-  
21 ten notification of the publication of the Federal Clearing-  
22 house on School Safety Evidence-based Practices (referred  
23 to in this section and section 13304 as the “Clearing-  
24 house”), as required to be established under section

1 2220D of the Homeland Security Act of 2002, as added  
2 by section 13302 of this Act, to—

3 (1) every State and local educational agency;

4 and

5 (2) other Department of Education partners in  
6 the implementation of the evidence-based practices  
7 and recommendations of the Clearinghouse, as deter-  
8 mined appropriate by the Secretary of Education.

9 (b) NOTIFICATION BY THE SECRETARY OF HOME-  
10 LAND SECURITY.—The Secretary of Homeland Security  
11 shall provide written notification of the publication of the  
12 Clearinghouse, as required to be established under section  
13 2220D of the Homeland Security Act of 2002, as added  
14 by section 13302 of this Act, to—

15 (1) every State homeland security advisor;

16 (2) every State department of homeland secu-  
17 rity; and

18 (3) other Department of Homeland Security  
19 partners in the implementation of the evidence-based  
20 practices and recommendations of the Clearing-  
21 house, as determined appropriate by the Secretary of  
22 Homeland Security.

23 (c) NOTIFICATION BY THE SECRETARY OF HEALTH  
24 AND HUMAN SERVICES.—The Secretary of Health and  
25 Human Services shall provide written notification of the

1 publication of the Clearinghouse, as required to be estab-  
2 lished under section 2220D of the Homeland Security Act  
3 of 2002, as added by section 13302 of this Act, to—

4 (1) every State department of public health;  
5 and

6 (2) other Department of Health and Human  
7 Services partners in the implementation of the evi-  
8 dence-based practices and recommendations of the  
9 Clearinghouse, as determined appropriate by the  
10 Secretary of Health and Human Services.

11 (d) NOTIFICATION BY THE ATTORNEY GENERAL.—  
12 The Attorney General shall provide written notification of  
13 the publication of the Clearinghouse, as required to be es-  
14 tablished under section 2220D of the Homeland Security  
15 Act of 2002, as added by section 13302 of this Act, to—

16 (1) every State department of justice; and

17 (2) other Department of Justice partners in the  
18 implementation of the evidence-based practices and  
19 recommendations of the Clearinghouse, as deter-  
20 mined appropriate by the Attorney General.

21 **SEC. 13304. GRANT PROGRAM REVIEW.**

22 (a) FEDERAL GRANTS AND RESOURCES.—Not later  
23 than 1 year after the date of enactment of this Act, the  
24 Clearinghouse or the external advisory board established



1 under section 2220D of the Homeland Security Act of  
2 2002, as added by this subtitle, shall—

3 (1) review grant programs and identify any  
4 grant program that may be used to implement evi-  
5 dence-based practices and recommendations of the  
6 Clearinghouse;

7 (2) identify any evidence-based practices and  
8 recommendations of the Clearinghouse for which  
9 there is not a Federal grant program that may be  
10 used for the purposes of implementing the evidence-  
11 based practice or recommendation as applicable to  
12 the agency; and

13 (3) periodically report any findings under para-  
14 graph (2) to the appropriate committees of Con-  
15 gress.

16 (b) STATE GRANTS AND RESOURCES.—The Clearing-  
17 house shall, to the extent practicable, identify, for each  
18 State—

19 (1) each agency responsible for school safety in  
20 the State, or any State that does not have such an  
21 agency designated;

22 (2) any grant program that may be used for the  
23 purposes of implementing evidence-based practices  
24 and recommendations of the Clearinghouse; and

1           (3) any resources other than grant programs  
2           that may be used to assist in implementation of evi-  
3           dence-based practices and recommendations of the  
4           Clearinghouse.

5 **SEC. 13305. RULES OF CONSTRUCTION.**

6           (a) WAIVER OF REQUIREMENTS.—Nothing in this  
7           subtitle or the amendments made by this subtitle shall be  
8           construed to create, satisfy, or waive any requirement  
9           under—

10           (1) title II of the Americans With Disabilities  
11           Act of 1990 (42 U.S.C. 12131 et seq.);

12           (2) the Rehabilitation Act of 1973 (29 U.S.C.  
13           701 et seq.);

14           (3) title VI of the Civil Rights Act of 1964 (42  
15           U.S.C. 2000d et seq.);

16           (4) title IX of the Education Amendments of  
17           1972 (20 U.S.C. 1681 et seq.); or

18           (5) the Age Discrimination Act of 1975 (42  
19           U.S.C. 6101 et seq.).

20           (b) PROHIBITION ON FEDERALLY DEVELOPED, MAN-  
21           DATED, OR ENDORSED CURRICULUM.—Nothing in this  
22           subtitle or the amendments made by this subtitle shall be  
23           construed to authorize any officer or employee of the Fed-  
24           eral Government to engage in an activity otherwise prohib-

1 ited under section 103(b) of the Department of Education  
2 Organization Act (20 U.S.C. 3403(b)).

3 **Subtitle D—Amendment on ESEA**  
4 **Funding**

5 **SEC. 13401. AMENDMENT ON ESEA FUNDING.**

6 Section 8526 of the Elementary and Secondary Edu-  
7 cation Act of 1965 (20 U.S.C. 7906) is amended—

8 (1) in paragraph (5), by striking “or” after the  
9 semicolon;

10 (2) in paragraph (6), by striking the period at  
11 the end and inserting “; or”; and

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

13 “(7) for the provision to any person of a dan-  
14 gerous weapon, as defined in section 930(g)(2) of  
15 title 18, United States Code, or training in the use  
16 of a dangerous weapon.”.

17 **DIVISION B—APPROPRIATIONS**

18 The following sums are appropriated, out of any  
19 money in the Treasury not otherwise appropriated, for the  
20 fiscal year ending September 30, 2022, and for other pur-  
21 poses, namely:

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1 TITLE I  
2 DEPARTMENT OF JUSTICE  
3 FEDERAL BUREAU OF INVESTIGATION  
4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-  
6 penses”, \$100,000,000, to remain available until ex-  
7 pended, to meet additional resource needs of the National  
8 Instant Criminal Background Check System.

9 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES  
10 OFFICE OF JUSTICE PROGRAMS

11 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE  
12 For an additional amount for “State and Local Law  
13 Enforcement Assistance”, \$1,400,000,000, to remain  
14 available until expended, for grants to be administered by  
15 the Office of Justice Programs: *Provided*, That  
16 \$280,000,000, to remain available until expended, shall be  
17 made available for fiscal year 2022, \$280,000,000, to re-  
18 main available until expended, shall be made available for  
19 fiscal year 2023, \$280,000,000, to remain available until  
20 expended, shall be made available for fiscal year 2024,  
21 \$280,000,000, to remain available until expended, shall be  
22 made available for fiscal year 2025, and \$280,000,000,  
23 to remain available until expended, shall be made available  
24 for fiscal year 2026: *Provided further*, That of the funds  
25 made available under this heading in this Act, the fol-

1 lowing amounts shall be for the following purposes in  
2 equal amounts for each of fiscal years 2022 through  
3 2026—

4           (1) \$750,000,000 shall be awarded pursuant to  
5 the formula allocation (adjusted in proportion to the  
6 relative amounts statutorily designated therefor)  
7 that was used in the fiscal year prior to the year for  
8 which funds are provided for the Edward Byrne Me-  
9 morial Justice Assistance Grant program, as author-  
10 ized by subpart 1 of part E of title I of the Omnibus  
11 Crime Control and Safe Streets Acts of 1968 (Pub-  
12 lic Law 90–351) (the “1968 Act”), and shall be for  
13 the purposes described in section 501(a)(1)(I) of  
14 title I of the 1968 Act, as amended by title II of di-  
15 vision A of this Act: *Provided further*, That the allo-  
16 cation provisions under sections 505(a) through (e),  
17 the special rules for Puerto Rico under section  
18 505(g), and section 1001(c) of title I of the 1968  
19 Act shall not apply to the amount described in this  
20 paragraph;

21           (2) \$200,000,000 shall be for grants adminis-  
22 tered by the Bureau of Justice Assistance for pur-  
23 poses authorized under the STOP School Violence  
24 Act of 2018 (title V of division S of Public Law  
25 115–141);

1           (3) \$200,000,000 shall be for grants to the  
2 States to upgrade criminal and mental health  
3 records for the National Instant Criminal Back-  
4 ground Check System, including grants to assist  
5 States in providing disqualifying juvenile records  
6 under subsection (g) or (n) of section 922 of title  
7 18, United States Code: *Provided further*, That the  
8 grants described in this paragraph shall be available  
9 to State criminal record repositories and State court  
10 systems; and

11           (4) \$250,000,000 shall be for a community vio-  
12 lence intervention and prevention initiative.

13           COMMUNITY ORIENTED POLICING SERVICES

14           COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

15           For an additional amount for “Community Oriented  
16 Policing Services Programs”, \$100,000,000, to remain  
17 available until expended, for competitive grants to be ad-  
18 ministered by the Community Oriented Policing Services  
19 Office for purposes authorized under the STOP School Vi-  
20 olence Act of 2018 (title V of division S of Public Law  
21 115–141): *Provided*, That \$20,000,000, to remain avail-  
22 able until expended, shall be made available for fiscal year  
23 2022, \$20,000,000, to remain available until expended,  
24 shall be made available for fiscal year 2023, \$20,000,000,  
25 to remain available until expended, shall be made available

1 for fiscal year 2024, \$20,000,000, to remain available  
2 until expended, shall be made available for fiscal year  
3 2025, and \$20,000,000, to remain available until ex-  
4 pended, shall be made available for fiscal year 2026.

5           **GENERAL PROVISIONS—THIS TITLE**

6           **SEC. 21001.** None of the funds made available by this  
7 title may be transferred in this or any future fiscal year  
8 pursuant to the authority in section 205 of the Commerce,  
9 Justice, Science, and Related Agencies Appropriations  
10 Act, 2022, or any successor provision in a subsequently  
11 enacted appropriations Act.

12           **SEC. 21002.** (a) The Department of Justice shall pro-  
13 vide a detailed spend plan for the fiscal year 2022 and  
14 2023 funds made available in this title to the Committees  
15 on Appropriations of the House of Representatives and the  
16 Senate within 45 days after the enactment of this Act and,  
17 for each of fiscal years 2024 through 2026, as part of  
18 the annual budget submission of the President under sec-  
19 tion 1105(a) of title 31, United States Code, the Attorney  
20 General shall submit a detailed spend plan for the funds  
21 made available in this title in that fiscal year.

22           (b) The spend plan described in subsection (a) shall  
23 include a specific and detailed description of the intended  
24 administration, review processes, allowable purposes, eligi-

1 bility requirements, and priority areas or weightings for  
2 the grant programs funded in this title.

3 TITLE II  
4 DEPARTMENT OF HEALTH AND HUMAN  
5 SERVICES  
6 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES  
7 ADMINISTRATION

8 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

9 For an additional amount for “Health Surveillance  
10 and Program Support”, \$800,000,000, to remain avail-  
11 able until September 30, 2025: *Provided*, That  
12 \$312,500,000, to remain available until December 31,  
13 2022, shall be made available for fiscal year 2022,  
14 \$162,500,000, to remain available until September 30,  
15 2023, shall be made available for fiscal year 2023,  
16 \$162,500,000, to remain available until September 30,  
17 2024, shall be made available for fiscal year 2024, and  
18 \$162,500,000, to remain available until September 30,  
19 2025, shall be made available for fiscal year 2025: *Pro-*  
20 *vided further*, That of the funds made available under this  
21 heading in this Act, the following amounts shall be for  
22 the following purposes in equal amounts for each of fiscal  
23 years 2022 through 2025, unless stated otherwise—

24 (1) \$250,000,000 shall be for grants for the  
25 community mental health services block grant pro-



1 gram under subpart I of part B of title XIX of the  
2 Public Health Service Act;

3 (2) \$40,000,000 shall be for National Child  
4 Traumatic Stress Network;

5 (3) \$240,000,000 shall be for activities and  
6 services under Project AWARE, of which no less  
7 than \$28,000,000 shall be for activities described in  
8 section 7134 of Public Law 115–271;

9 (4) \$120,000,000 shall be for Mental Health  
10 Awareness Training; and

11 (5) \$150,000,000 shall be for the National Sui-  
12 cide Prevention Lifeline for fiscal year 2022.

13 OFFICE OF THE SECRETARY

14 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

15 FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for “Public Health and So-  
18 cial Services Emergency Fund”, \$190,000,000, to remain  
19 available until September 30, 2026: *Provided*, That  
20 \$82,000,000, to remain available until December 31,  
21 2022, shall be made available for fiscal year 2022,  
22 \$32,000,000, to remain available until September 30,  
23 2023, shall be made available for fiscal year 2023,  
24 \$32,000,000, to remain available until September 30,  
25 2024, shall be made available for fiscal year 2024,

1 \$32,000,000, to remain available until September 30,  
2 2025, shall be made available for fiscal year 2025, and  
3 \$12,000,000, to remain available until September 30,  
4 2026, shall be made available for fiscal year 2026: *Pro-*  
5 *vided further*, That of the funds made available under this  
6 heading in this Act, the following amounts shall be for  
7 the following purposes in equal amounts for each of fiscal  
8 years 2022 through 2026, unless stated otherwise—

9 (1) \$60,000,000 shall be for primary care train-  
10 ing and enhancement under section 747 of the Pub-  
11 lic Health Service Act (42 U.S.C. 293k) to provide  
12 mental and behavioral health care training as part  
13 of the training of pediatricians and other primary  
14 care clinicians who plan to provide care for pediatric  
15 populations and other vulnerable populations, such  
16 as victims of abuse or trauma, and individuals with  
17 mental health or substance use disorders: *Provided*  
18 *further*, That section 747(c)(2) of the Public Health  
19 Service Act (42 U.S.C. 293k(c)(2)) shall not apply  
20 to funding made available in this paragraph: *Pro-*  
21 *vided further*, That such funds shall be transferred  
22 to “Health Resources and Services Administration—  
23 Health Workforce”;

24 (2) \$80,000,000 shall be for pediatric mental  
25 health care access under section 330M of the Public

1 Health Service Act (42 U.S.C. 254c–19), in equal  
2 amounts for each of fiscal years 2022 through 2025:  
3 *Provided further*, That such funds shall be trans-  
4 ferred to “Health Resources and Services Adminis-  
5 tration—Maternal and Child Health”; and

6 (3) \$50,000,000, to remain available until ex-  
7 pended, shall be for carrying out subsection (b) of  
8 section 11003 of division A of this Act for fiscal  
9 year 2022: *Provided further*, That such funds shall  
10 be transferred to “Centers for Medicare & Medicaid  
11 Services—Grants to States for Medicaid”.

12 DEPARTMENT OF EDUCATION

13 SCHOOL IMPROVEMENT PROGRAMS

14 For an additional amount for “School Improvement  
15 Programs”, \$1,050,000,000, to remain available through  
16 September 30, 2025, for carrying out subpart 1 of part  
17 A of title IV and part B of title IV of the Elementary  
18 and Secondary Education of 1965 (referred to in this Act  
19 as “ESEA”), in addition to amounts otherwise available  
20 for such purposes: *Provided*, That \$50,000,000, to remain  
21 available through September 30, 2023, shall be for car-  
22 rying out part B of title IV of the ESEA: *Provided further*,  
23 That the Secretary shall increase support for the imple-  
24 mentation of evidence-based practices intended to increase  
25 attendance and engagement of students in the middle

1 grades and high school in community learning centers  
2 using funds in the preceding proviso: *Provided further*,  
3 That \$1,000,000,000 shall be for activities under section  
4 4108 of the ESEA and, notwithstanding section 4105 of  
5 such Act, States shall make awards on a competitive basis  
6 to high-need local educational agencies as determined by  
7 the State.

8       SAFE SCHOOLS AND CITIZENSHIP EDUCATION

9       For an additional amount for “Safe Schools and Citi-  
10 zenship Education”, \$1,000,000,000, to remain available  
11 through December 31, 2026: *Provided*, That  
12 \$200,000,000, to remain available until March 31, 2023,  
13 shall be made available for fiscal year 2022,  
14 \$200,000,000, to remain available until December 31,  
15 2023, shall be made available for fiscal year 2023,  
16 \$200,000,000, to remain available until December 31,  
17 2024, shall be made available for fiscal year 2024,  
18 \$200,000,000, to remain available until December 31,  
19 2025, shall be made available for fiscal year 2025, and  
20 \$200,000,000, to remain available until December 31,  
21 2026, shall be made available for fiscal year 2026: *Pro-*  
22 *vided further*, That not more than two percent of each of  
23 such amounts may be used for program administration,  
24 technical assistance, data collection, and dissemination of  
25 best practices: *Provided further*, That of the funds made

1 available under this heading in this Act, the following  
2 amounts shall be available for the following purposes in  
3 equal amounts for each of fiscal years 2022 through  
4 2026—

5 (1) \$500,000,000 shall be for carrying out  
6 School Based Mental Health Services Grants, in ad-  
7 dition to amounts otherwise available for such pur-  
8 poses; and

9 (2) \$500,000,000 shall be for carrying out  
10 Mental Health Services Professional Demonstration  
11 Grants, in addition to amounts otherwise available  
12 for such purposes.

13 GENERAL PROVISIONS—THIS TITLE

14 SEC. 22001. None of the funds made available by this  
15 title may be transferred in this or any future fiscal year  
16 pursuant to the authority in section 205 or section 302  
17 of the Departments of Labor, Health and Human Serv-  
18 ices, and Education, and Related Agencies Appropriations  
19 Act, 2022 (division H of Public Law 117–103), or any  
20 successor provision in a subsequently enacted appropria-  
21 tions Act, or section 241(a) of the Public Health Service  
22 Act.

23 SEC. 22002. Not later than 30 days after the date  
24 of enactment of this Act, the Secretaries of Health and  
25 Human Services and Education shall each provide a de-

1 tailed spend plan of anticipated uses of funds made avail-  
2 able to their respective Departments in this title, including  
3 estimated personnel and administrative costs, to the Com-  
4 mittees on Appropriations of the House of Representatives  
5 and the Senate: *Provided*, That such plans shall be up-  
6 dated and submitted to such Committees every 60 days  
7 until all funds are expended: *Provided further*, That the  
8 spend plans shall be accompanied by a listing of each con-  
9 tract obligation incurred that exceeds \$5,000,000 which  
10 has not previously been reported, including the amount of  
11 each such obligation: *Provided further*, That the Commit-  
12 tees on Appropriations of the House of Representatives  
13 and the Senate shall be briefed on obligations quarterly  
14 until all funds are expended.

15       SEC. 22003. Not later than 60 days after the date  
16 of enactment of this Act, the Secretaries of Health and  
17 Human Services and Education shall each provide bi-  
18 weekly obligation reports for funds made available to their  
19 respective Departments in this title, including anticipated  
20 uses of funds made available in this title, to the Commit-  
21 tees on Appropriations of the House of Representatives  
22 and the Senate: *Provided*, That such reports shall be up-  
23 dated and submitted biweekly to the Committees until all  
24 funds are expended.

## 1 TITLE III

## 2 GENERAL PROVISIONS—THIS DIVISION

3 SEC. 23001. Each amount appropriated or made  
4 available by this division is in addition to amounts other-  
5 wise appropriated for the fiscal year involved.

6 SEC. 23002. No part of any appropriation contained  
7 in this division shall remain available for obligation beyond  
8 the current fiscal year unless expressly so provided herein.

9 SEC. 23003. Unless otherwise provided for by this di-  
10 vision, the additional amounts appropriated by this divi-  
11 sion to appropriations accounts shall be available under  
12 the authorities and conditions applicable to such appro-  
13 priations accounts for fiscal year 2022.

14 SEC. 23004. Each amount provided by this division  
15 is designated by the Congress as being for an emergency  
16 requirement pursuant to section 4001(a)(1) and section  
17 4001(b) of S. Con. Res. 14 (117th Congress), the concur-  
18 rent resolution on the budget for fiscal year 2022.

19 SEC. 23005. (a) STATUTORY PAYGO SCORE-  
20 CARDS.—The budgetary effects of each division of this Act  
21 shall not be entered on either PAYGO scorecard main-  
22 tained pursuant to section 4(d) of the Statutory Pay As-  
23 You-Go Act of 2010.

24 (b) SENATE PAYGO SCORECARDS.—The budgetary  
25 effects of each division of this Act shall not be entered

1 on any PAYGO scorecard maintained for purposes of sec-  
2 tion 4106 of H. Con. Res. 71 (115th Congress).

3 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—  
4 Notwithstanding Rule 3 of the Budget Scorekeeping  
5 Guidelines set forth in the joint explanatory statement of  
6 the committee of conference accompanying Conference Re-  
7 port 105–217 and section 250(c)(7) and (c)(8) of the Bal-  
8 anced Budget and Emergency Deficit Control Act of 1985,  
9 the budgetary effects of this division shall be estimated  
10 for purposes of section 251 of such Act and as appropria-  
11 tions for discretionary accounts for purposes of the alloca-  
12 tion to the Committee on Appropriations pursuant to sec-  
13 tion 302(a) of the Congressional Budget Act of 1974 and  
14 section 4001 of S. Con. Res. 14 (117th Congress), the  
15 concurrent resolution on the budget for fiscal year 2022.

16 This division may be cited as the “Bipartisan Safer  
17 Communities Supplemental Appropriations Act, 2022”.