

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**S. 2938**

To designate the United States Courthouse and Federal Building located at 111 North Adams Street in Tallahassee, Florida, as the “Joseph Woodrow Hatchett United States Courthouse and Federal Building”, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MURPHY (for himself, Mr. CORNYN, Ms. SINEMA, and Mr. TILLIS)

Viz:

1 In lieu of the matter proposed to be inserted, insert  
2 the following:

3 **SECTION 1. JOSEPH WOODROW HATCHETT UNITED STATES**

4 **COURTHOUSE AND FEDERAL BUILDING.**

5 (a) DESIGNATION.—The United States Courthouse  
6 and Federal Building located at 111 North Adams Street  
7 in Tallahassee, Florida, shall be known and designated as  
8 the “Joseph Woodrow Hatchett United States Courthouse  
9 and Federal Building”.

1 (b) REFERENCES.—Any reference in a law, map, reg-  
2 ulation, document, paper, or other record of the United  
3 States to the United States Courthouse and Federal  
4 Building referred to in subsection (a) shall be deemed to  
5 be a reference to the “Joseph Woodrow Hatchett United  
6 States Courthouse and Federal Building”.

7 **SEC. 2. LYNN C. WOOLSEY POST OFFICE BUILDING.**

8 (a) DESIGNATION.—The facility of the United States  
9 Postal Service located at 120 4th Street in Petaluma, Cali-  
10 fornia, shall be known and designated as the “Lynn C.  
11 Woolsey Post Office Building”.

12 (b) REFERENCES.—Any reference in a law, map, reg-  
13 ulation, document, paper, or other record of the United  
14 States to the facility referred to in subsection (a) shall  
15 be deemed to be a reference to the “Lynn C. Woolsey Post  
16 Office Building”.

17 **SEC. 3. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Joseph Woodrow Hatchett United States Courthouse and Federal  
Building.

Sec. 2. Lynn C. Woolsey Post Office Building.

Sec. 3. Short title; table of contents.

DIVISION A—MENTAL HEALTH AND FIREARMS PROVISIONS

TITLE I—CHILDREN AND FAMILY MENTAL HEALTH SERVICES

## 3

- Sec. 11001. Expansion of community mental health services demonstration program.
- Sec. 11002. Medicaid and telehealth.
- Sec. 11003. Supporting access to health care services in schools.
- 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—

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

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

25                     (2) in subsection (d)—

1 (A) in paragraph (3)—

2 (i) by striking “September 30, 2023”  
3 and inserting “September 30, 2025”; and

4 (ii) by striking “Subject to paragraph  
5 (8)” and inserting “Subject to paragraphs  
6 (8) and (9)”;

7 (B) in paragraph (5)—

8 (i) in subparagraph (B), in the matter  
9 preceding clause (i), by striking “that is  
10 furnished” and inserting “that is furnished  
11 by a State participating in an ongoing  
12 demonstration program under this sub-  
13 section”;

14 (ii) in subparagraph (C)(iii)—

15 (I) in subclause (I), by striking  
16 “September 30, 2023; and” and in-  
17 serting “September 30, 2025;”;

18 (II) in subclause (II), by striking  
19 “under paragraph (8)” and all that  
20 follows through the period and insert-  
21 ing “under paragraph (8), during the  
22 first 24 fiscal quarter period (or any  
23 portion of such period) that the State  
24 participates in the demonstration pro-  
25 gram; and”; and

1 (III) by adding at the end the  
2 following new subclause:

3 “(III) in the case of a State se-  
4 lected to participate in the demonstra-  
5 tion program under paragraph (9),  
6 during the first 16 fiscal quarter pe-  
7 riod (or any portion of such period)  
8 that the State participates in the dem-  
9 onstration program.”; and

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

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

1 the extent such financial participation is other-  
2 wise available under such title.”;

3 (C) in paragraph (7)—

4 (i) in subparagraph (A), by inserting  
5 “through the year in which the last dem-  
6 onstration under this section ends” after  
7 “annually thereafter”;

8 (ii) in subparagraph (B)—

9 (I) by striking “December 31,  
10 2021” and inserting “September 30,  
11 2025”; and

12 (II) by adding at the end the fol-  
13 lowing new sentence: “Such rec-  
14 ommendations shall include data col-  
15 lected after 2019, where feasible.”;  
16 and

17 (iii) by adding at the end the fol-  
18 lowing new subparagraph:

19 “(C) FINAL EVALUATION.—Not later than  
20 24 months after all demonstration programs  
21 under this section have ended, the Secretary  
22 shall submit to Congress a final evaluation of  
23 such programs.”;

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

4 (E) by adding at the end the following new  
5 paragraph:

6 “(9) FURTHER ADDITIONAL PROGRAMS.—

7 “(A) IN GENERAL.—In addition to the  
8 States selected under paragraphs (1) and (8),  
9 the Secretary shall select any State that meets  
10 the requirements described in subparagraph (B)  
11 to conduct a demonstration program that meets  
12 the requirements of this subsection for 4 years.

13 “(B) REQUIREMENTS.—The requirements  
14 described in this subparagraph with respect to  
15 a State are that the State—

16 “(i) was awarded a planning grant  
17 under paragraph (1) or (3) of subsection  
18 (c); and

19 “(ii) submits an application (in addi-  
20 tion to any application that the State may  
21 have previously submitted under this sec-  
22 tion) that includes the information de-  
23 scribed in paragraph (2)(B).

24 “(C) REQUIREMENTS FOR SELECTED  
25 STATES.—The requirements applicable to



1 States selected under paragraph (8) pursuant  
2 to subparagraph (C) of such paragraph shall  
3 apply in the same manner to States selected  
4 under this paragraph.

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

9 (3) in subsection (f)(1)—

10 (A) in subparagraph (A), by striking  
11 “and” after the semicolon;

12 (B) in subparagraph (B), by striking the  
13 period and inserting “; and”; and

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

15 “(C) for purposes of awarding planning  
16 grants under subsection (c)(3), providing tech-  
17 nical assistance to States applying for grants  
18 under such subsection, and carrying out dem-  
19 onstration programs under subsection (d),  
20 \$40,000,000 for fiscal year 2023, to remain  
21 available until expended.”.

22 **SEC. 11002. MEDICAID AND TELEHEALTH.**

23 (a) GUIDANCE TO STATES ON FURNISHING SERVICES  
24 THROUGH TELEHEALTH UNDER MEDICAID AND  
25 CHIP.—Not later than 18 months after the date of enact-

1 ment of this Act, the Secretary shall provide technical as-  
2 sistance and issue guidance to States on improving access  
3 to telehealth for services covered under Medicaid and  
4 CHIP, including with respect to:

5 (1) How States can adopt flexibilities under  
6 Medicaid and CHIP to expand access to covered  
7 services via telehealth, including when States may  
8 adopt such flexibilities without the need for approval  
9 of a State plan amendment or waiver.

10 (2) Best practices regarding billing for services,  
11 including recommended voluntary billing codes,  
12 modifiers, and place of service designations and how  
13 such billing codes, modifiers, and designations can  
14 be used to create consistent data sets.

15 (3) Strategies for integrating telehealth services  
16 into value-based care models.

17 (4) Best practices from States that have used  
18 Medicaid waivers and other Medicaid authorities to  
19 expand access to telehealth, including during the  
20 COVID–19 public health emergency declared by the  
21 Secretary pursuant to section 319 of the Public  
22 Health Service Act on January 31, 2020, entitled  
23 “Determination that a Public Health Emergency  
24 Exists Nationwide as the Result of the 2019 Novel

1       Coronavirus”, including any renewal of such declara-  
2       tion.

3               (5) Strategies to promote the delivery of acces-  
4       sible and culturally competent care via telehealth, in-  
5       cluding addressing the needs of individuals with dis-  
6       abilities, medically underserved urban and rural  
7       communities, racial and ethnic minorities such as  
8       American Indians and Alaska Natives, individuals  
9       with limited English proficiency, and individuals of  
10      different age groups including children, young  
11      adults, and seniors;

12              (6) Strategies for training and providing re-  
13      sources to providers and patients on the use of tele-  
14      health, including working with interpreters to fur-  
15      nish health services and providing resources in mul-  
16      tiple languages.

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

19              (8) Best practices to support the delivery of  
20      covered services under Medicaid and CHIP via tele-  
21      health in schools, including specifically for the provi-  
22      sion of mental health and substance use disorder  
23      services in such settings.

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

4           (10) Best practices for conveying information to  
5 beneficiaries regarding the availability of telehealth  
6 as an option to receive services covered under Med-  
7 icaid and CHIP, including the availability of audio-  
8 only telehealth, the ability to receive such services  
9 from a patient’s home, and requirements related to  
10 in-person visits.

11 (b) DEFINITIONS.—In this section:

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

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

19           (3) SECRETARY.—Except as otherwise provided,  
20 the term “Secretary” means the Secretary of Health  
21 and Human Services.

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

1 **SEC. 11003. SUPPORTING ACCESS TO HEALTH CARE SERV-**  
2 **ICES IN SCHOOLS.**

3 (a) **GUIDANCE AND TECHNICAL ASSISTANCE.—**

4 (1) **GUIDANCE.—**

5 (A) **IN GENERAL.—**Not later than 12  
6 months after the date of enactment of this Act,  
7 the Secretary, in consultation with the Sec-  
8 retary of Education, shall issue guidance to  
9 State Medicaid agencies, local educational agen-  
10 cies, and school-based entities to support the  
11 delivery of medical assistance to Medicaid and  
12 CHIP beneficiaries in school-based settings.

13 (B) **REQUIRED INFORMATION.—**The guid-  
14 ance issued pursuant to subparagraph (A)  
15 shall—

16 (i) include updates to the May 2003  
17 Medicaid School-Based Administrative  
18 Claiming Guide, the 1997 Medicaid and  
19 Schools Technical Assistance Guide, and  
20 other relevant guidance in effect on the  
21 date of enactment of this Act;

22 (ii) clarify that payments may be  
23 made to school-based entities under Med-  
24 icaid for delivering assistance under Med-  
25 icaid, including any such assistance pro-  
26 vided in accordance with an individualized

1 education program or under the policy de-  
2 scribed in the State Medicaid Director let-  
3 ter on payment for services issued on De-  
4 cember 15, 2014 (#14-006);

5 (iii) outline strategies and tools to re-  
6 duce administrative burdens on, and sim-  
7 plify billing for, local educational agencies,  
8 in particular small and rural local edu-  
9 cational agencies, and support compliance  
10 with Federal requirements regarding bill-  
11 ing, payment, and recordkeeping, including  
12 by aligning direct service billing and  
13 school-based administrative claiming pay-  
14 ment systems;

15 (iv) include a comprehensive list of  
16 best practices and examples of approved  
17 methods that State Medicaid agencies and  
18 local educational agencies have used to pay  
19 for, and increase the availability of, assist-  
20 ance under Medicaid, including expanding  
21 State programs to include all Medicaid-en-  
22 rolled students, providing early and peri-  
23 odic screening, diagnostic, and treatment  
24 (EPSDT) services in schools, utilizing tele-  
25 health, coordinating with community-based

1           mental health and substance use disorder  
2           treatment providers and organizations, co-  
3           ordinating with managed care entities, and  
4           supporting the provision of culturally com-  
5           petent and trauma-informed care in school  
6           settings; and

7                   (v) provide examples of the types of  
8           providers (which may include qualified  
9           school health personnel) that States may  
10          choose to enroll, deem, or otherwise treat  
11          as participating providers for purposes of  
12          school-based programs under Medicaid and  
13          best practices related to helping such pro-  
14          viders enroll in Medicaid for purposes of  
15          participating in school-based programs  
16          under Medicaid.

17          (2) TECHNICAL ASSISTANCE CENTER.—

18                   (A) IN GENERAL.—Not later than 12  
19          months after the date of enactment of this Act,  
20          the Secretary, in consultation with the Sec-  
21          retary of Education, shall establish a technical  
22          assistance center to—

23                           (i) assist and expand the capacity of  
24          State Medicaid agencies and local edu-

1 cational agencies and school-based entities  
2 to provide assistance under Medicaid;

3 (ii) reduce administrative burdens for  
4 such agencies and health centers or enti-  
5 ties;

6 (iii) support State educational agen-  
7 cies, local educational agencies, and school-  
8 based entities in obtaining payment for the  
9 provision of assistance under Medicaid;

10 (iv) ensure ongoing coordination and  
11 collaboration between the Department of  
12 Health and Human Services and the De-  
13 partment of Education with respect to the  
14 provision of, and payment for, assistance  
15 under Medicaid by local educational agen-  
16 cies; and

17 (v) provide information to State and  
18 local educational agencies and States on  
19 how to utilize funding from the Depart-  
20 ment of Health and Human Services, the  
21 Department of Education, and other Fed-  
22 eral agencies to ensure payment under  
23 Medicaid for assistance provided in school-  
24 based settings.



1 (B) SMALL AND RURAL SCHOOLS.—The  
2 Secretary shall ensure that the technical assist-  
3 ance center includes resources which are specifi-  
4 cally designed to help support small and rural  
5 local educational agencies in obtaining payment  
6 for the provision of assistance under Medicaid.

7 (C) REPORTING.—The technical assistance  
8 center shall, on a biennial basis, submit to the  
9 Secretary a report on the work of the center  
10 that identifies the areas where the most assist-  
11 ance was requested.

12 (3) FUNDING.—Out of any funds in the Treas-  
13 ury not otherwise appropriated, there is appro-  
14 priated to the Secretary to carry out this subsection,  
15 \$8,000,000, for fiscal year 2022, to remain available  
16 until expended.

17 (b) GRANTS.—There is authorized to be appropriated  
18 \$50,000,000 for fiscal year 2022 for the Secretary to  
19 award grants to States for the purpose of implementing,  
20 enhancing, or expanding the provision of assistance  
21 through school-based entities under Medicaid or CHIP. A  
22 State shall not use any grant funds to provide medical  
23 assistance, child health assistance, or other health serv-  
24 ices.

25 (c) DEFINITIONS.—For purposes of 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) INDIVIDUALIZED EDUCATION PROGRAM.—  
6 The term “individualized education program” has  
7 the meaning given such term in section 602(14) of  
8 the Individuals with Disabilities Education Act (20  
9 U.S.C. 1401(14)).

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

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

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

18           (B) an entity that provides medical assist-  
19 ance in a school-based setting for which Federal  
20 financial participation is allowed under Med-  
21 icaid.

22          (5) SECRETARY.—Except as otherwise provided,  
23 the term “Secretary” means the Secretary of Health  
24 and Human Services.

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

5           (7) STATE EDUCATIONAL AGENCY; LOCAL EDU-  
6           CATIONAL AGENCY.—The terms “State educational  
7           agency” and “local educational agency” have the  
8           meaning given those terms in section 8101 of the  
9           Elementary and Secondary Education Act of 1965  
10          (20 U.S.C. 7801).

11 **SEC. 11004. REVIEW OF STATE IMPLEMENTATION OF EARLY**  
12                           **AND PERIODIC SCREENING, DIAGNOSTIC,**  
13                           **AND TREATMENT SERVICES.**

14          (a) REVIEW.—

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

18           (A) review State implementation of the re-  
19           quirements for providing early and periodic  
20           screening, diagnostic, and treatment services  
21           under Medicaid in accordance with sections  
22           1902(a)(43), 1905(a)(4)(B), and 1905(r) of the  
23           Social Security Act (42 U.S.C. 1396a(a)(43),  
24           1396d(a)(4)(B), 1396d(r)), including with re-  
25           spect to the provision of such services by man-

1 aged care organizations, prepaid inpatient  
2 health plans, prepaid ambulatory health plans,  
3 and primary care case managers;

4 (B) identify gaps and deficiencies with re-  
5 spect to State compliance with such require-  
6 ments;

7 (C) provide technical assistance to States  
8 to address such gaps and deficiencies; and

9 (D) issue guidance to States on the Med-  
10 icaid coverage requirements for such services  
11 that includes best practices for ensuring chil-  
12 dren have access to comprehensive health care  
13 services, including children without a mental  
14 health or substance use disorder diagnosis.

15 (2) REPORTS TO CONGRESS.—Not later than 6  
16 months after each date on which the Secretary com-  
17 pletes the activities described in paragraph (1), the  
18 Secretary shall submit to the Committee on Finance  
19 of the Senate and the Committee on Energy and  
20 Commerce of the House of Representatives a report  
21 on the most recent activities completed for purposes  
22 of such paragraph that includes the findings made,  
23 and descriptions of actions taken by the Secretary or  
24 by States as a result of such activities, and any ad-  
25 ditional actions the Secretary plans to carry out or

1 that States are required to carry out as a result of  
2 such activities.

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 to remain available until expended, \$5,000,000, for  
7 each of fiscal years 2023 and 2024, and \$1,000,000  
8 for each fiscal year thereafter.

9 (b) GAO STUDY AND REPORT.—

10 (1) STUDY.—The Comptroller General of the  
11 United States (in this subsection referred to as the  
12 “Comptroller General”) shall conduct a study evalu-  
13 ating State implementation under Medicaid of the  
14 early and periodic screening, diagnostic, and treat-  
15 ment services benefit required for children by section  
16 1905(a)(4)(B) of the Social Security Act (42 U.S.C.  
17 1396d(a)(4)(B)) and as defined in section 1905(r)  
18 of such Act (42 U.S.C. 1396d(r)) and provided in  
19 accordance with the requirements of section  
20 1902(a)(43) of such Act (42 U.S.C. 1396a(a)(43)),  
21 specifically with respect to State oversight of man-  
22 aged care organizations, prepaid inpatient health  
23 plans, prepaid ambulatory health plans, and primary  
24 care case managers, and shall provide recommenda-  
25 tions as appropriate to improve State compliance

1 with the requirements for providing such benefit,  
2 State oversight of managed care organizations, pre-  
3 paid inpatient health plans, prepaid ambulatory  
4 health plans, and primary care case managers, and  
5 oversight of State programs under Medicaid by the  
6 Administrator of the Centers for Medicare & Med-  
7 icaid Services.

8 (2) REPORT.—Not later than 3 years after the  
9 date of enactment of this Act, the Comptroller Gen-  
10 eral shall submit to Congress a report on the study  
11 conducted under paragraph (1) that includes the  
12 recommendations required by such paragraph, as  
13 well as recommendations for such legislation and ad-  
14 ministrative action as the Comptroller General deter-  
15 mines appropriate.

16 (c) DEFINITIONS.—In this section:

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

20 (2) SECRETARY.—Except as otherwise provided,  
21 the term “Secretary” means the Secretary of Health  
22 and Human Services.

23 (3) STATE.—The term “State” has the mean-  
24 ing given that term in section 1101(a)(1) of the So-

1 cial Security Act (42 U.S.C. 1301(a)(1)) for pur-  
2 poses of titles XIX and XXI of such Act.

3 **SEC. 11005. PEDIATRIC MENTAL HEALTH CARE ACCESS**  
4 **GRANTS.**

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

7 (1) in the section enumerator, by striking  
8 “**330M**” and inserting “**330M.**”;

9 (2) in subsection (a), in the matter preceding  
10 paragraph (1)—

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

13 (B) by striking “Indian tribes and tribal  
14 organizations” and inserting “Indian Tribes  
15 and Tribal organizations”;

16 (3) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) in the matter preceding subpara-  
19 graph (A), by striking “a grant” and in-  
20 serting “an award”;

21 (ii) in subparagraph (G), by inserting  
22 “developmental-behavioral pediatricians,”  
23 after “psychiatrists,”;

24 (iii) in subparagraph (H), by inserting  
25 “provide information to pediatric health

1 care providers about available mental  
2 health services for children in the commu-  
3 nity and” before “assist”; and

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

6 (B) by redesignating paragraph (2) as  
7 paragraph (3);

8 (C) by inserting after paragraph (1) the  
9 following:

10 “(2) SUPPORT TO SCHOOLS AND EMERGENCY  
11 DEPARTMENTS.—

12 “(A) IN GENERAL.—In addition to the ac-  
13 tivities required under paragraph (1), a pedi-  
14 atric mental health care access program re-  
15 ferred to in subsection (a), with respect to  
16 which an award under such subsection may be  
17 used, may provide information, consultative  
18 support, training, and technical assistance to—

19 “(i) emergency departments; and

20 “(ii) State educational agencies, local  
21 educational agencies, Tribal educational  
22 agencies, and elementary and secondary  
23 schools.

24 “(B) REQUIREMENTS FOR CERTAIN RE-  
25 CIPIENTS.—An entity receiving information,



1           consultative support, training, and technical as-  
2           sistance under subparagraph (A)(ii) shall oper-  
3           ate in a manner consistent with, and shall en-  
4           sure consistency with, the requirements of sub-  
5           sections (a) and (c) of section 4001 of the Ele-  
6           mentary and Secondary Education Act with re-  
7           spect to such information, consultative support,  
8           training, and technical assistance.”; and

9           (D) in paragraph (3), as so redesignated,  
10          by inserting “, and which may include a devel-  
11          opmental-behavioral pediatrician” before the pe-  
12          riod at the end of the first sentence;

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

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

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

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

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

24          (7) in subsection (f)—

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

3 (B) by striking “the grant” and inserting  
4 “the award”;

5 (8) by redesignating subsection (g) as sub-  
6 section (h);

7 (9) by inserting after subsection (f) the fol-  
8 lowing:

9 “(g) TECHNICAL ASSISTANCE.—The Secretary  
10 may—

11 “(1) provide, or continue to provide, technical  
12 assistance to recipients of awards under subsection  
13 (a); and

14 “(2) award a grant or contract to an eligible  
15 public or nonprofit private entity (as determined by  
16 the Secretary) for the purpose of providing such  
17 technical assistance pursuant to this subsection.”;  
18 and

19 (10) in subsection (h), as so redesignated, by  
20 striking “\$9,000,000 for the period of fiscal years  
21 2018 through 2022” and inserting “\$31,000,000 for  
22 each of fiscal years 2023 through 2027”.

## TITLE II—FIREARMS

### 2 SEC. 12001. JUVENILE RECORDS.

3 (a) IMPROVING NICS EXAMINATION OF JUVENILE  
4 RECORDS.—

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

7 (A) in subsection (d)—

8 (i) in the matter preceding paragraph  
9 (1), by inserting “, including as a juvenile”  
10 after “such person”; and

11 (ii) in paragraph (4), by inserting “at  
12 16 years of age or older” after “institu-  
13 tion”; and

14 (B) in subsection (t)—

15 (i) in paragraph (1)—

16 (I) in subparagraph (B)(ii)—

17 (aa) by inserting “subject to  
18 subparagraph (C),” before “3  
19 business days”; and

20 (bb) by striking “and” at  
21 the end;

22 (II) by redesignating subpara-  
23 graph (C) as subparagraph (D); and

24 (III) by inserting after subpara-  
25 graph (B) the following:

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

4           “(i) the system provides the licensee with  
5 a unique identification number;

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

12           “(iii) in the case of such a person with re-  
13 spect to whom the system notifies the licensee  
14 in accordance with clause (ii) that cause exists  
15 to further investigate a possibly disqualifying  
16 juvenile record under subsection (d), 10 busi-  
17 ness days (meaning a day on which State of-  
18 fices are open) have elapsed since the licensee  
19 contacted the system, and the system has not  
20 notified the licensee that—

21           “(I) transferring the firearm to the  
22 other person would violate subsection (d)  
23 of this section; or

24           “(II) receipt of a firearm by the other  
25 person would violate subsection (g) or (n)

1 of this section, or State, local, or Tribal  
2 law; and”;

3 (ii) in paragraph (2)—

4 (I) by inserting “transfer or” be-  
5 fore “receipt”; and

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

9 (iii) in paragraph (4)—

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

12 (II) by striking “(g) or (n)” and  
13 inserting “(d), (g), or (n) (as applica-  
14 ble)”;

15 (iv) in paragraph (5)—

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

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

21 (2) NICS REQUIREMENTS.—Section 103 of the  
22 Brady Handgun Violence Prevention Act (34 U.S.C.  
23 40901) is amended by adding at the end the fol-  
24 lowing:

1       “(1) REQUIREMENTS RELATING TO BACKGROUND  
2 CHECKS FOR PERSONS UNDER AGE 21.—If a licensee  
3 contacts the system established under this section regard-  
4 ing a proposed transfer of a firearm to a person less than  
5 21 years of age in accordance with subsection (t) of sec-  
6 tion 922 of title 18, United States Code, the system  
7 shall—

8               “(1) immediately contact—

9                       “(A) the criminal history repository or ju-  
10 venile justice information system, as appro-  
11 priate, of the State in which the person resides  
12 for the purpose of determining whether the per-  
13 son has a possibly disqualifying juvenile record  
14 under subsection (d) of such section 922;

15                       “(B) the appropriate State custodian of  
16 mental health adjudication records in the State  
17 in which the person resides to determine wheth-  
18 er the person has a possibly disqualifying juve-  
19 nile record under subsection (d) of such section  
20 922; and

21                       “(C) a local law enforcement agency of the  
22 jurisdiction in which the person resides for the  
23 purpose of determining whether the person has  
24 a possibly disqualifying juvenile record under  
25 subsection (d) of such section 922;

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

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

10           “(A) transfer of a firearm to the person  
11 would violate subsection (d) of such section  
12 922; or

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

16           (3) SUNSET OF REQUIREMENTS TO CONTACT  
17 STATE AND LOCAL ENTITIES.—Effective on Sep-  
18 tember 30, 2032, paragraphs (1)(B) and (2) are re-  
19 pealed, and the provisions of law amended by those  
20 paragraphs are restored as if those paragraphs had  
21 not been enacted.

22           (b) REPORT ON REMOVING OUTDATED, EXPIRED, OR  
23 ERRONEOUS RECORDS.—

24           (1) IN GENERAL.—On an annual basis for each  
25 fiscal year through fiscal year 2032, each State and

1 Federal agency responsible for the submission of dis-  
2 qualifying records under subsection (d), (g), or (n)  
3 of section 922 of title 18, United States Code, to the  
4 national instant criminal background check system  
5 established under section 103 of the Brady Handgun  
6 Violence Prevention Act (34 U.S.C. 40901) shall  
7 submit to the Committee on the Judiciary and the  
8 Committee on Appropriations of the Senate and the  
9 Committee on the Judiciary and the Committee on  
10 Appropriations of the House of Representatives a re-  
11 port detailing the removal from the system of  
12 records that no longer prohibit an individual from  
13 lawfully acquiring or possessing a firearm under  
14 such subsection (d), (g), or (n).

15 (2) CONTENTS.—Each report submitted by a  
16 State or Federal agency under paragraph (1) shall  
17 include pertinent information on—

18 (A) the number of records that the State  
19 or Federal agency removed from the national  
20 instant criminal background check system es-  
21 tablished under section 103 of the Brady Hand-  
22 gun Violence Prevention Act (34 U.S.C. 40901)  
23 during the reporting period;

24 (B) why the records were removed; and



1 (C) for each record removed, the nature of  
2 the disqualifying characteristic outlined in sub-  
3 section (d), (g), or (n) of section 922 of title  
4 18, United States Code, that caused the State  
5 or Federal agency to originally submit the  
6 record to the system.

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

8 Section 921(a) of title 18, United States Code, is  
9 amended—

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

13 (2) by redesignating paragraphs (22) through  
14 (29) as paragraphs (23) through (30), respectively;  
15 and

16 (3) by inserting after paragraph (21) the fol-  
17 lowing:

18 “(22) The term ‘to predominantly earn a profit’  
19 means that the intent underlying the sale or disposition  
20 of firearms is predominantly one of obtaining pecuniary  
21 gain, as opposed to other intents, such as improving or  
22 liquidating a personal firearms collection: *Provided*, That  
23 proof of profit shall not be required as to a person who  
24 engages in the regular and repetitive purchase and disposi-  
25 tion of firearms for criminal purposes or terrorism. For

1 purposes of this paragraph, the term ‘terrorism’ means ac-  
2 tivity, directed against United States persons, which—

3 “(A) is committed by an individual who is not  
4 a national or permanent resident alien of the United  
5 States;

6 “(B) involves violent acts or acts dangerous to  
7 human life which would be a criminal violation if  
8 committed within the jurisdiction of the United  
9 States; and

10 “(C) is intended—

11 “(i) to intimidate or coerce a civilian popu-  
12 lation;

13 “(ii) to influence the policy of a govern-  
14 ment by intimidation or coercion; or

15 “(iii) to affect the conduct of a government  
16 by assassination or kidnapping.”.

17 **SEC. 12003. USE OF BYRNE GRANTS FOR IMPLEMENTATION**  
18 **OF STATE CRISIS INTERVENTION PROGRAMS.**

19 (a) BYRNE JAG PROGRAM.—Section 501(a)(1) of  
20 title I of the Omnibus Crime Control and Safe Streets Act  
21 of 1968 (34 U.S.C. 10152(a)(1)) is amended—

22 (1) in the matter preceding subparagraph (A),  
23 by inserting “or civil proceedings” after “criminal  
24 justice”; and

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

1           “(I) Implementation of State crisis inter-  
2           vention court proceedings and related programs  
3           or initiatives, including but not limited to—

4                   “(i) mental health courts;

5                   “(ii) drug courts;

6                   “(iii) veterans courts; and

7                   “(iv) extreme risk protection order  
8           programs, which must include, at a min-  
9           imum—

10                   “(I) pre-deprivation and post-  
11           deprivation due process rights that  
12           prevent any violation or infringement  
13           of the Constitution of the United  
14           States, including but not limited to  
15           the Bill of Rights, and the substantive  
16           or procedural due process rights guar-  
17           anteed under the Fifth and Four-  
18           teenth Amendments to the Constitu-  
19           tion of the United States, as applied  
20           to the States, and as interpreted by  
21           State courts and United States courts  
22           (including the Supreme Court of the  
23           United States). Such programs must  
24           include, at the appropriate phase to  
25           prevent any violation of constitutional

1 rights, at minimum, notice, the right  
2 to an in-person hearing, an unbiased  
3 adjudicator, the right to know oppos-  
4 ing evidence, the right to present evi-  
5 dence, and the right to confront ad-  
6 verse witnesses;

7 “(II) the right to be represented  
8 by counsel at no expense to the gov-  
9 ernment;

10 “(III) pre-deprivation and post-  
11 deprivation heightened evidentiary  
12 standards and proof which mean not  
13 less than the protections afforded to a  
14 similarly situated litigant in Federal  
15 court or promulgated by the State’s  
16 evidentiary body, and sufficient to en-  
17 sure the full protections of the Con-  
18 stitution of the United States, includ-  
19 ing but not limited to the Bill of  
20 Rights, and the substantive and pro-  
21 cedural due process rights guaranteed  
22 under the Fifth and Fourteenth  
23 Amendments to the Constitution of  
24 the United States, as applied to the  
25 States, and as interpreted by State

1 courts and United States courts (in-  
2 cluding the Supreme Court of the  
3 United States). The heightened evi-  
4 dentiary standards and proof under  
5 such programs must, at all appro-  
6 priate phases to prevent any violation  
7 of any constitutional right, at min-  
8 imum, prevent reliance upon evidence  
9 that is unsworn or unaffirmed, irrele-  
10 vant, based on inadmissible hearsay,  
11 unreliable, vague, speculative, and  
12 lacking a foundation; and

13 “(IV) penalties for abuse of the  
14 program.”.

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

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

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

4           “(2) an evaluation of the effectiveness of the  
5           crisis intervention programs or initiatives in pre-  
6           venting violence and suicide;

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

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

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

16          (a) ANTI-STRAW PURCHASING AND FIREARMS TRAF-  
17          FICKING AMENDMENTS.—

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

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

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

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

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

1           “(B) includes a felony punishable under  
2           the law of a State for which the conduct consti-  
3           tuting the offense would constitute a felony  
4           punishable under the Controlled Substances Act  
5           (21 U.S.C. 801 et seq.), the Controlled Sub-  
6           stances Import and Export Act (21 U.S.C. 951  
7           et seq.), or chapter 705 of title 46;

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

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

14          “(b) VIOLATION.—It shall be unlawful for any person  
15          to knowingly purchase, or conspire to purchase, any fire-  
16          arm in or otherwise affecting interstate or foreign com-  
17          merce for, on behalf of, or at the request or demand of  
18          any other person, knowing or having reasonable cause to  
19          believe that such other person—

20                 “(1) meets the criteria of 1 or more paragraphs  
21                 of section 922(d);

22                 “(2) intends to use, carry, possess, or sell or  
23                 otherwise dispose of the firearm in furtherance of a  
24                 felony, a Federal crime of terrorism, or a drug traf-  
25                 ficking crime; or

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

4           “(c) PENALTY.—

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

9           “(2) USE IN FELONIES, CRIMES OF TERRORISM,  
10          OR DRUG TRAFFICKING CRIMES.—If a violation of  
11          subsection (b) is committed knowing or with reason-  
12          able cause to believe that any firearm involved will  
13          be used to commit a felony, a Federal crime of ter-  
14          rorism, or a drug trafficking crime, the person shall  
15          be sentenced to a term of imprisonment of not more  
16          than 25 years.

17        **“§ 933. Trafficking in firearms**

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

20               “(1) ship, transport, transfer, cause to be  
21               transported, or otherwise dispose of any firearm to  
22               another person in or otherwise affecting interstate or  
23               foreign commerce, if such person knows or has rea-  
24               sonable cause to believe that the use, carrying, or



1 possession of a firearm by the recipient would con-  
2 stitute a felony (as defined in section 932(a));

3 “(2) receive from another person any firearm in  
4 or otherwise affecting interstate or foreign com-  
5 merce, if the recipient knows or has reasonable  
6 cause to believe that such receipt would constitute a  
7 felony; or

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

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

13 **“§ 934. Forfeiture and fines**

14 “(a) FORFEITURE.—

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

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

22 “(B) any of the person’s property used, or  
23 intended to be used, in any manner or part, to  
24 commit, or to facilitate the commission of, such  
25 violation, except that for any forfeiture of any

1           firearm or ammunition pursuant to this section,  
2           section 924(d) shall apply.

3           “(2) IMPOSITION.—The court, in imposing sen-  
4           tence on a person convicted of a violation of section  
5           932 or 933, shall order, in addition to any other  
6           sentence imposed pursuant to section 932 or 933,  
7           that the person forfeit to the United States all prop-  
8           erty described in paragraph (1).

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

12           “(1) the fine otherwise authorized by this part;  
13          or

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

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

21          (3) RACKETEERING AMENDMENT.—Section  
22          1961(1)(B) of title 18, United States Code, is  
23          amended by inserting “section 932 (relating to straw  
24          purchasing), section 933 (relating to trafficking in  
25          firearms),” before “section 1028”.

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

5           (5) DIRECTIVE TO SENTENCING COMMISSION.—  
6           Pursuant to its authority under section 994 of title  
7           28, United States Code, and in accordance with this  
8           subsection, the United States Sentencing Commis-  
9           sion shall review and amend its guidelines and policy  
10          statements to ensure that persons convicted of an of-  
11          fense under section 932 or 933 of title 18, United  
12          States Code, and other offenses applicable to the  
13          straw purchases and trafficking of firearms are sub-  
14          ject to increased penalties in comparison to those  
15          currently provided by the guidelines and policy state-  
16          ments for such straw purchasing and trafficking of  
17          firearms offenses. In its review, the Commission  
18          shall consider, in particular, an appropriate amend-  
19          ment to reflect the intent of Congress that straw  
20          purchasers without significant criminal histories re-  
21          ceive sentences that are sufficient to deter participa-  
22          tion in such activities and reflect the defendant’s  
23          role and culpability, and any coercion, domestic vio-  
24          lence survivor history, or other mitigating factors.  
25          The Commission shall also review and amend its

1 guidelines and policy statements to reflect the intent  
2 of Congress that a person convicted of an offense  
3 under section 932 or 933 of title 18, United States  
4 Code, who is affiliated with a gang, cartel, organized  
5 crime ring, or other such enterprise should be sub-  
6 ject to higher penalties than an otherwise unaffili-  
7 ated individual.

8 (6) TECHNICAL AND CONFORMING AMEND-  
9 MENT.—The table of sections for chapter 44 of title  
10 18, United States Code, is amended by adding at  
11 the end the following:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.

“934. Forfeiture and fines.”.

12 (b) AMENDMENTS TO SECTION 922(d).—Section  
13 922(d) of title 18, United States Code, is amended—

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

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

18 (3) by striking the matter following paragraph  
19 (9) and inserting the following:

20 “(10) intends to sell or otherwise dispose of the  
21 firearm or ammunition in furtherance of a felony, a  
22 Federal crime of terrorism, or a drug trafficking of-  
23 fense (as such terms are defined in section 932(a));  
24 or

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

4 This subsection shall not apply with respect to the sale  
5 or disposition of a firearm or ammunition to a licensed  
6 importer, licensed manufacturer, licensed dealer, or li-  
7 censed collector who pursuant to subsection (b) of section  
8 925 is not precluded from dealing in firearms or ammuni-  
9 tion, or to a person who has been granted relief from dis-  
10 abilities pursuant to subsection (c) of section 925.”.

11           (c) AMENDMENTS TO SECTION 924(a).—Section  
12 924(a) of title 18, United States Code, is amended—

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

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

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

19           (d) AMENDMENTS TO SECTION 924(d).—Section  
20 924(d) of title 18, United States Code, is amended—

21           (1) in paragraph (1), by inserting “932, or  
22           933,” after “section 924,”; and

23           (2) in paragraph (3)—

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

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

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

4 “(G) any offense under section 932 or  
5 933.”.

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

9 “(h) Whoever knowingly receives or transfers a fire-  
10 arm or ammunition, or attempts or conspires to do so,  
11 knowing or having reasonable cause to believe that such  
12 firearm or ammunition will be used to commit a felony,  
13 a Federal crime of terrorism, or a drug trafficking crime  
14 (as such terms are defined in section 932(a)), or a crime  
15 under the Arms Export Control Act (22 U.S.C. 2751 et  
16 seq.), the Export Control Reform Act of 2018 (50 U.S.C.  
17 4801 et seq.), the International Emergency Economic  
18 Powers Act (50 U.S.C. 1701 et seq.), or the Foreign Nar-  
19 cotics Kingpin Designation Act (21 U.S.C. 1901 et seq.),  
20 shall be fined under this title, imprisoned for not more  
21 than 15 years, or both.”.

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

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

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

8           “(B) constitutes a felony, a Federal crime of  
9 terrorism, or a drug trafficking crime (as such terms  
10 are defined in section 932(a)),  
11 shall be fined under this title, imprisoned for not  
12 more than 15 years, or both.

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

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

21           “(B) would constitute a felony or a Federal  
22 crime of terrorism (as such terms are defined in sec-  
23 tion 932(a)) for which the person may be prosecuted  
24 in a court of the United States, if the conduct had  
25 occurred within the United States,

1 shall be fined under this title, imprisoned for not more  
2 than 15 years, or both.”.

3 (g) PROHIBITION ON FIREARMS OR AMMUNITION  
4 TRANSFERS TO AGENTS OF DRUG CARTELS.—The De-  
5 partment of Justice, and any of its law enforcement co-  
6 ordinate agencies, shall not conduct or otherwise facilitate  
7 the transfer of an operable firearm or ammunition to an  
8 individual if any law enforcement officer employed by the  
9 Department of Justice involved with the transfer knows  
10 or has reasonable cause to believe that the recipient of  
11 the firearm or ammunition is an agent of a drug cartel,  
12 unless law enforcement personnel of the United States  
13 continuously monitor or control the firearm or ammuni-  
14 tion at all times.

15 (h) FFL ACCESS TO LAW ENFORCEMENT INFORMA-  
16 TION.—

17 (1) IN GENERAL.—Section 103(b) of the Brady  
18 Handgun Violence Prevention Act (34 U.S.C.  
19 40901(b)), is amended—

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

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

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

24 “(2) VOLUNTARY BACKGROUND CHECKS.—



1           “(A) IN GENERAL.—Not later than 90  
2 days after the date of enactment of this para-  
3 graph, the Attorney General shall promulgate  
4 regulations allowing licensees to use the na-  
5 tional instant criminal background check sys-  
6 tem established under this section for purposes  
7 of voluntarily conducting an employment back-  
8 ground check relating to a current or prospec-  
9 tive employee. The Attorney General may not  
10 collect a fee for an employment background  
11 check under this subparagraph.

12           “(B) NOTICE.—Before conducting an em-  
13 ployment background check relating to a cur-  
14 rent or prospective employee under subpara-  
15 graph (A), a licensee shall—

16           “(i) provide written notice to the cur-  
17 rent or prospective employee that the li-  
18 censee intends to conduct the background  
19 check; and

20           “(ii) obtain consent to conduct the  
21 background check from the current or pro-  
22 spective employee in writing.

23           “(C) EXEMPTION.—An employment back-  
24 ground check conducted by a licensee under  
25 subparagraph (A) shall not be governed by the

1 Fair Credit Reporting Act (15 U.S.C. 1681 et  
2 seq.).

3 “(D) APPEAL.—Any individual who is the  
4 subject of an employment background check  
5 conducted by a licensee under subparagraph  
6 (A) the result of which indicates that the indi-  
7 vidual is prohibited from possessing a firearm  
8 or ammunition pursuant to subsection (g) or  
9 (n) of section 922 of title 18, United States  
10 Code, may appeal the results of the background  
11 check in the same manner and to the same ex-  
12 tent as if the individual had been the subject of  
13 a background check relating to the transfer of  
14 a firearm.”.

15 (2) ACQUISITION, PRESERVATION, AND EX-  
16 CHANGE OF IDENTIFICATION RECORDS AND INFOR-  
17 MATION.—Section 534 of title 28, United States  
18 Code, is amended—

19 (A) in subsection (a)—

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

22 (ii) in paragraph (4), by striking the  
23 period at the end and inserting “; and”;  
24 and

1 (iii) by inserting after paragraph (4)  
2 the following:

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

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

11 (3) REGULATIONS.—Not later than 90 days  
12 after the date of enactment of this Act, and without  
13 regard to chapter 5 of title 5, United States Code,  
14 the Attorney General shall promulgate regulations  
15 allowing a person licensed as an importer, manufac-  
16 turer, or dealer of firearms under chapter 44 of title  
17 18, United States Code, to receive access to records  
18 of stolen firearms maintained by the National Crime  
19 Information Center operated by the Federal Bureau  
20 of Investigation, solely for the purpose of voluntarily  
21 verifying whether firearms offered for sale to such li-  
22 censees have been stolen.

23 (4) STATUTORY CONSTRUCTION; EVIDENCE.—

1 (A) STATUTORY CONSTRUCTION.—Nothing  
2 in this subsection or the amendments made by  
3 this subsection shall be construed—

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

9 (ii) to establish any standard of care.

10 (B) EVIDENCE.—Notwithstanding any  
11 other provision of law, evidence regarding the  
12 use or non-use by a person licensed as an im-  
13 porter, manufacturer, or dealer of firearms  
14 under chapter 44 of title 18, United States  
15 Code, of the systems, information, or records  
16 made available under this subsection or the  
17 amendments made by this subsection shall not  
18 be admissible as evidence in any proceeding of  
19 any court, agency, board, or other entity.

20 (i) FUNDING FOR EXISTING ATF ANTI-STRAW PUR-  
21 CHASING CAMPAIGN.—There are authorized to be appro-  
22 priated to the Bureau of Alcohol, Tobacco, Firearms, and  
23 Explosives \$1,000,000 for each of fiscal years 2023  
24 through 2027 to continue and expand current efforts with  
25 existing partners to educate persons licensed as an im-

1 porter, manufacturer, or dealer of firearms under chapter  
2 44 of title 18, United States Code, and the public to com-  
3 bat illegal straw purchases of firearms.

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

10 (k) RULE OF CONSTRUCTION.—Nothing in this sec-  
11 tion, or an amendment made by this section, shall be con-  
12 strued to allow the establishment of a Federal system of  
13 registration of firearms, firearms owners, or firearms  
14 transactions or dispositions.

15 **SEC. 12005. MISDEMEANOR CRIME OF DOMESTIC VIO-**  
16 **LENCE.**

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

19 (1) in paragraph (33)(A)(ii)—

20 (A) by striking “or by a person” and in-  
21 serting “by a person”; and

22 (B) by inserting before the period at the  
23 end the following: “, or by a person who has a  
24 current or recent former dating relationship  
25 with the victim”; and

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

2 “(37)(A) The term ‘dating relationship’ means a rela-  
3 tionship between individuals who have or have recently  
4 had a continuing serious relationship of a romantic or inti-  
5 mate nature.

6 “(B) Whether a relationship constitutes a dating re-  
7 lationship under subparagraph (A) shall be determined  
8 based on consideration of—

9 “(i) the length of the relationship;

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

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

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

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

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

24 (1) in subparagraph (A)—

1 (A) in the matter preceding clause (i), by  
2 striking “subparagraph (C)” and inserting  
3 “subparagraphs (B) and (C)”; and

4 (B) in clause (ii), by striking “State,,” and  
5 inserting “State,,”; and

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

7 “(C) A person shall not be considered to have been  
8 convicted of a misdemeanor crime of domestic violence  
9 against an individual in a dating relationship for purposes  
10 of this chapter if the conviction has been expunged or set  
11 aside, or is an offense for which the person has been par-  
12 doned or has had firearm rights restored unless the  
13 expungement, pardon, or restoration of rights expressly  
14 provides that the person may not ship, transport, possess,  
15 or receive firearms: *Provided*, That, in the case of a person  
16 who has not more than 1 conviction of a misdemeanor  
17 crime of domestic violence against an individual in a dat-  
18 ing relationship, and is not otherwise prohibited under this  
19 chapter, the person shall not be disqualified from shipping,  
20 transport, possession, receipt, or purchase of a firearm  
21 under this chapter if 5 years have elapsed from the later  
22 of the judgment of conviction or the completion of the per-  
23 son’s custodial or supervisory sentence, if any, and the  
24 person has not subsequently been convicted of another  
25 such offense, a misdemeanor under Federal, State, Tribal,

1 or local law which has, as an element, the use or attempted  
2 use of physical force, or the threatened use of a deadly  
3 weapon, or any other offense that would disqualify the per-  
4 son under section 922(g). The national instant criminal  
5 background check system established under section 103  
6 of the Brady Handgun Violence Prevention Act (34 U.S.C.  
7 40901) shall be updated to reflect the status of the person.  
8 Restoration under this subparagraph is not available for  
9 a current or former spouse, parent, or guardian of the vic-  
10 tim, a person with whom the victim shares a child in com-  
11 mon, a person who is cohabiting with or has cohabited  
12 with the victim as a spouse, parent, or guardian, or a per-  
13 son similarly situated to a spouse, parent, or guardian of  
14 the victim.”.

## 15 **TITLE III—OTHER MATTERS**

### 16 **Subtitle A—Extension of** 17 **Moratorium**

18 **SEC. 13101. EXTENSION OF MORATORIUM ON IMPLEMENTA-**  
19 **TION OF RULE RELATING TO ELIMINATING**  
20 **THE ANTI-KICKBACK STATUTE SAFE HARBOR**  
21 **PROTECTION FOR PRESCRIPTION DRUG RE-**  
22 **BATES.**

23 Section 90006 of division I of the Infrastructure In-  
24 vestment and Jobs Act (42 U.S.C. 1320a–7b note) is



1 amended by striking “January 1, 2026” and inserting  
2 “January 1, 2027”.

3 **Subtitle B—Medicare Improvement**  
4 **Fund**

5 **SEC. 13201. MEDICARE IMPROVEMENT FUND.**

6 Section 1898(b)(1) of the Social Security Act (42  
7 U.S.C. 1395iii(b)(1)) is amended by striking “fiscal year  
8 2021, \$5,000,000” and inserting “fiscal year 2022,  
9 \$7,500,000,000”.

10 **Subtitle C—Luke and Alex School**  
11 **Safety Act of 2022**

12 **SEC. 13301. SHORT TITLE.**

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

15 **SEC. 13302. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY**  
16 **EVIDENCE-BASED PRACTICES.**

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

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

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—The Secretary, in coordina-  
24 tion with the Secretary of Education, the Attorney  
25 General, and the Secretary of Health and Human

1 Services, shall establish a Federal Clearinghouse on  
2 School Safety Evidence-based Practices (in this sec-  
3 tion referred to as the ‘Clearinghouse’) within the  
4 Department.

5 “(2) PURPOSE.—The Clearinghouse shall serve  
6 as a Federal resource to identify and publish online  
7 through SchoolSafety.gov, or any successor website,  
8 evidence-based practices and recommendations to  
9 improve school safety for use by State and local edu-  
10 cational agencies, institutions of higher education,  
11 State and local law enforcement agencies, health  
12 professionals, and the general public.

13 “(3) PERSONNEL.—

14 “(A) ASSIGNMENTS.—The Clearinghouse  
15 shall be assigned such personnel and resources  
16 as the Secretary considers appropriate to carry  
17 out this section.

18 “(B) DETAILEES.—The Secretary of Edu-  
19 cation, the Attorney General, and the Secretary  
20 of Health and Human Services may detail per-  
21 sonnel to the Clearinghouse.

22 “(4) EXEMPTIONS.—

23 “(A) PAPERWORK REDUCTION ACT.—  
24 Chapter 35 of title 44, United States Code  
25 (commonly known as the ‘Paperwork Reduction

1 Act'), shall not apply to any rulemaking or in-  
2 formation collection required under this section.

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

7 “(b) CLEARINGHOUSE CONTENTS.—

8 “(1) CONSULTATION.—In identifying the evi-  
9 dence-based practices and recommendations for the  
10 Clearinghouse, the Secretary shall—

11 “(A) consult with appropriate Federal,  
12 State, local, Tribal, private sector, and non-  
13 governmental organizations, including civil  
14 rights and disability rights organizations; and

15 “(B) consult with the Secretary of Edu-  
16 cation to ensure that evidence-based practices  
17 published by the Clearinghouse are aligned with  
18 evidence-based practices to support a positive  
19 and safe learning environment for all students.

20 “(2) CRITERIA FOR EVIDENCE-BASED PRAC-  
21 TICES AND RECOMMENDATIONS.—The evidence-  
22 based practices and recommendations of the Clear-  
23 inghouse shall—

24 “(A) include comprehensive evidence-based  
25 school safety measures;

1           “(B) include the evidence or research ra-  
2           tionale supporting the determination of the  
3           Clearinghouse that the evidence-based practice  
4           or recommendation under subparagraph (A)  
5           has been shown to have a significant effect on  
6           improving the health, safety, and welfare of  
7           persons in school settings, including—

8                   “(i) relevant research that is evidence-  
9                   based, as defined in section 8101 of the  
10                  Elementary and Secondary Education Act  
11                  of 1965 (20 U.S.C. 7801), supporting the  
12                  evidence-based practice or recommenda-  
13                  tion;

14                  “(ii) findings and data from previous  
15                  Federal or State commissions recom-  
16                  mending improvements to the safety pos-  
17                  ture of a school; or

18                  “(iii) other supportive evidence or  
19                  findings relied upon by the Clearinghouse  
20                  in determining evidence-based practices  
21                  and recommendations, as determined in  
22                  consultation with the officers described in  
23                  subsection (a)(3)(B);

24           “(C) include information on Federal pro-  
25           grams for which implementation of each evi-

1            dence-based practice or recommendation is an  
2            eligible use for the program;

3            “(D) be consistent with Federal civil rights  
4            laws, including title II of the Americans with  
5            Disabilities Act of 1990 (42 U.S.C. 12131 et  
6            seq.), the Rehabilitation Act of 1973 (29 U.S.C.  
7            701 et seq.), and title VI of the Civil Rights Act  
8            of 1964 (42 U.S.C. 2000d et seq.); and

9            “(E) include options for developmentally  
10           appropriate recommendations for use in edu-  
11           cational settings with respect to children’s ages  
12           and physical, social, sensory, and emotionally  
13           developmental statuses.

14           “(3) PAST COMMISSION RECOMMENDATIONS.—  
15           The Clearinghouse shall present, as determined in  
16           consultation with the officers described in subsection  
17           (a)(3)(B), Federal, State, local, Tribal, private sec-  
18           tor, and nongovernmental organization issued best  
19           practices and recommendations and identify any best  
20           practice or recommendation of the Clearinghouse  
21           that was previously issued by any such organization  
22           or commission.

23           “(c) ASSISTANCE AND TRAINING.—The Secretary  
24           may produce and publish materials on the Clearinghouse  
25           to assist and train educational agencies and law enforce-

1 ment agencies on the implementation of the evidence-  
2 based practices and recommendations.

3 “(d) CONTINUOUS IMPROVEMENT.—The Secretary  
4 shall—

5 “(1) collect for the purpose of continuous im-  
6 provement of the Clearinghouse—

7 “(A) Clearinghouse data analytics;

8 “(B) user feedback on the implementation  
9 of resources, evidence-based practices, and rec-  
10 ommendations identified by the Clearinghouse;  
11 and

12 “(C) any evaluations conducted on imple-  
13 mentation of the evidence-based practices and  
14 recommendations of the Clearinghouse; and

15 “(2) in coordination with the Secretary of Edu-  
16 cation, the Secretary of Health and Human Services,  
17 and the Attorney General—

18 “(A) regularly assess and identify Clear-  
19 inghouse evidence-based practices and rec-  
20 ommendations for which there are no resources  
21 available through Federal Government pro-  
22 grams for implementation; and

23 “(B) establish an external advisory board,  
24 which shall be comprised of appropriate State,  
25 local, Tribal, private sector, and nongovern-

1 mental organizations, including organizations  
2 representing parents of elementary and sec-  
3 ondary school students, representative from civil  
4 rights organizations, representatives of dis-  
5 ability rights organizations, representatives of  
6 educators, representatives of law enforcement,  
7 and nonprofit school safety and security organi-  
8 zations, to—

9 “(i) provide feedback on the imple-  
10 mentation of evidence-based practices and  
11 recommendations of the Clearinghouse;  
12 and

13 “(ii) propose additional recommenda-  
14 tions for evidence-based practices for inclu-  
15 sion in the Clearinghouse that meet the re-  
16 quirements described in subsection  
17 (b)(2)(B).

18 “(e) PARENTAL ASSISTANCE.—The Clearinghouse  
19 shall produce materials in accessible formats to assist par-  
20 ents and legal guardians of students with identifying rel-  
21 evant Clearinghouse resources related to supporting the  
22 implementation of Clearinghouse evidence-based practices  
23 and recommendations.”.

24 (b) TECHNICAL AMENDMENTS.—The table of con-  
25 tents in section 1(b) of the Homeland Security Act of

1 2002 (Public Law 107–296; 116 Stat. 2135) is amended  
2 by adding at the end the following:

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

3 **SEC. 13303. NOTIFICATION OF CLEARINGHOUSE.**

4 (a) NOTIFICATION BY THE SECRETARY OF EDU-  
5 CATION.—The Secretary of Education shall provide writ-  
6 ten notification of the publication of the Federal Clearing-  
7 house on School Safety Evidence-based Practices (referred  
8 to in this section and section 13304 as the “Clearing-  
9 house”), as required to be established under section  
10 2220D of the Homeland Security Act of 2002, as added  
11 by section 13302 of this Act, to—

12 (1) every State and local educational agency;  
13 and

14 (2) other Department of Education partners in  
15 the implementation of the evidence-based practices  
16 and recommendations of the Clearinghouse, as deter-  
17 mined appropriate by the Secretary of Education.

18 (b) NOTIFICATION BY THE SECRETARY OF HOME-  
19 LAND SECURITY.—The Secretary of Homeland Security  
20 shall provide written notification of the publication of the  
21 Clearinghouse, as required to be established under section  
22 2220D of the Homeland Security Act of 2002, as added  
23 by section 13302 of this Act, to—

24 (1) every State homeland security advisor;



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

3           (3) other Department of Homeland Security  
4           partners in the implementation of the evidence-based  
5           practices and recommendations of the Clearing-  
6           house, as determined appropriate by the Secretary of  
7           Homeland Security.

8           (c) NOTIFICATION BY THE SECRETARY OF HEALTH  
9           AND HUMAN SERVICES.—The Secretary of Health and  
10          Human Services shall provide written notification of the  
11          publication of the Clearinghouse, as required to be estab-  
12          lished under section 2220D of the Homeland Security Act  
13          of 2002, as added by section 13302 of this Act, to—

14               (1) every State department of public health;  
15               and

16               (2) other Department of Health and Human  
17               Services partners in the implementation of the evi-  
18               dence-based practices and recommendations of the  
19               Clearinghouse, as determined appropriate by the  
20               Secretary of Health and Human Services.

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

1 (1) every State department of justice; and

2 (2) other Department of Justice partners in the  
3 implementation of the evidence-based practices and  
4 recommendations of the Clearinghouse, as deter-  
5 mined appropriate by the Attorney General.

6 **SEC. 13304. GRANT PROGRAM REVIEW.**

7 (a) FEDERAL GRANTS AND RESOURCES.—Not later  
8 than 1 year after the date of enactment of this Act, the  
9 Clearinghouse or the external advisory board established  
10 under section 2220D of the Homeland Security Act of  
11 2002, as added by this subtitle, shall—

12 (1) review grant programs and identify any  
13 grant program that may be used to implement evi-  
14 dence-based practices and recommendations of the  
15 Clearinghouse;

16 (2) identify any evidence-based practices and  
17 recommendations of the Clearinghouse for which  
18 there is not a Federal grant program that may be  
19 used for the purposes of implementing the evidence-  
20 based practice or recommendation as applicable to  
21 the agency; and

22 (3) periodically report any findings under para-  
23 graph (2) to the appropriate committees of Con-  
24 gress.

1 (b) STATE GRANTS AND RESOURCES.—The Clearing-  
2 house shall, to the extent practicable, identify, for each  
3 State—

4 (1) each agency responsible for school safety in  
5 the State, or any State that does not have such an  
6 agency designated;

7 (2) any grant program that may be used for the  
8 purposes of implementing evidence-based practices  
9 and recommendations of the Clearinghouse; and

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

14 **SEC. 13305. RULES OF CONSTRUCTION.**

15 (a) WAIVER OF REQUIREMENTS.—Nothing in this  
16 subtitle or the amendments made by this subtitle shall be  
17 construed to create, satisfy, or waive any requirement  
18 under—

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

21 (2) the Rehabilitation Act of 1973 (29 U.S.C.  
22 701 et seq.);

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

1 (4) title IX of the Education Amendments of  
2 1972 (20 U.S.C. 1681 et seq.); or

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

5 (b) PROHIBITION ON FEDERALLY DEVELOPED, MAN-  
6 DATED, OR ENDORSED CURRICULUM.—Nothing in this  
7 subtitle or the amendments made by this subtitle shall be  
8 construed to authorize any officer or employee of the Fed-  
9 eral Government to engage in an activity otherwise prohib-  
10 ited under section 103(b) of the Department of Education  
11 Organization Act (20 U.S.C. 3403(b)).

## 12 **Subtitle D—Amendment on ESEA** 13 **Funding**

### 14 **SEC. 13401. AMENDMENT ON ESEA FUNDING.**

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

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

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

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

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

1           **DIVISION B—APPROPRIATIONS**

2           The following sums are appropriated, out of any  
3 money in the Treasury not otherwise appropriated, for the  
4 fiscal year ending September 30, 2022, and for other pur-  
5 poses, namely:

6   **TITLE I**

7   **DEPARTMENT OF JUSTICE**

8   **FEDERAL BUREAU OF INVESTIGATION**

9   **SALARIES AND EXPENSES**

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

14          **STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES**

15   **OFFICE OF JUSTICE PROGRAMS**

16          **STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE**

17          For an additional amount for “State and Local Law  
18 Enforcement Assistance”, \$1,400,000,000, to remain  
19 available until expended, for grants to be administered by  
20 the Office of Justice Programs: *Provided*, That  
21 \$280,000,000, to remain available until expended, shall be  
22 made available for fiscal year 2022, \$280,000,000, to re-  
23 main available until expended, shall be made available for  
24 fiscal year 2023, \$280,000,000, to remain available until  
25 expended, shall be made available for fiscal year 2024,

1 \$280,000,000, to remain available until expended, shall be  
2 made available for fiscal year 2025, and \$280,000,000,  
3 to remain available until expended, shall be made available  
4 for fiscal year 2026: *Provided further*, That of the funds  
5 made available under this heading in this Act, the fol-  
6 lowing amounts shall be for the following purposes in  
7 equal amounts for each of fiscal years 2022 through  
8 2026—

9 (1) \$750,000,000 shall be awarded pursuant to  
10 the formula allocation (adjusted in proportion to the  
11 relative amounts statutorily designated therefor)  
12 that was used in the fiscal year prior to the year for  
13 which funds are provided for the Edward Byrne Me-  
14 morial Justice Assistance Grant program, as author-  
15 ized by subpart 1 of part E of title I of the Omnibus  
16 Crime Control and Safe Streets Acts of 1968 (Pub-  
17 lic Law 90–351) (the “1968 Act”), and shall be for  
18 the purposes described in section 501(a)(1)(I) of  
19 title I of the 1968 Act, as amended by title II of di-  
20 vision A of this Act: *Provided further*, That the allo-  
21 cation provisions under sections 505(a) through (e),  
22 the special rules for Puerto Rico under section  
23 505(g), and section 1001(c) of title I of the 1968  
24 Act shall not apply to the amount described in this  
25 paragraph;

1           (2) \$200,000,000 shall be for grants adminis-  
2           tered by the Bureau of Justice Assistance for pur-  
3           poses authorized under the STOP School Violence  
4           Act of 2018 (title V of division S of Public Law  
5           115–141);

6           (3) \$200,000,000 shall be for grants to the  
7           States to upgrade criminal and mental health  
8           records for the National Instant Criminal Back-  
9           ground Check System, including grants to assist  
10          States in providing disqualifying juvenile records  
11          under subsection (g) or (n) of section 922 of title  
12          18, United States Code: *Provided further*, That the  
13          grants described in this paragraph shall be available  
14          to State criminal record repositories and State court  
15          systems; and

16          (4) \$250,000,000 shall be for a community vio-  
17          lence intervention and prevention initiative.

18           COMMUNITY ORIENTED POLICING SERVICES

19          COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

20          For an additional amount for “Community Oriented  
21          Policing Services Programs”, \$100,000,000, to remain  
22          available until expended, for competitive grants to be ad-  
23          ministered by the Community Oriented Policing Services  
24          Office for purposes authorized under the STOP School Vi-  
25          olence Act of 2018 (title V of division S of Public Law

1 115–141): *Provided*, That \$20,000,000, to remain avail-  
2 able until expended, shall be made available for fiscal year  
3 2022, \$20,000,000, to remain available until expended,  
4 shall be made available for fiscal year 2023, \$20,000,000,  
5 to remain available until expended, shall be made available  
6 for fiscal year 2024, \$20,000,000, to remain available  
7 until expended, shall be made available for fiscal year  
8 2025, and \$20,000,000, to remain available until ex-  
9 pended, shall be made available for fiscal year 2026.

10           GENERAL PROVISIONS—THIS TITLE

11           SEC. 21001. None of the funds made available by this  
12 title may be transferred in this or any future fiscal year  
13 pursuant to the authority in section 205 of the Commerce,  
14 Justice, Science, and Related Agencies Appropriations  
15 Act, 2022, or any successor provision in a subsequently  
16 enacted appropriations Act.

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



1 General shall submit a detailed spend plan for the funds  
2 made available in this title in that fiscal year.

3 (b) The spend plan described in subsection (a) shall  
4 include a specific and detailed description of the intended  
5 administration, review processes, allowable purposes, eligi-  
6 bility requirements, and priority areas or weightings for  
7 the grant programs funded in this title.

## 8 TITLE II

### 9 DEPARTMENT OF HEALTH AND HUMAN

#### 10 SERVICES

#### 11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

#### 12 ADMINISTRATION

#### 13 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

14 For an additional amount for “Health Surveillance  
15 and Program Support”, \$800,000,000, to remain avail-  
16 able until September 30, 2025: *Provided*, That  
17 \$312,500,000, to remain available until December 31,  
18 2022, shall be made available for fiscal year 2022,  
19 \$162,500,000, to remain available until September 30,  
20 2023, shall be made available for fiscal year 2023,  
21 \$162,500,000, to remain available until September 30,  
22 2024, shall be made available for fiscal year 2024, and  
23 \$162,500,000, to remain available until September 30,  
24 2025, shall be made available for fiscal year 2025: *Pro-*  
25 *vided further*, That of the funds made available under this

1 heading in this Act, the following amounts shall be for  
2 the following purposes in equal amounts for each of fiscal  
3 years 2022 through 2025, unless stated otherwise—

4 (1) \$250,000,000 shall be for grants for the  
5 community mental health services block grant pro-  
6 gram under subpart I of part B of title XIX of the  
7 Public Health Service Act;

8 (2) \$40,000,000 shall be for National Child  
9 Traumatic Stress Network;

10 (3) \$240,000,000 shall be for activities and  
11 services under Project AWARE, of which no less  
12 than \$28,000,000 shall be for activities described in  
13 section 7134 of Public Law 115–271;

14 (4) \$120,000,000 shall be for Mental Health  
15 Awareness Training; and

16 (5) \$150,000,000 shall be for the National Sui-  
17 cide Prevention Lifeline for fiscal year 2022.

18 OFFICE OF THE SECRETARY

19 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

20 FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Public Health and So-  
23 cial Services Emergency Fund”, \$190,000,000, to remain  
24 available until September 30, 2026: *Provided*, That  
25 \$82,000,000, to remain available until December 31,

1 2022, shall be made available for fiscal year 2022,  
2 \$32,000,000, to remain available until September 30,  
3 2023, shall be made available for fiscal year 2023,  
4 \$32,000,000, to remain available until September 30,  
5 2024, shall be made available for fiscal year 2024,  
6 \$32,000,000, to remain available until September 30,  
7 2025, shall be made available for fiscal year 2025, and  
8 \$12,000,000, to remain available until September 30,  
9 2026, shall be made available for fiscal year 2026: *Pro-*  
10 *vided further*, That of the funds made available under this  
11 heading in this Act, the following amounts shall be for  
12 the following purposes in equal amounts for each of fiscal  
13 years 2022 through 2026, unless stated otherwise—

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

1        *vided further*, That such funds shall be transferred  
2        to “Health Resources and Services Administration—  
3        Health Workforce”;

4            (2) \$80,000,000 shall be for pediatric mental  
5        health care access under section 330M of the Public  
6        Health Service Act (42 U.S.C. 254e-19), in equal  
7        amounts for each of fiscal years 2022 through 2025:  
8        *Provided further*, That such funds shall be trans-  
9        ferred to “Health Resources and Services Adminis-  
10       tration—Maternal and Child Health”; and

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

17                            DEPARTMENT OF EDUCATION

18                            SCHOOL IMPROVEMENT PROGRAMS

19        For an additional amount for “School Improvement  
20        Programs”, \$1,050,000,000, to remain available through  
21        September 30, 2025, for carrying out subpart 1 of part  
22        A of title IV and part B of title IV of the Elementary  
23        and Secondary Education of 1965 (referred to in this Act  
24        as “ESEA”), in addition to amounts otherwise available  
25        for such purposes: *Provided*, That \$50,000,000, to remain

1 available through September 30, 2023, shall be for car-  
2 rying out part B of title IV of the ESEA: *Provided further*,  
3 That the Secretary shall increase support for the imple-  
4 mentation of evidence-based practices intended to increase  
5 attendance and engagement of students in the middle  
6 grades and high school in community learning centers  
7 using funds in the preceding proviso: *Provided further*,  
8 That \$1,000,000,000 shall be for activities under section  
9 4108 of the ESEA and, notwithstanding section 4105 of  
10 such Act, States shall make awards on a competitive basis  
11 to high-need local educational agencies as determined by  
12 the State.

13       SAFE SCHOOLS AND CITIZENSHIP EDUCATION

14       For an additional amount for “Safe Schools and Citi-  
15 zenship Education”, \$1,000,000,000, to remain available  
16 through December 31, 2026: *Provided*, That  
17 \$200,000,000, to remain available until March 31, 2023,  
18 shall be made available for fiscal year 2022,  
19 \$200,000,000, to remain available until December 31,  
20 2023, shall be made available for fiscal year 2023,  
21 \$200,000,000, to remain available until December 31,  
22 2024, shall be made available for fiscal year 2024,  
23 \$200,000,000, to remain available until December 31,  
24 2025, shall be made available for fiscal year 2025, and  
25 \$200,000,000, to remain available until December 31,

1 2026, shall be made available for fiscal year 2026: *Pro-*  
2 *vided further*, That not more than two percent of each of  
3 such amounts may be used for program administration,  
4 technical assistance, data collection, and dissemination of  
5 best practices: *Provided further*, That of the funds made  
6 available under this heading in this Act, the following  
7 amounts shall be available for the following purposes in  
8 equal amounts for each of fiscal years 2022 through  
9 2026—

10 (1) \$500,000,000 shall be for carrying out  
11 School Based Mental Health Services Grants, in ad-  
12 dition to amounts otherwise available for such pur-  
13 poses; and

14 (2) \$500,000,000 shall be for carrying out  
15 Mental Health Services Professional Demonstration  
16 Grants, in addition to amounts otherwise available  
17 for such purposes.

18 GENERAL PROVISIONS—THIS TITLE

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

1 tions Act, or section 241(a) of the Public Health Service  
2 Act.

3       SEC. 22002. Not later than 30 days after the date  
4 of enactment of this Act, the Secretaries of Health and  
5 Human Services and Education shall each provide a de-  
6 tailed spend plan of anticipated uses of funds made avail-  
7 able to their respective Departments in this title, including  
8 estimated personnel and administrative costs, to the Com-  
9 mittees on Appropriations of the House of Representatives  
10 and the Senate: *Provided*, That such plans shall be up-  
11 dated and submitted to such Committees every 60 days  
12 until all funds are expended: *Provided further*, That the  
13 spend plans shall be accompanied by a listing of each con-  
14 tract obligation incurred that exceeds \$5,000,000 which  
15 has not previously been reported, including the amount of  
16 each such obligation: *Provided further*, That the Commit-  
17 tees on Appropriations of the House of Representatives  
18 and the Senate shall be briefed on obligations quarterly  
19 until all funds are expended.

20       SEC. 22003. Not later than 60 days after the date  
21 of enactment of this Act, the Secretaries of Health and  
22 Human Services and Education shall each provide bi-  
23 weekly obligation reports for funds made available to their  
24 respective Departments in this title, including anticipated  
25 uses of funds made available in this title, to the Commit-

1 tees on Appropriations of the House of Representatives  
2 and the Senate: *Provided*, That such reports shall be up-  
3 dated and submitted biweekly to the Committees until all  
4 funds are expended.

5 TITLE III

6 GENERAL PROVISIONS—THIS DIVISION

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

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

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

18 SEC. 23004. Each amount provided by this division  
19 is designated by the Congress as being for an emergency  
20 requirement pursuant to section 4001(a)(1) and section  
21 4001(b) of S. Con. Res. 14 (117th Congress), the concur-  
22 rent resolution on the budget for fiscal year 2022.

23 SEC. 23005. (a) STATUTORY PAYGO SCORE-  
24 CARDS.—The budgetary effects of each division of this Act  
25 shall not be entered on either PAYGO scorecard main-



1 tained pursuant to section 4(d) of the Statutory Pay As-  
2 You-Go Act of 2010.

3 (b) SENATE PAYGO SCORECARDS.—The budgetary  
4 effects of each division of this Act shall not be entered  
5 on any PAYGO scorecard maintained for purposes of sec-  
6 tion 4106 of H. Con. Res. 71 (115th Congress).

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

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