

In the Senate of the United States,

June 23, 2022.

Resolved, That the Senate agree to the amendment of the House of Representatives to the bill (S. 2938) entitled “An Act 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.”, with the following

SENATE AMENDMENTS TO HOUSE AMENDMENT:

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

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

2 ***COURTHOUSE AND FEDERAL BUILDING.***

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

1 (b) *REFERENCES*.—Any reference in a law, map, regu-
 2 lation, document, paper, or other record of the United
 3 States to the United States Courthouse and Federal Build-
 4 ing referred to in subsection (a) shall be deemed to be a
 5 reference to the “Joseph Woodrow Hatchett United States
 6 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, regu-
 13 lation, document, paper, or other record of the United
 14 States to the facility referred to in subsection (a) shall be
 15 deemed to be a reference to the “Lynn C. Woolsey Post Office
 16 Building”.

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

18 (a) *SHORT TITLE*.—This Act may be cited as the “Bi-
 19 partisan 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 Build-
 ing.*

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

- 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 Secretary*
 15 *shall award planning grants to States (other than*
 16 *States selected to conduct demonstration programs*
 17 *under paragraph (1) or (8) of subsection (d)) to de-*
 18 *velop proposals to participate in time-limited dem-*
 19 *onstration programs described in subsection (d) so*
 20 *that, beginning July 1, 2024, and every 2 years there-*
 21 *after, up to 10 additional States may participate in*
 22 *the demonstration programs described in subsection*
 23 *(d) in accordance with paragraph (9) of that sub-*
 24 *section.”;*

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 insert-

17 ing “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”;

1 (III) by adding at the end the fol-
 2 lowing 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 in
 13 this section shall be construed as prohibiting a
 14 State that participated in a demonstration pro-
 15 gram under this subsection that has ended from
 16 receiving Federal financial participation under
 17 title XIX of the Social Security Act for amounts
 18 expended by the State under a State plan under
 19 such title (or a waiver of such plan) for pro-
 20 viding medical assistance for items and services,
 21 and carrying out activities, including continuing
 22 to pay for services under the prospective pay-
 23 ment system established under subsection (c),
 24 that were provided or carried out by the State
 25 under the demonstration program, to the extent

1 *such financial participation is otherwise avail-*
 2 *able 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.”; and*

16 *(iii) by adding at the end the following*
 17 *new subparagraph:*

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

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

1 (E) by adding at the end the following new
2 paragraph:

3 “(9) *FURTHER ADDITIONAL PROGRAMS.*—

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

10 “(B) *REQUIREMENTS.*—The requirements
11 described in this subparagraph with respect to a
12 State are that the State—

13 “(i) was awarded a planning grant
14 under paragraph (1) or (3) of subsection
15 (c); and

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

21 “(C) *REQUIREMENTS FOR SELECTED*
22 *STATES.*—The requirements applicable to States
23 selected under paragraph (8) pursuant to sub-
24 paragraph (C) of such paragraph shall apply in

1 *the same manner to States selected under this*
 2 *paragraph.*

3 “(D) *LIMITATION.*—*The Secretary shall not*
 4 *select more than 10 States to conduct a dem-*
 5 *onstration program under this paragraph for*
 6 *each 2 fiscal year period.”; and*
 7 *(3) in subsection (f)(1)—*

8 *(A) in subparagraph (A), by striking “and”*
 9 *after the semicolon;*

10 *(B) in subparagraph (B), by striking the*
 11 *period and inserting “; and”; and*

12 *(C) by adding at the end the following:*

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

20 **SEC. 11002. MEDICAID AND TELEHEALTH.**

21 (a) *GUIDANCE TO STATES ON FURNISHING SERVICES*
 22 *THROUGH TELEHEALTH UNDER MEDICAID AND CHIP.—*

23 *Not later than 18 months after the date of enactment of*
 24 *this Act, the Secretary shall provide technical assistance*
 25 *and issue guidance to States on improving access to tele-*

1 *health for services covered under Medicaid and CHIP, in-*
 2 *cluding with respect to:*

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

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

13 (3) *Strategies for integrating telehealth services*
 14 *into value-based care models.*

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

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

10 (6) *Strategies for training and providing re-*
 11 *sources to providers and patients on the use of tele-*
 12 *health, including working with interpreters to furnish*
 13 *health services and providing resources in multiple*
 14 *languages.*

15 (7) *Integrating the use of existing video plat-*
 16 *forms that enable multi-person video calls.*

17 (8) *Best practices to support the delivery of cov-*
 18 *ered services under Medicaid and CHIP via telehealth*
 19 *in schools, including specifically for the provision of*
 20 *mental health and substance use disorder services in*
 21 *such settings.*

22 (9) *Strategies for evaluating how the delivery of*
 23 *health services via telehealth affects quality, outcomes,*
 24 *and cost under Medicaid and CHIP.*

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

8 (b) *DEFINITIONS.—In this section:*

9 (1) *CHIP.—The term “CHIP” means the State*
 10 *children’s health insurance program established under*
 11 *title XXI of the Social Security Act (42 U.S.C.*
 12 *1397aa et seq.).*

13 (2) *MEDICAID.—The term “Medicaid” means the*
 14 *program established under title XIX of the Social Se-*
 15 *curity Act (42 U.S.C. 1396 et seq.).*

16 (3) *SECRETARY.—Except as otherwise provided,*
 17 *the term “Secretary” means the Secretary of Health*
 18 *and Human Services.*

19 (4) *STATE.—The term “State” has the meaning*
 20 *given that term in section 1101(a)(1) of the Social*
 21 *Security Act (42 U.S.C. 1301(a)(1)) for purposes of*
 22 *titles XIX and XXI of such Act.*

23 **SEC. 11003. SUPPORTING ACCESS TO HEALTH CARE SERV-**
 24 **ICES IN SCHOOLS.**

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

1 (1) *GUIDANCE.*—

2 (A) *IN GENERAL.*—*Not later than 12*
 3 *months after the date of enactment of this Act,*
 4 *the Secretary, in consultation with the Secretary*
 5 *of Education, shall issue guidance to State Med-*
 6 *icaid agencies, local educational agencies, and*
 7 *school-based entities to support the delivery of*
 8 *medical assistance to Medicaid and CHIP bene-*
 9 *ficiaries in school-based settings.*

10 (B) *REQUIRED INFORMATION.*—*The guid-*
 11 *ance issued pursuant to subparagraph (A)*
 12 *shall—*

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

19 (ii) *clarify that payments may be*
 20 *made to school-based entities under Med-*
 21 *icaid for delivering assistance under Med-*
 22 *icaid, including any such assistance pro-*
 23 *vided in accordance with an individualized*
 24 *education program or under the policy de-*
 25 *scribed in the State Medicaid Director letter*

on payment for services issued on December 15, 2014 (#14-006);

(iii) outline strategies and tools to reduce administrative burdens on, and simplify billing for, local educational agencies, in particular small and rural local educational agencies, and support compliance with Federal requirements regarding billing, payment, and recordkeeping, including by aligning direct service billing and school-based administrative claiming payment systems;

(iv) include a comprehensive list of best practices and examples of approved methods that State Medicaid agencies and local educational agencies have used to pay for, and increase the availability of, assistance under Medicaid, including expanding State programs to include all Medicaid-enrolled students, providing early and periodic screening, diagnostic, and treatment (EPSDT) services in schools, utilizing telehealth, coordinating with community-based mental health and substance use disorder treatment providers and organizations, co-

1 *ordinating with managed care entities, and*
 2 *supporting the provision of culturally com-*
 3 *petent and trauma-informed care in school*
 4 *settings; and*

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

15 (2) *TECHNICAL ASSISTANCE CENTER.*—

16 (A) *IN GENERAL.*—*Not later than 12*
 17 *months after the date of enactment of this Act,*
 18 *the Secretary, in consultation with the Secretary*
 19 *of Education, shall establish a technical assist-*
 20 *ance center to—*

21 (i) *assist and expand the capacity of*
 22 *State Medicaid agencies and local edu-*
 23 *cational agencies and school-based entities*
 24 *to provide assistance under Medicaid;*

1 (ii) reduce administrative burdens for
2 such agencies and health centers or entities;

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

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

14 (v) provide information to State and
15 local educational agencies and States on
16 how to utilize funding from the Department
17 of Health and Human Services, the Depart-
18 ment of Education, and other Federal agen-
19 cies to ensure payment under Medicaid for
20 assistance provided in school-based settings.

21 (B) SMALL AND RURAL SCHOOLS.—The Sec-
22 retary shall ensure that the technical assistance
23 center includes resources which are specifically
24 designed to help support small and rural local

1 *educational agencies in obtaining payment for*
 2 *the provision of assistance under Medicaid.*

3 (C) *REPORTING.*—*The technical assistance*
 4 *center shall, on a biennial basis, submit to the*
 5 *Secretary a report on the work of the center that*
 6 *identifies the areas where the most assistance*
 7 *was requested.*

8 (3) *FUNDING.*—*Out of any funds in the Treas-*
 9 *ury not otherwise appropriated, there is appropriated*
 10 *to the Secretary to carry out this subsection,*
 11 *\$8,000,000, for fiscal year 2022, to remain available*
 12 *until expended.*

13 (b) *GRANTS.*—*There is authorized to be appropriated*
 14 *\$50,000,000 for fiscal year 2022 for the Secretary to award*
 15 *grants to States for the purpose of implementing, enhanc-*
 16 *ing, or expanding the provision of assistance through*
 17 *school-based entities under Medicaid or CHIP. A State shall*
 18 *not use any grant funds to provide medical assistance, child*
 19 *health assistance, or other health services.*

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

21 (1) *CHIP.*—*The term “CHIP” means the State*
 22 *children’s health insurance program established under*
 23 *title XXI of the Social Security Act (42 U.S.C.*
 24 *1397aa et seq.).*

1 (2) *INDIVIDUALIZED EDUCATION PROGRAM.*—*The*
 2 *term “individualized education program” has the*
 3 *meaning given such term in section 602(14) of the In-*
 4 *dividuals with Disabilities Education Act (20 U.S.C.*
 5 *1401(14)).*

6 (3) *MEDICAID.*—*The term “Medicaid” means the*
 7 *program established under title XIX of the Social Se-*
 8 *curity Act (42 U.S.C. 1396 et seq.).*

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

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

14 (B) *an entity that provides medical assist-*
 15 *ance in a school-based setting for which Federal*
 16 *financial participation is allowed under Med-*
 17 *icaid.*

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

21 (6) *STATE.*—*The term “State” has the meaning*
 22 *given that term in section 1101(a)(1) of the Social*
 23 *Security Act (42 U.S.C. 1301(a)(1)) for purposes of*
 24 *titles XIX and XXI of such Act.*

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

SEC. 11004. REVIEW OF STATE IMPLEMENTATION OF EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT SERVICES.

(a) REVIEW.—

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

(A) review State implementation of the requirements for providing early and periodic screening, diagnostic, and treatment services under Medicaid in accordance with sections 1902(a)(43), 1905(a)(4)(B), and 1905(r) of the Social Security Act (42 U.S.C. 1396a(a)(43), 1396d(a)(4)(B), 1396d(r)), including with respect to the provision of such services by managed care organizations, prepaid inpatient health plans, prepaid ambulatory health plans, and primary care case managers;

1 (B) identify gaps and deficiencies with re-
 2 spect to State compliance with such require-
 3 ments;

4 (C) provide technical assistance to States to
 5 address such gaps and deficiencies; and

6 (D) issue guidance to States on the Med-
 7 icaid coverage requirements for such services that
 8 includes best practices for ensuring children have
 9 access to comprehensive health care services, in-
 10 cluding children without a mental health or sub-
 11 stance use disorder diagnosis.

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

1 (3) *FUNDING.*—*Out of any funds in the Treas-*
 2 *ury not otherwise appropriated, there is appropriated*
 3 *to the Secretary to carry out this subsection, to re-*
 4 *main available until expended, \$5,000,000, for each of*
 5 *fiscal years 2023 and 2024, and \$1,000,000 for each*
 6 *fiscal year thereafter.*

7 (b) *GAO STUDY AND REPORT.*—

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

1 *health plans, prepaid ambulatory health plans, and*
 2 *primary care case managers, and oversight of State*
 3 *programs under Medicaid by the Administrator of the*
 4 *Centers for Medicare & Medicaid Services.*

5 (2) *REPORT.*—*Not later than 3 years after the*
 6 *date of enactment of this Act, the Comptroller General*
 7 *shall submit to Congress a report on the study con-*
 8 *ducted under paragraph (1) that includes the rec-*
 9 *ommendations required by such paragraph, as well as*
 10 *recommendations for such legislation and administra-*
 11 *tive action as the Comptroller General determines ap-*
 12 *propriate.*

13 (c) *DEFINITIONS.*—*In this section:*

14 (1) *MEDICAID.*—*The term “Medicaid” means the*
 15 *program established under title XIX of the Social Se-*
 16 *curity Act (42 U.S.C. 1396 et seq.).*

17 (2) *SECRETARY.*—*Except as otherwise provided,*
 18 *the term “Secretary” means the Secretary of Health*
 19 *and Human Services.*

20 (3) *STATE.*—*The term “State” has the meaning*
 21 *given that term in section 1101(a)(1) of the Social*
 22 *Security Act (42 U.S.C. 1301(a)(1)) for purposes of*
 23 *titles XIX and XXI of such Act.*

1 **SEC. 11005. PEDIATRIC MENTAL HEALTH CARE ACCESS**
 2 **GRANTS.**

3 *Section 330M of the Public Health Service Act (42*
 4 *U.S.C. 254c–19) is amended—*

5 *(1) in the section enumerator, by striking*
 6 *“330M” and inserting “330M.”;*

7 *(2) in subsection (a), in the matter preceding*
 8 *paragraph (1)—*

9 *(A) by inserting “or cooperative agree-*
 10 *ments” after “award grants”; and*

11 *(B) by striking “Indian tribes and tribal*
 12 *organizations” and inserting “Indian Tribes and*
 13 *Tribal organizations”;*

14 *(3) in subsection (b)—*

15 *(A) in paragraph (1)—*

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

19 *(ii) in subparagraph (G), by inserting*
 20 *“developmental-behavioral pediatricians,”*
 21 *after “psychiatrists,”;*

22 *(iii) in subparagraph (H), by insert-*
 23 *ing “provide information to pediatric*
 24 *health care providers about available mental*
 25 *health services for children in the commu-*
 26 *nity and” before “assist”; and*

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

3 (B) by redesignating paragraph (2) as
4 paragraph (3);

5 (C) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) *SUPPORT TO SCHOOLS AND EMERGENCY DE-*
8 *PARTMENTS.—*

9 “(A) *IN GENERAL.—In addition to the ac-*
10 *tivities required under paragraph (1), a pedi-*
11 *atric mental health care access program referred*
12 *to in subsection (a), with respect to which an*
13 *award under such subsection may be used, may*
14 *provide information, consultative support, train-*
15 *ing, and technical assistance to—*

16 “(i) *emergency departments; and*

17 “(ii) *State educational agencies, local*
18 *educational agencies, Tribal educational*
19 *agencies, and elementary and secondary*
20 *schools.*

21 “(B) *REQUIREMENTS FOR CERTAIN RECIPI-*
22 *ENTS.—An entity receiving information, consult-*
23 *ative support, training, and technical assistance*
24 *under subparagraph (A)(ii) shall operate in a*
25 *manner consistent with, and shall ensure consist-*

1 *ency with, the requirements of subsections (a)*
 2 *and (c) of section 4001 of the Elementary and*
 3 *Secondary Education Act with respect to such*
 4 *information, consultative support, training, and*
 5 *technical assistance.”; and*

6 *(D) in paragraph (3), as so redesignated, by*
 7 *inserting “, and which may include a develop-*
 8 *mental-behavioral pediatrician” before the period*
 9 *at the end of the first sentence;*

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

14 *(5) in subsections (c) and (d)—*

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

17 *(B) by striking “such grant” each place it*
 18 *appears and inserting “such award”;*

19 *(6) in subsection (e), by striking “grants” and*
 20 *inserting “awards”;*

21 *(7) in subsection (f)—*

22 *(A) by striking “award a grant” and in-*
 23 *serting “make an award”; and*

24 *(B) by striking “the grant” and inserting*
 25 *“the award”;*

1 (8) by redesignating subsection (g) as subsection
2 (h);

3 (9) by inserting after subsection (f) the following:

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

5 “(1) provide, or continue to provide, technical
6 assistance to recipients of awards under subsection
7 (a); and

8 “(2) award a grant or contract to an eligible
9 public or nonprofit private entity (as determined by
10 the Secretary) for the purpose of providing such tech-
11 nical assistance pursuant to this subsection.”; and

12 (10) in subsection (h), as so redesignated, by
13 striking “\$9,000,000 for the period of fiscal years
14 2018 through 2022” and inserting “\$31,000,000 for
15 each of fiscal years 2023 through 2027”.

16 **TITLE II—FIREARMS**

17 **SEC. 12001. JUVENILE RECORDS.**

18 (a) *IMPROVING NICS EXAMINATION OF JUVENILE*
19 *RECORDS.—*

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

22 (A) *in subsection (d)—*

23 (i) *in the matter preceding paragraph*

24 (1), *by inserting “, including as a juvenile”*

25 after “such person”; and

- 1 (ii) in paragraph (4), by inserting “at
- 2 16 years of age or older” after “institution”;
- 3 and
- 4 (B) in subsection (t)—
- 5 (i) in paragraph (1)—
- 6 (I) in subparagraph (B)(ii)—
- 7 (aa) by inserting “subject to
- 8 subparagraph (C),” before “3
- 9 business days”; and
- 10 (bb) by striking “and” at the
- 11 end;
- 12 (II) by redesignating subpara-
- 13 graph (C) as subparagraph (D); and
- 14 (III) by inserting after subpara-
- 15 graph (B) the following:
- 16 “(C) in the case of a person less than 21 years
- 17 of age, in addition to all other requirements of this
- 18 chapter—
- 19 “(i) the system provides the licensee with a
- 20 unique identification number;
- 21 “(ii) 3 business days (meaning a day on
- 22 which State offices are open) have elapsed since
- 23 the licensee contacted the system, and the system
- 24 has not notified the licensee that cause exists to

1 *further investigate a possibly disqualifying juve-*
 2 *nile record under subsection (d); or*

3 *“(iii) in the case of such a person with re-*
 4 *spect to whom the system notifies the licensee in*
 5 *accordance with clause (ii) that cause exists to*
 6 *further investigate a possibly disqualifying juve-*
 7 *nile record under subsection (d), 10 business*
 8 *days (meaning a day on which State offices are*
 9 *open) have elapsed since the licensee contacted*
 10 *the system, and the system has not notified the*
 11 *licensee that—*

12 *“(I) transferring the firearm to the*
 13 *other person would violate subsection (d) of*
 14 *this section; or*

15 *“(II) receipt of a firearm by the other*
 16 *person would violate subsection (g) or (n) of*
 17 *this section, or State, local, or Tribal law;*
 18 *and”;*

19 *(ii) in paragraph (2)—*

20 *(I) by inserting “transfer or” be-*
 21 *fore “receipt”; and*

22 *(II) by striking “(g) or (n)” and*
 23 *inserting “(d), (g), or (n) (as applica-*
 24 *ble)”;*

25 *(iii) in paragraph (4)—*

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

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

6 (iv) in paragraph (5)—

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

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

12 (2) *NICS REQUIREMENTS*.—Section 103 of the
13 *Brady Handgun Violence Prevention Act* (34 U.S.C.
14 40901) is amended by adding at the end the fol-
15 lowing:

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

22 “(1) immediately contact—

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

1 *for the purpose of determining whether the per-*
 2 *son has a possibly disqualifying juvenile record*
 3 *under subsection (d) of such section 922;*

4 *“(B) the appropriate State custodian of*
 5 *mental health adjudication records in the State*
 6 *in which the person resides to determine whether*
 7 *the person has a possibly disqualifying juvenile*
 8 *record under subsection (d) of such section 922;*
 9 *and*

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

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

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

1 “(A) transfer of a firearm to the person
2 would violate subsection (d) of such section 922;
3 or

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

7 (3) *SUNSET OF REQUIREMENTS TO CONTACT*
8 *STATE AND LOCAL ENTITIES.*—Effective on September
9 30, 2032, paragraphs (1)(B) and (2) are repealed,
10 and the provisions of law amended by those para-
11 graphs are restored as if those paragraphs had not
12 been enacted.

13 (b) *REPORT ON REMOVING OUTDATED, EXPIRED, OR*
14 *ERRONEOUS RECORDS.*—

15 (1) *IN GENERAL.*—On an annual basis for each
16 fiscal year through fiscal year 2032, each State and
17 Federal agency responsible for the submission of dis-
18 qualifying records under subsection (d), (g), or (n) of
19 section 922 of title 18, United States Code, to the na-
20 tional instant criminal background check system es-
21 tablished under section 103 of the Brady Handgun
22 Violence Prevention Act (34 U.S.C. 40901) shall sub-
23 mit to the Committee on the Judiciary and the Com-
24 mittee on Appropriations of the Senate and the Com-
25 mittee on the Judiciary and the Committee on Appro-

priations of the House of Representatives a report detailing the removal from the system of records that no longer prohibit an individual from lawfully acquiring or possessing a firearm under such subsection (d), (g), or (n).

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

(A) the number of records that the State or Federal agency removed from the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) during the reporting period;

(B) why the records were removed; and

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

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

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

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

4 (2) by redesignating paragraphs (22) through
5 (29) as paragraphs (23) through (30), respectively;
6 and

7 (3) by inserting after paragraph (21) the fol-
8 lowing:

9 “(22) The term ‘to predominantly earn a profit’ means
10 that the intent underlying the sale or disposition of firearms
11 is predominantly one of obtaining pecuniary gain, as op-
12 posed to other intents, such as improving or liquidating a
13 personal firearms collection: Provided, That proof of profit
14 shall not be required as to a person who engages in the reg-
15 ular and repetitive purchase and disposition of firearms for
16 criminal purposes or terrorism. For purposes of this para-
17 graph, the term ‘terrorism’ means activity, directed against
18 United States persons, which—

19 “(A) is committed by an individual who is not
20 a national or permanent resident alien of the United
21 States;

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

1 “(C) is intended—

2 “(i) to intimidate or coerce a civilian popu-
3 lation;

4 “(ii) to influence the policy of a government
5 by intimidation or coercion; or

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

8 **SEC. 12003. USE OF BYRNE GRANTS FOR IMPLEMENTATION**
9 **OF STATE CRISIS INTERVENTION PROGRAMS.**

10 (a) *BYRNE JAG PROGRAM*.—Section 501(a)(1) of title
11 *I of the Omnibus Crime Control and Safe Streets Act of*
12 *1968 (34 U.S.C. 10152(a)(1)) is amended—*

13 (1) *in the matter preceding subparagraph (A),*
14 *by inserting “or civil proceedings” after “criminal*
15 *justice”; and*

16 (2) *by adding at the end the following:*

17 “(I) *Implementation of State crisis inter-*
18 *vention court proceedings and related programs*
19 *or initiatives, including but not limited to—*

20 “(i) *mental health courts;*

21 “(ii) *drug courts;*

22 “(iii) *veterans courts; and*

23 “(iv) *extreme risk protection order pro-*
24 *grams, which must include, at a min-*
25 *imum—*

1 “(I) pre-deprivation and post-dep-
2 rivation due process rights that prevent
3 any violation or infringement of the
4 Constitution of the United States, in-
5 cluding but not limited to the Bill of
6 Rights, and the substantive or proce-
7 dural due process rights guaranteed
8 under the Fifth and Fourteenth
9 Amendments to the Constitution of the
10 United States, as applied to the States,
11 and as interpreted by State courts and
12 United States courts (including the
13 Supreme Court of the United States).
14 Such programs must include, at the
15 appropriate phase to prevent any vio-
16 lation of constitutional rights, at min-
17 imum, notice, the right to an in-person
18 hearing, an unbiased adjudicator, the
19 right to know opposing evidence, the
20 right to present evidence, and the right
21 to confront adverse witnesses;

22 “(II) the right to be represented
23 by counsel at no expense to the govern-
24 ment;

1 “(III) pre-deprivation and post-
2 deprivation heightened evidentiary
3 standards and proof which mean not
4 less than the protections afforded to a
5 similarly situated litigant in Federal
6 court or promulgated by the State’s
7 evidentiary body, and sufficient to en-
8 sure the full protections of the Con-
9 stitution of the United States, includ-
10 ing but not limited to the Bill of
11 Rights, and the substantive and proce-
12 dural due process rights guaranteed
13 under the Fifth and Fourteenth
14 Amendments to the Constitution of the
15 United States, as applied to the States,
16 and as interpreted by State courts and
17 United States courts (including the
18 Supreme Court of the United States).
19 The heightened evidentiary standards
20 and proof under such programs must,
21 at all appropriate phases to prevent
22 any violation of any constitutional
23 right, at minimum, prevent reliance
24 upon evidence that is unsworn or
25 unaffirmed, irrelevant, based on inad-

1 *missible hearsay, unreliable, vague,*
 2 *speculative, and lacking a foundation;*
 3 *and*

4 *“(IV) penalties for abuse of the*
 5 *program.”.*

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

10 *“(h) ANNUAL REPORT ON CRISIS INTERVENTION PRO-*
 11 *GRAMS.—The Attorney General shall publish an annual re-*
 12 *port with respect to grants awarded for crisis intervention*
 13 *programs or initiatives under subsection (a)(1)(I) that con-*
 14 *tains—*

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

18 *“(2) an evaluation of the effectiveness of the cri-*
 19 *sis intervention programs or initiatives in preventing*
 20 *violence and suicide;*

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

1 “(4) efforts that the Attorney General is making,
 2 in coordination with the grant recipients, to protect
 3 the constitutional rights of individuals subject to the
 4 crisis intervention programs or initiatives.”.

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

6 (a) *ANTI-STRAW PURCHASING AND FIREARMS TRAF-*
 7 *FICKING AMENDMENTS.*—

8 (1) *IN GENERAL.*—Chapter 44 of title 18, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

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

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

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

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

16 “(B) includes a felony punishable under the
 17 law of a State for which the conduct constituting
 18 the offense would constitute a felony punishable
 19 under the Controlled Substances Act (21 U.S.C.
 20 801 *et seq.*), the Controlled Substances Import
 21 and Export Act (21 U.S.C. 951 *et seq.*), or chap-
 22 ter 705 of title 46;

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

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

4 “(b) VIOLATION.—It shall be unlawful for any person
5 to knowingly purchase, or conspire to purchase, any fire-
6 arm in or otherwise affecting interstate or foreign commerce
7 for, on behalf of, or at the request or demand of any other
8 person, knowing or having reasonable cause to believe that
9 such other person—

10 “(1) meets the criteria of 1 or more paragraphs
11 of section 922(d);

12 “(2) intends to use, carry, possess, or sell or oth-
13 erwise dispose of the firearm in furtherance of a fel-
14 ony, a Federal crime of terrorism, or a drug traf-
15 ficking crime; or

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

18 “(c) PENALTY.—

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

23 “(2) USE IN FELONIES, CRIMES OF TERRORISM,
24 OR DRUG TRAFFICKING CRIMES.—If a violation of
25 subsection (b) is committed knowing or with reason-

1 *able cause to believe that any firearm involved will be*
 2 *used to commit a felony, a Federal crime of terrorism,*
 3 *or a drug trafficking crime, the person shall be sen-*
 4 *tenced to a term of imprisonment of not more than*
 5 *25 years.*

6 **“§ 933. Trafficking in firearms**

7 *“(a) IN GENERAL.—It shall be unlawful for any per-*
 8 *son to—*

9 *“(1) ship, transport, transfer, cause to be trans-*
 10 *ported, or otherwise dispose of any firearm to another*
 11 *person in or otherwise affecting interstate or foreign*
 12 *commerce, if such person knows or has reasonable*
 13 *cause to believe that the use, carrying, or possession*
 14 *of a firearm by the recipient would constitute a felony*
 15 *(as defined in section 932(a));*

16 *“(2) receive from another person any firearm in*
 17 *or otherwise affecting interstate or foreign commerce,*
 18 *if the recipient knows or has reasonable cause to be-*
 19 *lieve that such receipt would constitute a felony; or*

20 *“(3) attempt or conspire to commit the conduct*
 21 *described in paragraph (1) or (2).*

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

1 **“§ 934. Forfeiture and fines**

2 “(a) *FORFEITURE.*—

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

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

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

16 “(2) *IMPOSITION.*—The court, in imposing sen-
17 tence on a person convicted of a violation of section
18 932 or 933, shall order, in addition to any other sen-
19 tence imposed pursuant to section 932 or 933, that
20 the person forfeit to the United States all property de-
21 scribed in paragraph (1).

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

25 “(1) the fine otherwise authorized by this part;
26 or

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

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

8 (3) *RACKETEERING AMENDMENT.—Section*
 9 *1961(1)(B) of title 18, United States Code, is amend-*
 10 *ed by inserting “section 932 (relating to straw pur-*
 11 *chasing), section 933 (relating to trafficking in fire-*
 12 *arms),” before “section 1028”.*

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

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

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

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

“932. *Straw purchasing of firearms.*

“933. *Trafficking in firearms.*

“934. *Forfeiture and fines.*”.

23 (b) *AMENDMENTS TO SECTION 922(d).—Section*
 24 *922(d) of title 18, United States Code, is amended—*

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

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

5 (3) by striking the matter following paragraph
6 (9) and inserting the following:

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

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

14 *This subsection shall not apply with respect to the sale or*
15 *disposition of a firearm or ammunition to a licensed im-*
16 *porter, licensed manufacturer, licensed dealer, or licensed*
17 *collector who pursuant to subsection (b) of section 925 is*
18 *not precluded from dealing in firearms or ammunition, or*
19 *to a person who has been granted relief from disabilities*
20 *pursuant to subsection (c) of section 925.”.*

21 (c) *AMENDMENTS TO SECTION 924(a).*—Section
22 924(a) of title 18, United States Code, is amended—

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

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

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

4 (d) *AMENDMENTS TO SECTION 924(d).*—Section
 5 924(d) of title 18, United States Code, is amended—

6 (1) in paragraph (1), by inserting “932, or
 7 933,” after “section 924,”; and

8 (2) in paragraph (3)—

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

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

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

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

15 (e) *AMENDMENTS TO SECTION 924(h).*—Section 924 of
 16 title 18, United States Code, is amended by striking sub-
 17 section (h) and inserting the following:

18 “(h) Whoever knowingly receives or transfers a firearm
 19 or ammunition, or attempts or conspires to do so, knowing
 20 or having reasonable cause to believe that such firearm or
 21 ammunition will be used to commit a felony, a Federal
 22 crime of terrorism, or a drug trafficking crime (as such
 23 terms are defined in section 932(a)), or a crime under the
 24 Arms Export Control Act (22 U.S.C. 2751 et seq.), the Ex-
 25 port Control Reform Act of 2018 (50 U.S.C. 4801 et seq.),

1 *the International Emergency Economic Powers Act (50*
 2 *U.S.C. 1701 et seq.), or the Foreign Narcotics Kingpin Des-*
 3 *ignation Act (21 U.S.C. 1901 et seq.), shall be fined under*
 4 *this title, imprisoned for not more than 15 years, or both.”.*

5 (f) *AMENDMENTS TO SECTION 924(k).—Section 924 of*
 6 *title 18, United States Code, is amended by striking sub-*
 7 *section (k) and inserting the following:*

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

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

15 “(B) *constitutes a felony, a Federal crime of ter-*
 16 *rorism, or a drug trafficking crime (as such terms are*
 17 *defined in section 932(a)),*
 18 *shall be fined under this title, imprisoned for not*
 19 *more than 15 years, or both.*

20 “(2) *A person who smuggles or knowingly takes out*
 21 *of the United States a firearm or ammunition, or attempts*
 22 *or conspires to do so, with intent to engage in or to promote*
 23 *conduct that—*

24 “(A) *would be punishable under the Controlled*
 25 *Substances Import and Export Act (21 U.S.C. 951 et*

1 *seq.), or chapter 705 of title 46, if the conduct had oc-*
 2 *curred within the United States; or*

3 *“(B) would constitute a felony or a Federal*
 4 *crime of terrorism (as such terms are defined in sec-*
 5 *tion 932(a)) for which the person may be prosecuted*
 6 *in a court of the United States, if the conduct had oc-*
 7 *curred within the United States,*
 8 *shall be fined under this title, imprisoned for not more than*
 9 *15 years, or both.”.*

10 *(g) PROHIBITION ON FIREARMS OR AMMUNITION*
 11 *TRANSFERS TO AGENTS OF DRUG CARTELS.—The Depart-*
 12 *ment of Justice, and any of its law enforcement coordinate*
 13 *agencies, shall not conduct or otherwise facilitate the trans-*
 14 *fer of an operable firearm or ammunition to an individual*
 15 *if any law enforcement officer employed by the Department*
 16 *of Justice involved with the transfer knows or has reason-*
 17 *able cause to believe that the recipient of the firearm or am-*
 18 *munition is an agent of a drug cartel, unless law enforce-*
 19 *ment personnel of the United States continuously monitor*
 20 *or control the firearm or ammunition at all times.*

21 *(h) FFL ACCESS TO LAW ENFORCEMENT INFORMA-*
 22 *TION.—*

23 *(1) IN GENERAL.—Section 103(b) of the Brady*
 24 *Handgun Violence Prevention Act (34 U.S.C.*
 25 *40901(b)), is amended—*

1 (A) by striking “Not later than” and insert-
2 ing the following:

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

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

5 “(2) *VOLUNTARY BACKGROUND CHECKS.—*

6 “(A) *IN GENERAL.—Not later than 90 days*
7 *after the date of enactment of this paragraph, the*
8 *Attorney General shall promulgate regulations*
9 *allowing licensees to use the national instant*
10 *criminal background check system established*
11 *under this section for purposes of voluntarily*
12 *conducting an employment background check re-*
13 *lating to a current or prospective employee. The*
14 *Attorney General may not collect a fee for an*
15 *employment background check under this sub-*
16 *paragraph.*

17 “(B) *NOTICE.—Before conducting an em-*
18 *ployment background check relating to a current*
19 *or prospective employee under subparagraph (A),*
20 *a licensee shall—*

21 “(i) *provide written notice to the cur-*
22 *rent or prospective employee that the li-*
23 *censee intends to conduct the background*
24 *check; and*

1 “(ii) obtain consent to conduct the
2 background check from the current or pro-
3 spective employee in writing.

4 “(C) *EXEMPTION.*—An employment back-
5 ground check conducted by a licensee under sub-
6 paragraph (A) shall not be governed by the Fair
7 Credit Reporting Act (15 U.S.C. 1681 et seq.).

8 “(D) *APPEAL.*—Any individual who is the
9 subject of an employment background check con-
10 ducted by a licensee under subparagraph (A) the
11 result of which indicates that the individual is
12 prohibited from possessing a firearm or ammu-
13 nition pursuant to subsection (g) or (n) of sec-
14 tion 922 of title 18, United States Code, may ap-
15 peal the results of the background check in the
16 same manner and to the same extent as if the in-
17 dividual had been the subject of a background
18 check relating to the transfer of a firearm.”.

19 (2) *ACQUISITION, PRESERVATION, AND EX-*
20 *CHANGE OF IDENTIFICATION RECORDS AND INFORMA-*
21 *TION.*—Section 534 of title 28, United States Code, is
22 amended—

23 (A) in subsection (a)—

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

1 (ii) in paragraph (4), by striking the
 2 period at the end and inserting “; and”;
 3 and

4 (iii) by inserting after paragraph (4)
 5 the following:

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

11 (B) in subsection (b), by inserting “, except
 12 for dissemination authorized under subsection
 13 (a)(5) of this section” before the period.

14 (3) REGULATIONS.—Not later than 90 days after
 15 the date of enactment of this Act, and without regard
 16 to chapter 5 of title 5, United States Code, the Attor-
 17 ney General shall promulgate regulations allowing a
 18 person licensed as an importer, manufacturer, or
 19 dealer of firearms under chapter 44 of title 18, United
 20 States Code, to receive access to records of stolen fire-
 21 arms maintained by the National Crime Information
 22 Center operated by the Federal Bureau of Investiga-
 23 tion, solely for the purpose of voluntarily verifying
 24 whether firearms offered for sale to such licensees have
 25 been stolen.

1 (4) *STATUTORY CONSTRUCTION; EVIDENCE.*—

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

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

10 (ii) *to establish any standard of care.*

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

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

1 *partners to educate persons licensed as an importer, manu-*
 2 *facturer, or dealer of firearms under chapter 44 of title 18,*
 3 *United States Code, and the public to combat illegal straw*
 4 *purchases of firearms.*

5 (j) *LOCAL LAW ENFORCEMENT REIMBURSEMENT FOR*
 6 *ASSISTANCE PROVIDED TO DHS-HSI TO PREVENT ILLE-*
 7 *GAL TRAFFICKING.*—Section 432(d)(2) of the *Homeland Se-*
 8 *curity Act of 2002 (6 U.S.C. 240(d)(2))* is amended by in-
 9 *serting “salary reimbursement,” after “administrative,”.*

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

15 **SEC. 12005. MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.**

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

18 (1) *in paragraph (33)(A)(ii)—*

19 (A) *by striking “or by a person” and insert-*
 20 *ing “by a person”; and*

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

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

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

5 “(B) *Whether a relationship constitutes a dating rela-*
 6 *tionship under subparagraph (A) shall be determined based*
 7 *on consideration of—*

8 “(i) *the length of the relationship;*

9 “(ii) *the nature of the relationship; and*

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

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

15 (b) *NO RETROACTIVE APPLICATION.—The amend-*
 16 *ments made by subsection (a) shall not apply to any convic-*
 17 *tion of a misdemeanor crime of domestic violence entered*
 18 *before the date of enactment of this Act.*

19 (c) *LIMITATIONS ON CONVICTIONS OF CRIMES OF DO-*
 20 *MESTIC VIOLENCE WITH RESPECT TO DATING RELATION-*
 21 *SHIPS.—Section 921(a)(33) of title 18, United States Code,*
 22 *is amended—*

23 (1) *in subparagraph (A)—*

1 (A) in the matter preceding clause (i), by
 2 striking “subparagraph (C)” and inserting “sub-
 3 paragraphs (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 con-
 8 victed of a misdemeanor crime of domestic violence against
 9 an individual in a dating relationship for purposes of this
 10 chapter if the conviction has been expunged or set aside,
 11 or is an offense for which the person has been pardoned
 12 or has had firearm rights restored unless the expungement,
 13 pardon, or restoration of rights expressly provides that the
 14 person may not ship, transport, possess, or receive firearms:
 15 Provided, That, in the case of a person who has not more
 16 than 1 conviction of a misdemeanor crime of domestic vio-
 17 lence against an individual in a dating relationship, and
 18 is not otherwise prohibited under this chapter, the person
 19 shall not be disqualified from shipping, transport, posses-
 20 sion, receipt, or purchase of a firearm under this chapter
 21 if 5 years have elapsed from the later of the judgment of
 22 conviction or the completion of the person’s custodial or su-
 23 pervisory sentence, if any, and the person has not subse-
 24 quently been convicted of another such offense, a mis-
 25 demeanor under Federal, State, Tribal, or local law which

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

14 ***TITLE III—OTHER MATTERS***

15 ***Subtitle A—Extension of*** 16 ***Moratorium***

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

22 *Section 90006 of division I of the Infrastructure In-*
 23 *vestment and Jobs Act (42 U.S.C. 1320a–7b note) is amend-*
 24 *ed by striking “January 1, 2026” and inserting “January*
 25 *1, 2027”.*

1 ***Subtitle B—Medicare Improvement***
 2 ***Fund***

3 ***SEC. 13201. MEDICARE IMPROVEMENT FUND.***

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

8 ***Subtitle C—Luke and Alex School***
 9 ***Safety Act of 2022***

10 ***SEC. 13301. SHORT TITLE.***

11 *This subtitle may be cited as the “Luke and Alex*
 12 *School Safety Act of 2022”.*

13 ***SEC. 13302. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY***
 14 ***EVIDENCE-BASED PRACTICES.***

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

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

20 ***“(a) ESTABLISHMENT.—***

21 ***“(1) IN GENERAL.—The Secretary, in coordina-***
 22 ***tion with the Secretary of Education, the Attorney***
 23 ***General, and the Secretary of Health and Human***
 24 ***Services, shall establish a Federal Clearinghouse on***
 25 ***School Safety Evidence-based Practices (in this sec-***

1 *tion referred to as the ‘Clearinghouse’) within the De-*
 2 *partment.*

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

11 “(3) *PERSONNEL.*—

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

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

20 “(4) *EXEMPTIONS.*—

21 “(A) *PAPERWORK REDUCTION ACT.*—*Chap-*
 22 *ter 35 of title 44, United States Code (commonly*
 23 *known as the ‘Paperwork Reduction Act’), shall*
 24 *not apply to any rulemaking or information col-*
 25 *lection required under this section.*

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

5 “(b) *CLEARINGHOUSE CONTENTS.—*

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

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

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

18 “(2) *CRITERIA FOR EVIDENCE-BASED PRACTICES*
 19 *AND RECOMMENDATIONS.—The evidence-based prac-*
 20 *tices and recommendations of the Clearinghouse*
 21 *shall—*

22 “(A) *include comprehensive evidence-based*
 23 *school safety measures;*

24 “(B) *include the evidence or research ra-*
 25 *tionale supporting the determination of the*

1 *Clearinghouse that the evidence-based practice or*
 2 *recommendation under subparagraph (A) has*
 3 *been shown to have a significant effect on im-*
 4 *proving the health, safety, and welfare of persons*
 5 *in school settings, including—*

6 *“(i) relevant research that is evidence-*
 7 *based, as defined in section 8101 of the Ele-*
 8 *mentary and Secondary Education Act of*
 9 *1965 (20 U.S.C. 7801), supporting the evi-*
 10 *dence-based practice or recommendation;*

11 *“(ii) findings and data from previous*
 12 *Federal or State commissions recom-*
 13 *mending improvements to the safety posture*
 14 *of a school; or*

15 *“(iii) other supportive evidence or*
 16 *findings relied upon by the Clearinghouse*
 17 *in determining evidence-based practices and*
 18 *recommendations, as determined in con-*
 19 *sultation with the officers described in sub-*
 20 *section (a)(3)(B);*

21 *“(C) include information on Federal pro-*
 22 *grams for which implementation of each evi-*
 23 *dence-based practice or recommendation is an el-*
 24 *igible use for the program;*

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

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

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

21 “(c) ASSISTANCE AND TRAINING.—The Secretary may
 22 produce and publish materials on the Clearinghouse to as-
 23 sist and train educational agencies and law enforcement
 24 agencies on the implementation of the evidence-based prac-
 25 tices and recommendations.

1 “(d) *CONTINUOUS IMPROVEMENT.*—*The Secretary*
 2 *shall—*

3 “(1) *collect for the purpose of continuous im-*
 4 *provement of the Clearinghouse—*

5 “(A) *Clearinghouse data analytics;*

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

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

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

16 “(A) *regularly assess and identify Clearing-*
 17 *house evidence-based practices and recommenda-*
 18 *tions for which there are no resources available*
 19 *through Federal Government programs for im-*
 20 *plementation; and*

21 “(B) *establish an external advisory board,*
 22 *which shall be comprised of appropriate State,*
 23 *local, Tribal, private sector, and nongovern-*
 24 *mental organizations, including organizations*
 25 *representing parents of elementary and sec-*

1 ondary school students, representative from civil
 2 rights organizations, representatives of disability
 3 rights organizations, representatives of educators,
 4 representatives of law enforcement, and nonprofit
 5 school safety and security organizations, to—

6 “(i) provide feedback on the implemen-
 7 tation of evidence-based practices and rec-
 8 ommendations of the Clearinghouse; and

9 “(ii) propose additional recommenda-
 10 tions for evidence-based practices for inclu-
 11 sion in the Clearinghouse that meet the re-
 12 quirements described in subsection
 13 (b)(2)(B).

14 “(e) *PARENTAL ASSISTANCE.*—*The Clearinghouse shall*
 15 *produce materials in accessible formats to assist parents*
 16 *and legal guardians of students with identifying relevant*
 17 *Clearinghouse resources related to supporting the imple-*
 18 *mentation of Clearinghouse evidence-based practices and*
 19 *recommendations.”.*

20 (b) *TECHNICAL AMENDMENTS.*—*The table of contents*
 21 *in section 1(b) of the Homeland Security Act of 2002 (Pub-*
 22 *lic Law 107–296; 116 Stat. 2135) is amended by adding*
 23 *at the end the following:*

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

1 **SEC. 13303. NOTIFICATION OF CLEARINGHOUSE.**

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

10 (1) *every State and local educational agency;*
 11 *and*

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

16 (b) NOTIFICATION BY THE SECRETARY OF HOMELAND
 17 SECURITY.—*The Secretary of Homeland Security shall pro-*
 18 *vide written notification of the publication of the Clearing-*
 19 *house, as required to be established under section 2220D of*
 20 *the Homeland Security Act of 2002, as added by section*
 21 *13302 of this Act, to—*

22 (1) *every State homeland security advisor;*

23 (2) *every State department of homeland security;*

24 *and*

25 (3) *other Department of Homeland Security*
 26 *partners in the implementation of the evidence-based*

1 *practices and recommendations of the Clearinghouse,*
 2 *as determined appropriate by the Secretary of Home-*
 3 *land Security.*

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

10 *(1) every State department of public health; and*

11 *(2) other Department of Health and Human*
 12 *Services partners in the implementation of the evi-*
 13 *dence-based practices and recommendations of the*
 14 *Clearinghouse, as determined appropriate by the Sec-*
 15 *retary of Health and Human Services.*

16 *(d) NOTIFICATION BY THE ATTORNEY GENERAL.—The*
 17 *Attorney General shall provide written notification of the*
 18 *publication of the Clearinghouse, as required to be estab-*
 19 *lished under section 2220D of the Homeland Security Act*
 20 *of 2002, as added by section 13302 of this Act, to—*

21 *(1) every State department of justice; and*

22 *(2) other Department of Justice partners in the*
 23 *implementation of the evidence-based practices and*
 24 *recommendations of the Clearinghouse, as determined*
 25 *appropriate by the Attorney General.*

1 **SEC. 13304. GRANT PROGRAM REVIEW.**

2 (a) *FEDERAL GRANTS AND RESOURCES.*—Not later
3 than 1 year after the date of enactment of this Act, the
4 Clearinghouse or the external advisory board established
5 under section 2220D of the Homeland Security Act of 2002,
6 as added by this subtitle, shall—

7 (1) review grant programs and identify any
8 grant program that may be used to implement evi-
9 dence-based practices and recommendations of the
10 Clearinghouse;

11 (2) identify any evidence-based practices and
12 recommendations of the Clearinghouse for which there
13 is not a Federal grant program that may be used for
14 the purposes of implementing the evidence-based prac-
15 tice or recommendation as applicable to the agency;
16 and

17 (3) periodically report any findings under para-
18 graph (2) to the appropriate committees of Congress.

19 (b) *STATE GRANTS AND RESOURCES.*—The Clearing-
20 house shall, to the extent practicable, identify, for each
21 State—

22 (1) each agency responsible for school safety in
23 the State, or any State that does not have such an
24 agency designated;

1 (2) *any grant program that may be used for the*
 2 *purposes of implementing evidence-based practices*
 3 *and recommendations of the Clearinghouse; and*

4 (3) *any resources other than grant programs that*
 5 *may be used to assist in implementation of evidence-*
 6 *based practices and recommendations of the Clearing-*
 7 *house.*

8 **SEC. 13305. RULES OF CONSTRUCTION.**

9 (a) *WAIVER OF REQUIREMENTS.*—*Nothing in this sub-*
 10 *title or the amendments made by this subtitle shall be con-*
 11 *strued to create, satisfy, or waive any requirement under—*

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

14 (2) *the Rehabilitation Act of 1973 (29 U.S.C.*
 15 *701 et seq.);*

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

18 (4) *title IX of the Education Amendments of*
 19 *1972 (20 U.S.C. 1681 et seq.); or*

20 (5) *the Age Discrimination Act of 1975 (42*
 21 *U.S.C. 6101 et seq.).*

22 (b) *PROHIBITION ON FEDERALLY DEVELOPED, MAN-*
 23 *DATED, OR ENDORSED CURRICULUM.*—*Nothing in this sub-*
 24 *title or the amendments made by this subtitle shall be con-*
 25 *strued to authorize any officer or employee of the Federal*

1 *Government to engage in an activity otherwise prohibited*
 2 *under section 103(b) of the Department of Education Orga-*
 3 *nization Act (20 U.S.C. 3403(b)).*

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

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

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

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

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

13 *(3) by adding at the end the following:*

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

18 ***DIVISION B—APPROPRIATIONS***

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

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TITLE I

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$100,000,000, to remain available until expended, to meet additional resource needs of the National Instant Criminal Background Check System.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”, \$1,400,000,000, to remain available until expended, for grants to be administered by the Office of Justice Programs: Provided, That \$280,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$280,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$280,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$280,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$280,000,000, to remain available until expended, shall be made available for fiscal year 2026: Provided further, That of the funds made available under this heading in this Act, the following amounts shall be for

1 *the following purposes in equal amounts for each of fiscal*
 2 *years 2022 through 2026—*

3 (1) *\$750,000,000 shall be awarded pursuant to*
 4 *the formula allocation (adjusted in proportion to the*
 5 *relative amounts statutorily designated therefor) that*
 6 *was used in the fiscal year prior to the year for which*
 7 *funds are provided for the Edward Byrne Memorial*
 8 *Justice Assistance Grant program, as authorized by*
 9 *subpart 1 of part E of title I of the Omnibus Crime*
 10 *Control and Safe Streets Acts of 1968 (Public Law*
 11 *90–351) (the “1968 Act”), and shall be for the pur-*
 12 *poses described in section 501(a)(1)(I) of title I of the*
 13 *1968 Act, as amended by title II of division A of this*
 14 *Act: Provided further, That the allocation provisions*
 15 *under sections 505(a) through (e), the special rules for*
 16 *Puerto Rico under section 505(g), and section 1001(c)*
 17 *of title I of the 1968 Act shall not apply to the*
 18 *amount described in this paragraph;*

19 (2) *\$200,000,000 shall be for grants administered*
 20 *by the Bureau of Justice Assistance for purposes au-*
 21 *thorized under the STOP School Violence Act of 2018*
 22 *(title V of division S of Public Law 115–141);*

23 (3) *\$200,000,000 shall be for grants to the States*
 24 *to upgrade criminal and mental health records for the*
 25 *National Instant Criminal Background Check Sys-*

1 *tem, including grants to assist States in providing*
 2 *disqualifying juvenile records under subsection (g) or*
 3 *(n) of section 922 of title 18, United States Code: Pro-*
 4 *vided further, That the grants described in this para-*
 5 *graph shall be available to State criminal record re-*
 6 *positories and State court systems; and*

7 *(4) \$250,000,000 shall be for a community vio-*
 8 *lence intervention and prevention initiative.*

9 **COMMUNITY ORIENTED POLICING SERVICES**

10 **COMMUNITY ORIENTED POLICING SERVICES PROGRAMS**

11 *For an additional amount for “Community Oriented*
 12 *Policing Services Programs”, \$100,000,000, to remain*
 13 *available until expended, for competitive grants to be ad-*
 14 *ministered by the Community Oriented Policing Services*
 15 *Office for purposes authorized under the STOP School Vio-*
 16 *lence Act of 2018 (title V of division S of Public Law 115–*
 17 *141): Provided, That \$20,000,000, to remain available until*
 18 *expended, shall be made available for fiscal year 2022,*
 19 *\$20,000,000, to remain available until expended, shall be*
 20 *made available for fiscal year 2023, \$20,000,000, to remain*
 21 *available until expended, shall be made available for fiscal*
 22 *year 2024, \$20,000,000, to remain available until expended,*
 23 *shall be made available for fiscal year 2025, and*
 24 *\$20,000,000, to remain available until expended, shall be*
 25 *made available for fiscal year 2026.*

1 *GENERAL PROVISIONS—THIS TITLE*

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

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

18 *(b) The spend plan described in subsection (a) shall*
19 *include a specific and detailed description of the intended*
20 *administration, review processes, allowable purposes, eligi-*
21 *bility requirements, and priority areas or weightings for*
22 *the grant programs funded in this title.*

1 *TITLE II*
2 *DEPARTMENT OF HEALTH AND HUMAN*
3 *SERVICES*
4 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*
5 *ADMINISTRATION*
6 *HEALTH SURVEILLANCE AND PROGRAM SUPPORT*
7 *For an additional amount for “Health Surveillance*
8 *and Program Support”, \$800,000,000, to remain available*
9 *until September 30, 2025: Provided, That \$312,500,000, to*
10 *remain available until December 31, 2022, shall be made*
11 *available for fiscal year 2022, \$162,500,000, to remain*
12 *available until September 30, 2023, shall be made available*
13 *for fiscal year 2023, \$162,500,000, to remain available*
14 *until September 30, 2024, shall be made available for fiscal*
15 *year 2024, and \$162,500,000, to remain available until*
16 *September 30, 2025, shall be made available for fiscal year*
17 *2025: Provided further, That of the funds made available*
18 *under this heading in this Act, the following amounts shall*
19 *be for the following purposes in equal amounts for each of*
20 *fiscal years 2022 through 2025, unless stated otherwise—*
21 *(1) \$250,000,000 shall be for grants for the com-*
22 *munity mental health services block grant program*
23 *under subpart I of part B of title XIX of the Public*
24 *Health Service Act;*

1 (2) \$40,000,000 shall be for National Child
2 *Traumatic Stress Network;*

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

7 (4) \$120,000,000 shall be for Mental Health
8 Awareness Training; and

9 (5) \$150,000,000 shall be for the National Sui-
10 cide Prevention Lifeline for fiscal year 2022.

11 OFFICE OF THE SECRETARY

12 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Public Health and So-
15 cial Services Emergency Fund”, \$190,000,000, to remain
16 available until September 30, 2026: Provided, That
17 \$82,000,000, to remain available until December 31, 2022,
18 shall be made available for fiscal year 2022, \$32,000,000,
19 to remain available until September 30, 2023, shall be made
20 available for fiscal year 2023, \$32,000,000, to remain avail-
21 able until September 30, 2024, shall be made available for
22 fiscal year 2024, \$32,000,000, to remain available until
23 September 30, 2025, shall be made available for fiscal year
24 2025, and \$12,000,000, to remain available until Sep-
25 tember 30, 2026, shall be made available for fiscal year

1 2026: *Provided further, That of the funds made available*
 2 *under this heading in this Act, the following amounts shall*
 3 *be for the following purposes in equal amounts for each of*
 4 *fiscal years 2022 through 2026, unless stated otherwise—*

5 (1) *\$60,000,000 shall be for primary care train-*
 6 *ing and enhancement under section 747 of the Public*
 7 *Health Service Act (42 U.S.C. 293k) to provide men-*
 8 *tal and behavioral health care training as part of the*
 9 *training of pediatricians and other primary care cli-*
 10 *nicians who plan to provide care for pediatric popu-*
 11 *lations and other vulnerable populations, such as vic-*
 12 *tims of abuse or trauma, and individuals with mental*
 13 *health or substance use disorders: Provided further,*
 14 *That section 747(c)(2) of the Public Health Service*
 15 *Act (42 U.S.C. 293k(c)(2)) shall not apply to funding*
 16 *made available in this paragraph: Provided further,*
 17 *That such funds shall be transferred to “Health Re-*
 18 *sources and Services Administration—Health Work-*
 19 *force”;*

20 (2) *\$80,000,000 shall be for pediatric mental*
 21 *health care access under section 330M of the Public*
 22 *Health Service Act (42 U.S.C. 254c–19), in equal*
 23 *amounts for each of fiscal years 2022 through 2025:*
 24 *Provided further, That such funds shall be transferred*

1 to “*Health Resources and Services Administration—*
 2 *Maternal and Child Health*”; and

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

9 DEPARTMENT OF EDUCATION

10 SCHOOL IMPROVEMENT PROGRAMS

11 *For an additional amount for “School Improvement*
 12 *Programs”, \$1,050,000,000, to remain available through*
 13 *September 30, 2025, for carrying out subpart 1 of part A*
 14 *of title IV and part B of title IV of the Elementary and*
 15 *Secondary Education of 1965 (referred to in this Act as*
 16 *“ESEA”), in addition to amounts otherwise available for*
 17 *such purposes: Provided, That \$50,000,000, to remain*
 18 *available through September 30, 2023, shall be for carrying*
 19 *out part B of title IV of the ESEA: Provided further, That*
 20 *the Secretary shall increase support for the implementation*
 21 *of evidence-based practices intended to increase attendance*
 22 *and engagement of students in the middle grades and high*
 23 *school in community learning centers using funds in the*
 24 *preceding proviso: Provided further, That \$1,000,000,000*
 25 *shall be for activities under section 4108 of the ESEA and,*

1 *notwithstanding section 4105 of such Act, States shall make*
 2 *awards on a competitive basis to high-need local edu-*
 3 *cational agencies as determined by the State.*

4 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

5 *For an additional amount for “Safe Schools and Citi-*
 6 *zenship Education”, \$1,000,000,000, to remain available*
 7 *through December 31, 2026: Provided, That \$200,000,000,*
 8 *to remain available until March 31, 2023, shall be made*
 9 *available for fiscal year 2022, \$200,000,000, to remain*
 10 *available until December 31, 2023, shall be made available*
 11 *for fiscal year 2023, \$200,000,000, to remain available*
 12 *until December 31, 2024, shall be made available for fiscal*
 13 *year 2024, \$200,000,000, to remain available until Decem-*
 14 *ber 31, 2025, shall be made available for fiscal year 2025,*
 15 *and \$200,000,000, to remain available until December 31,*
 16 *2026, shall be made available for fiscal year 2026: Provided*
 17 *further, That not more than two percent of each of such*
 18 *amounts may be used for program administration, tech-*
 19 *nical assistance, data collection, and dissemination of best*
 20 *practices: Provided further, That of the funds made avail-*
 21 *able under this heading in this Act, the following amounts*
 22 *shall be available for the following purposes in equal*
 23 *amounts for each of fiscal years 2022 through 2026—*

1 (1) \$500,000,000 shall be for carrying out School
2 *Based Mental Health Services Grants, in addition to*
3 *amounts otherwise available for such purposes; and*

4 (2) \$500,000,000 shall be for carrying out Men-
5 *tal Health Services Professional Demonstration*
6 *Grants, in addition to amounts otherwise available*
7 *for such purposes.*

8 **GENERAL PROVISIONS—THIS TITLE**

9 *SEC. 22001. None of the funds made available by this*
10 *title may be transferred in this or any future fiscal year*
11 *pursuant to the authority in section 205 or section 302 of*
12 *the Departments of Labor, Health and Human Services,*
13 *and Education, and Related Agencies Appropriations Act,*
14 *2022 (division H of Public Law 117–103), or any successor*
15 *provision in a subsequently enacted appropriations Act, or*
16 *section 241(a) of the Public Health Service Act.*

17 *SEC. 22002. Not later than 30 days after the date of*
18 *enactment of this Act, the Secretaries of Health and Human*
19 *Services and Education shall each provide a detailed spend*
20 *plan of anticipated uses of funds made available to their*
21 *respective Departments in this title, including estimated*
22 *personnel and administrative costs, to the Committees on*
23 *Appropriations of the House of Representatives and the*
24 *Senate: Provided, That such plans shall be updated and*
25 *submitted to such Committees every 60 days until all funds*

1 *are expended: Provided further, That the spend plans shall*
 2 *be accompanied by a listing of each contract obligation in-*
 3 *curred that exceeds \$5,000,000 which has not previously*
 4 *been reported, including the amount of each such obligation:*
 5 *Provided further, That the Committees on Appropriations*
 6 *of the House of Representatives and the Senate shall be*
 7 *briefed on obligations quarterly until all funds are ex-*
 8 *pended.*

9 *SEC. 22003. Not later than 60 days after the date of*
 10 *enactment of this Act, the Secretaries of Health and Human*
 11 *Services and Education shall each provide biweekly obliga-*
 12 *tion reports for funds made available to their respective De-*
 13 *partments in this title, including anticipated uses of funds*
 14 *made available in this title, to the Committees on Appro-*
 15 *priations of the House of Representatives and the Senate:*
 16 *Provided, That such reports shall be updated and submitted*
 17 *biweekly to the Committees until all funds are expended.*

18 *TITLE III*

19 *GENERAL PROVISIONS—THIS DIVISION*

20 *SEC. 23001. Each amount appropriated or made*
 21 *available by this division is in addition to amounts other-*
 22 *wise appropriated for the fiscal year involved.*

23 *SEC. 23002. No part of any appropriation contained*
 24 *in this division shall remain available for obligation beyond*
 25 *the current fiscal year unless expressly so provided herein.*

1 *SEC. 23003. Unless otherwise provided for by this divi-*
 2 *sion, the additional amounts appropriated by this division*
 3 *to appropriations accounts shall be available under the au-*
 4 *thorities and conditions applicable to such appropriations*
 5 *accounts for fiscal year 2022.*

6 *SEC. 23004. Each amount provided by this division*
 7 *is designated by the Congress as being for an emergency*
 8 *requirement pursuant to section 4001(a)(1) and section*
 9 *4001(b) of S. Con. Res. 14 (117th Congress), the concurrent*
 10 *resolution on the budget for fiscal year 2022.*

11 *SEC. 23005. (a) STATUTORY PAYGO SCORECARDS.—*
 12 *The budgetary effects of each division of this Act shall not*
 13 *be entered on either PAYGO scorecard maintained pursu-*
 14 *ant to section 4(d) of the Statutory Pay As-You-Go Act of*
 15 *2010.*

16 *(b) SENATE PAYGO SCORECARDS.—The budgetary ef-*
 17 *fects of each division of this Act shall not be entered on*
 18 *any PAYGO scorecard maintained for purposes of section*
 19 *4106 of H. Con. Res. 71 (115th Congress).*

20 *(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Not-*
 21 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
 22 *set forth in the joint explanatory statement of the committee*
 23 *of conference accompanying Conference Report 105–217*
 24 *and section 250(c)(7) and (c)(8) of the Balanced Budget*
 25 *and Emergency Deficit Control Act of 1985, the budgetary*

1 *effects of this division shall be estimated for purposes of sec-*
 2 *tion 251 of such Act and as appropriations for discre-*
 3 *tionary accounts for purposes of the allocation to the Com-*
 4 *mittee on Appropriations pursuant to section 302(a) of the*
 5 *Congressional Budget Act of 1974 and section 4001 of S.*
 6 *Con. Res. 14 (117th Congress), the concurrent resolution on*
 7 *the budget for fiscal year 2022.*

8 *This division may be cited as the “Bipartisan Safer*
 9 *Communities Supplemental Appropriations Act, 2022”.*

Amend the title so as to read: “An Act to make our
 communities safer.”.

Attest:

Secretary.

117TH CONGRESS
2^D SESSION

S. 2938

**SENATE AMENDMENTS TO
HOUSE AMENDMENT**