

One Hundred Seventeenth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday,
the third day of January, two thousand and twenty two*

An Act

To make our communities safer.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. JOSEPH WOODROW HATCHETT UNITED STATES COURT- HOUSE AND FEDERAL BUILDING.

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

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Courthouse and Federal Building referred to in subsection (a) shall be deemed to be a reference to the “Joseph Woodrow Hatchett United States Courthouse and Federal Building”.

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

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

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

SEC. 3. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Joseph Woodrow Hatchett United States Courthouse and Federal Building.
Sec. 2. Lynn C. Woolsey Post Office Building.
Sec. 3. Short title; table of contents.

DIVISION A—MENTAL HEALTH AND FIREARMS PROVISIONS

TITLE I—CHILDREN AND FAMILY MENTAL HEALTH SERVICES

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

**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.**

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

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

“(3) ADDITIONAL PLANNING GRANTS FOR STATES.—In addition to the planning grants awarded under paragraph (1), as soon as practicable after the date of enactment of this paragraph, the Secretary shall award planning grants to States (other than States selected to conduct demonstration programs under paragraph (1) or (8) of subsection (d)) to develop proposals to participate in time-limited demonstration programs described in subsection (d) so that, beginning July 1, 2024, and every 2 years thereafter, up to 10 additional States may participate in the demonstration programs described in subsection (d) in accordance with paragraph (9) of that subsection.”;

(2) in subsection (d)—

(A) in paragraph (3)—

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

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

(B) in paragraph (5)—

(i) in subparagraph (B), in the matter preceding clause (i), by striking “that is furnished” and inserting

“that is furnished by a State participating in an ongoing demonstration program under this subsection”;

(ii) in subparagraph (C)(iii)—

(I) in subclause (I), by striking “September 30, 2023; and” and inserting “September 30, 2025.”;

(II) in subclause (II), by striking “under paragraph (8)” and all that follows through the period and inserting “under paragraph (8), during the first 24 fiscal quarter period (or any portion of such period) that the State participates in the demonstration program; and”; and

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

“(III) in the case of a State selected to participate in the demonstration program under paragraph (9), during the first 16 fiscal quarter period (or any portion of such period) that the State participates in the demonstration program.”; and

(iii) by adding at the end the following:

“(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State that participated in a demonstration program under this subsection that has ended from receiving Federal financial participation under title XIX of the Social Security Act for amounts expended by the State under a State plan under such title (or a waiver of such plan) for providing medical assistance for items and services, and carrying out activities, including continuing to pay for services under the prospective payment system established under subsection (c), that were provided or carried out by the State under the demonstration program, to the extent such financial participation is otherwise available under such title.”;

(C) in paragraph (7)—

(i) in subparagraph (A), by inserting “through the year in which the last demonstration under this section ends” after “annually thereafter”;

(ii) in subparagraph (B)—

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

(II) by adding at the end the following new sentence: “Such recommendations shall include data collected after 2019, where feasible.”; and

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

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

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

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

“(9) FURTHER ADDITIONAL PROGRAMS.—

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

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

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

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

“(ii) submits an application (in addition to any application that the State may have previously submitted under this section) that includes the information described in paragraph (2)(B).

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

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

(3) in subsection (f)(1)—

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

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

(C) by adding at the end the following:

“(C) for purposes of awarding planning grants under subsection (c)(3), providing technical assistance to States applying for grants under such subsection, and carrying out demonstration programs under subsection (d), \$40,000,000 for fiscal year 2023, to remain available until expended.”.

SEC. 11002. MEDICAID AND TELEHEALTH.

(a) GUIDANCE TO STATES ON FURNISHING SERVICES THROUGH TELEHEALTH UNDER MEDICAID AND CHIP.—Not later than 18 months after the date of enactment of this Act, the Secretary shall provide technical assistance and issue guidance to States on improving access to telehealth for services covered under Medicaid and CHIP, including with respect to:

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

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

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

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

(5) Strategies to promote the delivery of accessible and culturally competent care via telehealth, including addressing the needs of individuals with disabilities, medically underserved urban and rural communities, racial and ethnic minorities such as American Indians and Alaska Natives, individuals with limited English proficiency, and individuals of different age groups including children, young adults, and seniors;

(6) Strategies for training and providing resources to providers and patients on the use of telehealth, including working with interpreters to furnish health services and providing resources in multiple languages.

(7) Integrating the use of existing video platforms that enable multi-person video calls.

(8) Best practices to support the delivery of covered services under Medicaid and CHIP via telehealth in schools, including specifically for the provision of mental health and substance use disorder services in such settings.

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

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

(b) DEFINITIONS.—In this section:

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

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

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

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

SEC. 11003. SUPPORTING ACCESS TO HEALTH CARE SERVICES IN SCHOOLS.

(a) GUIDANCE AND TECHNICAL ASSISTANCE.—

(1) GUIDANCE.—

(A) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall issue guidance to State Medicaid agencies, local educational agencies, and school-based entities to support the delivery of medical assistance to Medicaid and CHIP beneficiaries in school-based settings.

(B) REQUIRED INFORMATION.—The guidance issued pursuant to subparagraph (A) shall—

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

(ii) clarify that payments may be made to school-based entities under Medicaid for delivering assistance under Medicaid, including any such assistance provided in accordance with an individualized education program or under the policy described 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, coordinating with managed care entities, and supporting the provision of culturally competent and trauma-informed care in school settings; and

(v) provide examples of the types of providers (which may include qualified school health personnel) that States may choose to enroll, deem, or otherwise treat as participating providers for purposes of school-based programs under Medicaid and best practices related to helping such providers enroll in Medicaid for purposes of participating in school-based programs under Medicaid.

(2) TECHNICAL ASSISTANCE CENTER.—

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

(i) assist and expand the capacity of State Medicaid agencies and local educational agencies and school-based entities to provide assistance under Medicaid;

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

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

(iv) ensure ongoing coordination and collaboration between the Department of Health and Human Services and the Department of Education with respect to the provision of, and payment for, assistance under Medicaid by local educational agencies; and

(v) provide information to State and local educational agencies and States on how to utilize funding

from the Department of Health and Human Services, the Department of Education, and other Federal agencies to ensure payment under Medicaid for assistance provided in school-based settings.

(B) SMALL AND RURAL SCHOOLS.—The Secretary shall ensure that the technical assistance center includes resources which are specifically designed to help support small and rural local educational agencies in obtaining payment for the provision of assistance under Medicaid.

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

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

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

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

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

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

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

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

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

(B) an entity that provides medical assistance in a school-based setting for which Federal financial participation is allowed under Medicaid.

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

(6) STATE.—The term “State” has the meaning given that term in section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) for purposes of 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;

(B) identify gaps and deficiencies with respect to State compliance with such requirements;

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

(D) issue guidance to States on the Medicaid coverage requirements for such services that includes best practices for ensuring children have access to comprehensive health care services, including children without a mental health or substance use disorder diagnosis.

(2) REPORTS TO CONGRESS.—Not later than 6 months after each date on which the Secretary completes the activities described in paragraph (1), the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the most recent activities completed for purposes of such paragraph that includes the findings made, and descriptions of actions taken by the Secretary or by States as a result of such activities, and any additional actions the Secretary plans to carry out or that States are required to carry out as a result of such activities.

(3) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this subsection, to remain available until expended, \$5,000,000, for each of fiscal years 2023 and 2024, and \$1,000,000 for each fiscal year thereafter.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the “Comptroller General”) shall conduct a study evaluating State implementation under Medicaid of the early and periodic screening, diagnostic, and treatment services benefit required for children by section 1905(a)(4)(B) of the Social Security Act (42 U.S.C. 1396d(a)(4)(B)) and as defined in section 1905(r) of such Act (42 U.S.C. 1396d(r)) and provided in accordance with the requirements of section 1902(a)(43) of such Act (42 U.S.C. 1396a(a)(43)), specifically with respect to State oversight of managed care organizations, prepaid inpatient health plans, prepaid ambulatory health plans, and primary care case managers, and shall provide recommendations as appropriate to improve State compliance with the requirements for providing such benefit, State oversight of managed care organizations, prepaid inpatient health plans, prepaid ambulatory health plans, and primary care case managers, and oversight of State programs under Medicaid by the Administrator of the Centers for Medicare & Medicaid Services.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) that includes the recommendations required by such paragraph, as well as recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section:

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

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

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

SEC. 11005. PEDIATRIC MENTAL HEALTH CARE ACCESS GRANTS.

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

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

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

(A) by inserting “or cooperative agreements” after “award grants”; and

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

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “a grant” and inserting “an award”;

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

(iii) in subparagraph (H), by inserting “provide information to pediatric health care providers about available mental health services for children in the community and” before “assist”; and

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

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

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

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

“(A) IN GENERAL.—In addition to the activities required under paragraph (1), a pediatric mental health care access program referred to in subsection (a), with respect to which an award under such subsection may be used, may provide information, consultative support, training, and technical assistance to—

“(i) emergency departments; and

“(ii) State educational agencies, local educational agencies, Tribal educational agencies, and elementary and secondary schools.

“(B) REQUIREMENTS FOR CERTAIN RECIPIENTS.—An entity receiving information, consultative support, training, and technical assistance under subparagraph (A)(ii) shall operate in a manner consistent with, and shall ensure

consistency with, the requirements of subsections (a) and (c) of section 4001 of the Elementary and Secondary Education Act with respect to such information, consultative support, training, and technical assistance.”; and

(D) in paragraph (3), as so redesignated, by inserting “, and which may include a developmental-behavioral pediatrician” before the period at the end of the first sentence;

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

(5) in subsections (c) and (d)—

(A) by striking “a grant” each place it appears and inserting “an award”; and

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

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

(7) in subsection (f)—

(A) by striking “award a grant” and inserting “make an award”; and

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

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

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

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

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

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

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

TITLE II—FIREARMS

SEC. 12001. JUVENILE RECORDS.

(a) IMPROVING NICS EXAMINATION OF JUVENILE RECORDS.—

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

(A) in subsection (d)—

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

(ii) in paragraph (4), by inserting “at 16 years of age or older” after “institution”; and

(B) in subsection (t)—

(i) in paragraph (1)—

(I) in subparagraph (B)(ii)—

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

(bb) by striking “and” at the end;

(II) by redesignating subparagraph (C) as subparagraph (D); and

(III) by inserting after subparagraph (B) the following:

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

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

“(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that cause exists to further investigate a possibly disqualifying juvenile record under subsection (d); or

“(iii) in the case of such a person with respect to whom the system notifies the licensee in accordance with clause (ii) that cause exists to further investigate a possibly disqualifying juvenile record under subsection (d), 10 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that—

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

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

(ii) in paragraph (2)—

(I) by inserting “transfer or” before “receipt”; and

(II) by striking “(g) or (n)” and inserting “(d), (g), or (n) (as applicable)”;

(iii) in paragraph (4)—

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

(II) by striking “(g) or (n)” and inserting “(d), (g), or (n) (as applicable)”;

(iv) in paragraph (5)—

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

(II) by striking “(g) or (n)” and inserting “(d), (g), or (n) (as applicable)”.

(2) NICS REQUIREMENTS.—Section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) is amended by adding at the end the following:

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

“(1) immediately contact—

“(A) the criminal history repository or juvenile justice information system, as appropriate, of the State in which the person resides for the purpose of determining whether the person has a possibly disqualifying juvenile record under subsection (d) of such section 922;

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

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

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

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

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

“(B) receipt of a firearm by the person would violate subsection (g) or (n) of such section 922, or State, local, or Tribal law.”.

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

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

(1) IN GENERAL.—On an annual basis for each fiscal year through fiscal year 2032, each State and Federal agency responsible for the submission of disqualifying records under subsection (d), (g), or (n) of section 922 of title 18, United States Code, to the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations 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) in paragraph (21)(C), by striking “with the principal objective of livelihood and profit” and inserting “to predominantly earn a profit”;

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

(3) by inserting after paragraph (21) the following:

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

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

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

“(C) is intended—

“(i) to intimidate or coerce a civilian population;

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

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

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

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

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

(2) by adding at the end the following:

“(I) Implementation of State crisis intervention court proceedings and related programs or initiatives, including but not limited to—

“(i) mental health courts;

“(ii) drug courts;

“(iii) veterans courts; and

“(iv) extreme risk protection order programs, which must include, at a minimum—

“(I) pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses;

“(II) the right to be represented by counsel at no expense to the government;

“(III) pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State’s evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and

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

(b) ANNUAL REPORT ON CRISIS INTERVENTION PROGRAMS.—Section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152) is amended by adding at the end the following:

“(h) ANNUAL REPORT ON CRISIS INTERVENTION PROGRAMS.—The Attorney General shall publish an annual report with respect to grants awarded for crisis intervention programs or initiatives under subsection (a)(1)(I) that contains—

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

“(2) an evaluation of the effectiveness of the crisis intervention programs or initiatives in preventing violence and suicide;

“(3) measures that have been taken by each grant recipient to safeguard the constitutional rights of an individual subject to a crisis intervention program or initiative; and

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

SEC. 12004. STOP ILLEGAL TRAFFICKING IN FIREARMS ACT.

(a) ANTI-STRAW PURCHASING AND FIREARMS TRAFFICKING AMENDMENTS.—

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

“§ 932. Straw purchasing of firearms

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

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

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

“(B) includes a felony punishable under the law of a State for which the conduct constituting the offense would constitute a felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

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

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

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

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

“(2) intends to use, carry, possess, or sell or otherwise dispose of the firearm in furtherance of a felony, a Federal crime of terrorism, or a drug trafficking crime; or

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

“(c) PENALTY.—

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

“(2) USE IN FELONIES, CRIMES OF TERRORISM, OR DRUG TRAFFICKING CRIMES.—If a violation of subsection (b) is committed knowing or with reasonable cause to believe that any firearm involved will be used to commit a felony, a Federal crime of terrorism, or a drug trafficking crime, the person shall be sentenced to a term of imprisonment of not more than 25 years.

“§ 933. Trafficking in firearms

“(a) IN GENERAL.—It shall be unlawful for any person to—

“(1) ship, transport, transfer, cause to be transported, or otherwise dispose of any firearm to another person in or otherwise affecting interstate or foreign commerce, if such person knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the recipient would constitute a felony (as defined in section 932(a));

“(2) receive from another person any firearm in or otherwise affecting interstate or foreign commerce, if the recipient knows or has reasonable cause to believe that such receipt would constitute a felony; or

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

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

“§ 934. Forfeiture and fines

“(a) FORFEITURE.—

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

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

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

“(2) IMPOSITION.—The court, in imposing sentence on a person convicted of a violation of section 932 or 933, shall order, in addition to any other sentence imposed pursuant to section 932 or 933, that the person forfeit to the United States all property described in paragraph (1).

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

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

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

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

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

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

(5) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend its guidelines and policy statements to ensure that persons convicted of an offense under section 932 or 933 of title 18, United States Code, and other offenses applicable to the straw purchases and trafficking of firearms are subject to increased penalties in comparison to those currently provided by the guidelines and policy statements for such straw purchasing and trafficking of firearms offenses. In its review, the Commission shall consider, in particular, an appropriate amendment to reflect the intent of Congress that straw purchasers without significant criminal histories receive sentences that are sufficient to deter participation in such activities and reflect the defendant’s role and culpability, and any coercion, domestic violence survivor history, or other mitigating factors. The Commission shall also review and amend its guidelines and policy statements to reflect the intent of Congress that a person convicted of an offense under section 932 or 933 of title 18, United States Code, who is affiliated with a gang, cartel, organized crime ring, or other such enterprise should be subject to higher penalties than an otherwise unaffiliated individual.

(6) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.

“934. Forfeiture and fines.”.

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

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

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

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

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

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

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925.”.

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

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

(2) by adding at the end the following:

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

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

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

(2) in paragraph (3)—

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

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

(C) by adding at the end the following:

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

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

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

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

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

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

“(B) constitutes a felony, a Federal crime of terrorism, or a drug trafficking crime (as such terms are defined in section 932(a)),

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

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

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

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

(g) PROHIBITION ON FIREARMS OR AMMUNITION TRANSFERS TO AGENTS OF DRUG CARTELS.—The Department of Justice, and any of its law enforcement coordinate agencies, shall not conduct or otherwise facilitate the transfer of an operable firearm or ammunition to an individual if any law enforcement officer employed by the Department of Justice involved with the transfer knows or has reasonable cause to believe that the recipient of the firearm or ammunition is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm or ammunition at all times.

(h) FFL ACCESS TO LAW ENFORCEMENT INFORMATION.—

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

(A) by striking “Not later than” and inserting the following:

“(1) IN GENERAL.—Not later than”; and

(B) by adding at the end the following:

“(2) VOLUNTARY BACKGROUND CHECKS.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General shall promulgate regulations allowing licensees to use the national instant criminal background check system established under this section for purposes of voluntarily conducting an employment background check relating to a current or prospective employee. The Attorney General may not collect a fee for an employment background check under this subparagraph.

“(B) NOTICE.—Before conducting an employment background check relating to a current or prospective employee under subparagraph (A), a licensee shall—

“(i) provide written notice to the current or prospective employee that the licensee intends to conduct the background check; and

“(ii) obtain consent to conduct the background check from the current or prospective employee in writing.

“(C) EXEMPTION.—An employment background check conducted by a licensee under subparagraph (A) shall not be governed by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

“(D) APPEAL.—Any individual who is the subject of an employment background check conducted by a licensee under subparagraph (A) the result of which indicates that the individual is prohibited from possessing a firearm or ammunition pursuant to subsection (g) or (n) of section 922 of title 18, United States Code, may appeal the results of the background check in the same manner and to the same extent as if the individual had been the subject of a background check relating to the transfer of a firearm.”.

(2) ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION RECORDS AND INFORMATION.—Section 534 of title 28, United States Code, is amended—

(A) in subsection (a)—

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

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

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

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

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

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

(4) STATUTORY CONSTRUCTION; EVIDENCE.—

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

(i) to create a cause of action against any person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code, or any other person for any civil liability; or

(ii) to establish any standard of care.

(B) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding the use or non-use by a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code, of the

systems, information, or records made available under this subsection or the amendments made by this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(i) **FUNDING FOR EXISTING ATF ANTI-STRAW PURCHASING CAMPAIGN.**—There are authorized to be appropriated to the Bureau of Alcohol, Tobacco, Firearms, and Explosives \$1,000,000 for each of fiscal years 2023 through 2027 to continue and expand current efforts with existing partners to educate persons licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code, and the public to combat illegal straw purchases of firearms.

(j) **LOCAL LAW ENFORCEMENT REIMBURSEMENT FOR ASSISTANCE PROVIDED TO DHS-HSI TO PREVENT ILLEGAL TRAFFICKING.**—Section 432(d)(2) of the Homeland Security Act of 2002 (6 U.S.C. 240(d)(2)) is amended by inserting “salary reimbursement,” after “administrative,”.

(k) **RULE OF CONSTRUCTION.**—Nothing in this section, or an amendment made by this section, shall be construed to allow the establishment of a Federal system of registration of firearms, firearms owners, or firearms transactions or dispositions.

SEC. 12005. MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.

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

(1) in paragraph (33)(A)(ii)—

(A) by striking “or by a person” and inserting “by a person”; and

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

(2) by adding at the end the following:

“(37)(A) The term ‘dating relationship’ means a relationship between individuals who have or have recently had a continuing serious relationship of a romantic or intimate nature.

“(B) Whether a relationship constitutes a dating relationship under subparagraph (A) shall be determined based on consideration of—

“(i) the length of the relationship;

“(ii) the nature of the relationship; and

“(iii) the frequency and type of interaction between the individuals involved in the relationship.

“(C) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship under subparagraph (A).”.

(b) **NO RETROACTIVE APPLICATION.**—The amendments made by subsection (a) shall not apply to any conviction of a misdemeanor crime of domestic violence entered before the date of enactment of this Act.

(c) **LIMITATIONS ON CONVICTIONS OF CRIMES OF DOMESTIC VIOLENCE WITH RESPECT TO DATING RELATIONSHIPS.**—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

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

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

(2) by adding at the end the following:

“(C) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence against an individual in a dating relationship for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had firearm rights restored unless the expungement, pardon, or restoration of rights expressly provides that the person may not ship, transport, possess, or receive firearms: *Provided*, That, in the case of a person who has not more than 1 conviction of a misdemeanor crime of domestic violence against an individual in a dating relationship, and is not otherwise prohibited under this chapter, the person shall not be disqualified from shipping, transport, possession, receipt, or purchase of a firearm under this chapter if 5 years have elapsed from the later of the judgment of conviction or the completion of the person’s custodial or supervisory sentence, if any, and the person has not subsequently been convicted of another such offense, a misdemeanor under Federal, State, Tribal, or local law which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, or any other offense that would disqualify the person under section 922(g). The national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) shall be updated to reflect the status of the person. Restoration under this subparagraph is not available for a current or former spouse, parent, or guardian of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent, or guardian of the victim.”.

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.

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

Subtitle B—Medicare Improvement Fund

SEC. 13201. MEDICARE IMPROVEMENT FUND.

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

Subtitle C—Luke and Alex School Safety Act of 2022

SEC. 13301. SHORT TITLE.

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

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

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

“SEC. 2220D. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY EVIDENCE-BASED PRACTICES.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services, shall establish a Federal Clearinghouse on School Safety Evidence-based Practices (in this section referred to as the ‘Clearinghouse’) within the Department.

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

“(3) PERSONNEL.—

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

“(B) DETAILEES.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services may detail personnel to the Clearinghouse.

“(4) EXEMPTIONS.—

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

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

“(b) CLEARINGHOUSE CONTENTS.—

“(1) CONSULTATION.—In identifying the evidence-based practices and recommendations for the Clearinghouse, the Secretary shall—

“(A) consult with appropriate Federal, State, local, Tribal, private sector, and nongovernmental organizations, including civil rights and disability rights organizations; and

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

“(2) CRITERIA FOR EVIDENCE-BASED PRACTICES AND RECOMMENDATIONS.—The evidence-based practices and recommendations of the Clearinghouse shall—

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

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

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

“(ii) findings and data from previous Federal or State commissions recommending improvements to the safety posture of a school; or

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

“(C) include information on Federal programs for which implementation of each evidence-based practice or recommendation is an eligible use for the program;

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

“(E) include options for developmentally appropriate recommendations for use in educational settings with respect to children’s ages and physical, social, sensory, and emotionally developmental statuses.

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

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

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

“(1) collect for the purpose of continuous improvement of the Clearinghouse—

“(A) Clearinghouse data analytics;

“(B) user feedback on the implementation of resources, evidence-based practices, and recommendations identified by the Clearinghouse; and

“(C) any evaluations conducted on implementation of the evidence-based practices and recommendations of the Clearinghouse; and

“(2) in coordination with the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General—

“(A) regularly assess and identify Clearinghouse evidence-based practices and recommendations for which there are no resources available through Federal Government programs for implementation; and

“(B) establish an external advisory board, which shall be comprised of appropriate State, local, Tribal, private sector, and nongovernmental organizations, including organizations representing parents of elementary and secondary school students, representative from civil rights organizations, representatives of disability rights organizations, representatives of educators, representatives of law enforcement, and nonprofit school safety and security organizations, to—

“(i) provide feedback on the implementation of evidence-based practices and recommendations of the Clearinghouse; and

“(ii) propose additional recommendations for evidence-based practices for inclusion in the Clearinghouse that meet the requirements described in subsection (b)(2)(B).

“(e) PARENTAL ASSISTANCE.—The Clearinghouse shall produce materials in accessible formats to assist parents and legal guardians of students with identifying relevant Clearinghouse resources related to supporting the implementation of Clearinghouse evidence-based practices and recommendations.”.

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

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

SEC. 13303. NOTIFICATION OF CLEARINGHOUSE.

(a) NOTIFICATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall provide written notification of the publication of the Federal Clearinghouse on School Safety Evidence-based Practices (referred to in this section and section 13304 as the “Clearinghouse”), as required to be established under section 2220D of the Homeland Security Act of 2002, as added by section 13302 of this Act, to—

(1) every State and local educational agency; and

(2) other Department of Education partners in the implementation of the evidence-based practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Education.

(b) NOTIFICATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2220D of the Homeland Security Act of 2002, as added by section 13302 of this Act, to—

(1) every State homeland security advisor;

(2) every State department of homeland security; and

(3) other Department of Homeland Security partners in the implementation of the evidence-based practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Homeland Security.

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

(1) every State department of public health; and

(2) other Department of Health and Human Services partners in the implementation of the evidence-based practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Health and Human Services.

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

(1) every State department of justice; and

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

SEC. 13304. GRANT PROGRAM REVIEW.

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

(1) review grant programs and identify any grant program that may be used to implement evidence-based practices and recommendations of the Clearinghouse;

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

(3) periodically report any findings under paragraph (2) to the appropriate committees of Congress.

(b) STATE GRANTS AND RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

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

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

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

SEC. 13305. RULES OF CONSTRUCTION.

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

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

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

- (3) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);
 - (4) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); or
 - (5) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).
- (b) PROHIBITION ON FEDERALLY DEVELOPED, MANDATED, OR ENDORSED CURRICULUM.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to authorize any officer or employee of the Federal Government to engage in an activity otherwise prohibited under section 103(b) of the Department of Education Organization Act (20 U.S.C. 3403(b)).

Subtitle D—Amendment on ESEA Funding

SEC. 13401. AMENDMENT ON ESEA FUNDING.

Section 8526 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7906) is amended—

- (1) in paragraph (5), by striking “or” after the semicolon;
- (2) in paragraph (6), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:
“(7) for the provision to any person of a dangerous weapon, as defined in section 930(g)(2) of title 18, United States Code, or training in the use of a dangerous weapon.”.

DIVISION B—APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

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

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

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

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

(4) \$250,000,000 shall be for a community violence intervention and prevention initiative.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

For an additional amount for “Community Oriented Policing Services Programs”, \$100,000,000, to remain available until expended, for competitive grants to be administered by the Community Oriented Policing Services Office for purposes authorized under the STOP School Violence Act of 2018 (title V of division S of Public Law 115–141): *Provided*, That \$20,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$20,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$20,000,000, to remain available until expended, shall be made available for fiscal year 2026.

GENERAL PROVISIONS—THIS TITLE

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

SEC. 21002. (a) The Department of Justice shall provide a detailed spend plan for the fiscal year 2022 and 2023 funds made available in this title to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the enactment of this Act and, for each of fiscal years 2024 through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Attorney General shall submit a detailed spend plan for the funds made available in this title in that fiscal year.

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

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for “Health Surveillance and Program Support”, \$800,000,000, to remain available until September 30, 2025: *Provided*, That \$312,500,000, to remain available until December 31, 2022, shall be made available for fiscal year 2022, \$162,500,000, to remain available until September 30, 2023, shall be made available for fiscal year 2023, \$162,500,000, to remain available until September 30, 2024, shall be made available for fiscal year 2024, and \$162,500,000, to remain available until September 30, 2025, shall be made available for fiscal year 2025: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2025, unless stated otherwise—

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

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

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

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

(5) \$150,000,000 shall be for the National Suicide Prevention Lifeline for fiscal year 2022.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$190,000,000, to remain available until September 30, 2026: *Provided*, That \$82,000,000, to remain available until December 31, 2022, shall be made available for fiscal year 2022, \$32,000,000, to remain available until September 30, 2023, shall be made available for fiscal year 2023, \$32,000,000, to remain available until September 30, 2024, shall be made available for fiscal year 2024, \$32,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2025, and \$12,000,000, to remain available until September 30, 2026, 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 the following purposes in equal amounts for each of fiscal years 2022 through 2026, unless stated otherwise—

(1) \$60,000,000 shall be for primary care training and enhancement under section 747 of the Public Health Service Act (42 U.S.C. 293k) to provide mental and behavioral health care training as part of the training of pediatricians and other primary care clinicians who plan to provide care for pediatric populations and other vulnerable populations, such as victims of abuse or trauma, and individuals with mental health or substance use disorders: *Provided further*, That section 747(c)(2) of the Public Health Service Act (42 U.S.C. 293k(c)(2)) shall not apply to funding made available in this paragraph: *Provided further*, That such funds shall be transferred to “Health Resources and Services Administration—Health Workforce”;

(2) \$80,000,000 shall be for pediatric mental health care access under section 330M of the Public Health Service Act (42 U.S.C. 254c–19), in equal amounts for each of fiscal years 2022 through 2025: *Provided further*, That such funds shall be transferred to “Health Resources and Services Administration—Maternal and Child Health”; and

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

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for “School Improvement Programs”, \$1,050,000,000, to remain available through September 30, 2025, for carrying out subpart 1 of part A of title IV and part B of title IV of the Elementary and Secondary Education of 1965 (referred to in this Act as “ESEA”), in addition to amounts otherwise available for such purposes: *Provided*, That \$50,000,000, to remain available through September 30, 2023, shall be for carrying out part B of title IV of the ESEA: *Provided further*, That the Secretary shall increase support for the implementation of evidence-based

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

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For an additional amount for “Safe Schools and Citizenship Education”, \$1,000,000,000, to remain available through December 31, 2026: *Provided*, That \$200,000,000, to remain available until March 31, 2023, shall be made available for fiscal year 2022, \$200,000,000, to remain available until December 31, 2023, shall be made available for fiscal year 2023, \$200,000,000, to remain available until December 31, 2024, shall be made available for fiscal year 2024, \$200,000,000, to remain available until December 31, 2025, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until December 31, 2026, shall be made available for fiscal year 2026: *Provided further*, That not more than two percent of each of such amounts may be used for program administration, technical assistance, data collection, and dissemination of best practices: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be available for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

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

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

GENERAL PROVISIONS—THIS TITLE

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

SEC. 22002. Not later than 30 days after the date of enactment of this Act, the Secretaries of Health and Human Services and Education shall each provide a detailed spend plan of anticipated uses of funds made available to their respective Departments in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until all funds are expended: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds \$5,000,000 which has not previously been reported, including the amount of each such obligation: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be briefed on obligations quarterly until all funds are expended.

SEC. 22003. Not later than 60 days after the date of enactment of this Act, the Secretaries of Health and Human Services and Education shall each provide biweekly obligation reports for funds made available to their respective Departments in this title, including anticipated uses of funds made available in this title, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such reports shall be updated and submitted biweekly to the Committees until all funds are expended.

TITLE III

GENERAL PROVISIONS—THIS DIVISION

SEC. 23001. Each amount appropriated or made available by this division is in addition to amounts otherwise appropriated for the fiscal year involved.

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

SEC. 23003. Unless otherwise provided for by this division, the additional amounts appropriated by this division to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

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

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

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

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act and as appropriations for discretionary accounts for purposes of the allocation to the Committee on

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Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974 and section 4001 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

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

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*