

## S 2938

### Bipartisan Safer Communities Act

**Congress:** 117 (2021–2023, Ended)

**Chamber:** Senate

**Policy Area:** Crime and Law Enforcement

**Introduced:** Oct 5, 2021

**Current Status:** Became Public Law No: 117-159.

**Latest Action:** Became Public Law No: 117-159. (Jun 25, 2022)

**Law:** 117-159 (Enacted Jun 25, 2022)

**Official Text:** <https://www.congress.gov/bill/117th-congress/senate-bill/2938>

### Sponsor

**Name:** Sen. Rubio, Marco [R-FL]

**Party:** Republican • **State:** FL • **Chamber:** Senate

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Scott, Rick [R-FL]	R · FL		Oct 5, 2021

### Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Dec 1, 2021

### Subjects & Policy Tags

#### Policy Area:

Crime and Law Enforcement

### Related Bills

Bill	Relationship	Last Action
117 HRES 1119	Procedurally related	<b>May 17, 2022:</b> Motion to reconsider laid on the table Agreed to without objection.
117 HR 4771	Identical bill	<b>Oct 27, 2021:</b> Ordered to be Reported by Voice Vote.

## **Bipartisan Safer Communities Act**

This act makes various changes to federal firearms laws, including to expand background check requirements, broaden the scope of existing restrictions, and establish new criminal offenses.

The act also reauthorizes, funds, and supports various programs, grants, and activities to promote access to behavioral and mental health services, enhance school safety and security initiatives, and address gun violence in communities.

(Sec. 1) This section designates the federal building and U.S. courthouse located at 111 North Adams Street in Tallahassee, Florida, as the Joseph Woodrow Hatchett United States Courthouse and Federal Building.

(Sec. 2) This section designates the U.S. Postal Service facility located at 120 4th Street in Petaluma, California, as the Lynn C. Woolsey Post Office Building.

### **DIVISION A--MENTAL HEALTH AND FIREARMS PROVISIONS**

#### **TITLE I--CHILDREN AND FAMILY MENTAL HEALTH SERVICES**

This title reauthorizes, funds, and supports programs, grants, and activities that provide access to mental and behavioral health.

(Sec. 11001) This section extends through September 30, 2025, the Medicaid demonstration program for certified community behavioral health clinics. It also expands the program by increasing the number of states that may participate and increasing the length of the demonstration programs. It provides funding for planning grants, technical assistance, and the demonstration programs.

(Sec. 11002) This section requires the Centers for Medicare & Medicaid Services (CMS) to provide technical assistance and issue guidance to states on ways to improve access to telehealth under Medicaid and the Children's Health Insurance Program (CHIP).

(Sec. 11003) This section requires and provides funding for the CMS to (1) issue guidance to support the delivery of medical assistance to Medicaid and CHIP beneficiaries in school-based settings; and (2) establish a technical assistance center to expand the capacity of state Medicaid agencies, local educational agencies, and school-based entities to provide assistance under Medicaid.

This section also authorizes grants for states to implement, enhance, or expand non-health related services through school-based entities under Medicaid and CHIP.

(Sec. 11004) This section requires and provides funding for the CMS to regularly review and report on states' implementation of federal requirements to provide early and periodic screening, diagnostic, and treatment services for children enrolled in Medicaid. The review must address the provision of the services by managed care plans.

Additionally, this section requires the Government Accountability Office to evaluate and report on state compliance with the requirements to provide early and periodic screening, diagnostic, and treatment services for children enrolled in Medicaid.

(Sec. 11005) This section reauthorizes through FY2027 pediatric mental health care access grants and allows grants to

be used to provide information, support, training, and technical assistance to emergency departments, educational agencies, and schools.

## TITLE II--FIREARMS

This title makes various changes to federal firearms laws, including to expand background check requirements for persons who are under 21 years of age, to establish new criminal offenses for straw purchasing of firearms and trafficking in firearms, and to extend federal firearms-related restrictions to individuals convicted of domestic violence misdemeanors against dating partners.

(Sec. 12001) This section establishes additional requirements for firearms-related background checks through the National Instant Criminal Background Check System (NICS) for prospective purchasers who are 18 to 21 years of age.

Specifically, if a federal firearms licensee (e.g., a gun dealer) contacts the NICS to initiate a firearms-related background check on a person who is 18 to 21 years of age, then this section requires the NICS to contact additional record systems—state criminal history or juvenile justice repositories, state custodians of mental health records, and local law enforcement agencies—for possibly disqualifying juvenile records. Current law already requires the NICS to query national data systems for disqualifying records of an individual who is prohibited from receiving or possessing a firearm.

Additionally, if cause exists to further investigate a possibly disqualifying juvenile record of a person who is 18 to 21 years of age, then this section allows a firearm transfer to be delayed for up to 10 business days.

The requirement for the NICS to contact additional record systems expires in 10 years.

(Sec. 12002) This section revises the definition of *engaged in the business* as applicable to a firearms dealer who is required to be federally licensed. Specifically, it provides that a person who sells firearms to predominantly earn a profit (currently, who sells firearms with the principal objective of livelihood and profit) is engaged in the business of dealing in firearms and is therefore required to be federally licensed.

(Sec. 12003) This section allows grants under the Edward Byrne Memorial Justice Assistance Grant (JAG) program to be used to implement state crisis intervention programs or initiatives, including mental health courts, drug courts, veterans' courts, and extreme risk protection order programs (i.e., red flag laws).

(Sec. 12004) This section establishes a federal statutory framework to prohibit straw purchasing of firearms, trafficking in firearms, and related conduct.

A violator is subject to criminal and civil penalties, including the seizure and forfeiture of the firearms and ammunition involved in the offense, property constituting or derived from proceeds from the offense, and property used to commit or facilitate the offense.

The section authorizes law enforcement to investigate straw purchasing and trafficking in firearms offenses using wiretaps (i.e., authorized interceptions of wire, electronic, or oral communications) and makes the offenses predicate offenses (i.e., underlying offenses) for prosecutions under the federal money laundering statute and the federal racketeering statute.

(Sec. 12005) This section extends federal firearms-related restrictions to individuals who are convicted of a misdemeanor crime of domestic violence against an individual in a current or recent former dating relationship. Currently, the restrictions generally only apply to individuals who are convicted of a domestic violence misdemeanor against a co-parent

of a child, a current or former spouse, a current or former cohabitant as a spouse, or a person similarly situated to a spouse.

The term *dating relationship* means a continuing relationship of a serious or intimate nature, as determined based on the length of the relationship, the nature of the relationship, and the frequency and type of interaction between the individuals involved in the relationship.

This section specifies that for individuals who are convicted of a misdemeanor crime of domestic violence against a dating partner, the federal firearms-related restrictions apply only to convictions on or after the date of enactment and expire five years after the conviction date if certain conditions are met.

## TITLE III--OTHER MATTERS

### Subtitle A--Extension of Moratorium

(Sec. 13101) This section delays for one year the implementation of regulations relating to the treatment of certain Medicare prescription drug benefit rebates from drug manufacturers for purposes of federal anti-kickback laws.

### Subtitle B--Medicare Improvement Fund

(Sec. 13201) This section appropriates funds for the Medicare Improvement Fund in FY2022.

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

#### *Luke and Alex School Safety Act of 2022*

(Sec. 13302) This section provides statutory authority for the federal clearinghouse of school safety resources. The clearinghouse identifies and publishes best practices and recommendations for school safety for use by state and local educational and law enforcement agencies, institutions of higher education, health professionals, and the public.

(Sec. 13303) This section requires the Department of Health and Human Services and the Departments of Homeland Security, Justice, and Education to notify their state and local counterparts and other partners about the clearinghouse.

(Sec. 13304) This section requires the clearinghouse or the external advisory board to review and report on federal grant programs that could be used to implement best practices and recommendations. This section also requires the clearinghouse to identify state agencies, state grant programs, and other resources that may be used to implement best practices and recommendations.

### Subtitle D--Amendment on ESEA Funding

(Sec. 13401) This section prohibits the use of elementary and secondary education funds to provide any person with a dangerous weapon or training in the use of a dangerous weapon.

## DIVISION B--APPROPRIATIONS

### *Bipartisan Safer Communities Supplemental Appropriations Act, 2022*

This division provides FY2022 supplemental appropriations to various federal departments and agencies for programs and activities to support behavioral and mental health. The supplemental appropriations are designated as emergency spending, which is exempt from discretionary spending limits.

Specifically, this division provides appropriations to agencies and programs within the Department of Justice for

- additional resource needs of the NICS,
- JAG grants for states to implement crisis intervention programs or initiatives,
- grants for states to upgrade criminal and mental health records for the NICS,
- a community violence intervention and prevention initiative, and
- grants to improve school security.

Additionally, the division provides appropriations for agencies and programs within the Department of Health and Human Services for

- block grants for community mental health services;
- the National Child Traumatic Stress Network, which provides early intervention services and treatments with a focus on high-risk or medically underserved populations that experience violence-related stress;
- activities and services under Project Aware, which promotes access to mental health services among school-aged youth and their families;
- mental health awareness training;
- the National Suicide Prevention Lifeline;
- grants to provide mental and behavioral health care training to providers who serve pediatric and other vulnerable populations;
- grants to promote access to pediatric mental health care services in primary care settings; and
- grants for states to implement, enhance, or expand non-health related services through school-based entities under Medicaid and CHIP.

The division provides appropriations for agencies and programs within the Department of Education for

- activities to support safe and healthy students,
- the 21st Century Community Learning Centers program,
- grants for school-based mental health services, and
- demonstration grants for school-based mental health services professionals.

Finally, the act exempts the budgetary effects of each division of the act from (1) the Statutory Pay-As-You-Go Act of 2010 (PAYGO), (2) the Senate PAYGO rule, and (3) certain budget scorekeeping rules.

## Actions Timeline

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- **Jun 25, 2022:** Signed by President.
- **Jun 25, 2022:** Became Public Law No: 117-159.
- **Jun 24, 2022:** Mr. Nadler moved that the House agree to the Senate amendments to the House amendment. (consideration: CR H5895-5915)
- **Jun 24, 2022:** Pursuant to the provisions of H.Res. 1204, the House proceeded with one hour of debate on the Nadler motion that the House agree to the Senate amendments to the House amendment to S. 2938.
- **Jun 24, 2022:** The previous question was ordered pursuant to the rule.
- **Jun 24, 2022:** Resolving differences -- House actions: On motion that the House agree to the Senate amendments to the House amendment Agreed to by the Yeas and Nays: 234 - 193 (Roll no. 299).(text: CR H5895-5903)
- **Jun 24, 2022:** On motion that the House agree to the Senate amendments to the House amendment Agreed to by the Yeas and Nays: 234 - 193 (Roll no. 299). (text: CR H5895-5903)
- **Jun 24, 2022:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 24, 2022:** Presented to President.
- **Jun 23, 2022:** Considered by Senate (Message from the House considered). (consideration: CR S3104-3108, S3110-3137, S3137-3144)
- **Jun 23, 2022:** Cloture on the motion to concur in the House amendment to S. 2938 with an amendment SA 5099 invoked in Senate by Yea-Nay Vote. 65 - 34. Record Vote Number: 240.
- **Jun 23, 2022:** Motion by Senator Schumer to refer to Senate Committee on Environment and Public Works fell when cloture on the motion to concur in the House amendment to S. 2938 with an amendment SA 5099 was invoked in Senate.
- **Jun 23, 2022:** Motion to table amendment SA 5100 rejected in Senate by Yea-Nay Vote. 39 - 58. Record Vote Number: 241.
- **Jun 23, 2022:** Resolving differences -- Senate actions: Senate concurred in the House amendment to S. 2938 with an amendment SA (5099), and an amendment to the title by Yea-Nay Vote. 65 - 33. Record Vote Number: 242.(text: 06/21/2022 CR S3034-3042)
- **Jun 23, 2022:** Senate concurred in the House amendment to S. 2938 with an amendment SA (5099), and an amendment to the title by Yea-Nay Vote. 65 - 33. Record Vote Number: 242. (text: 06/21/2022 CR S3034-3042)
- **Jun 23, 2022:** Message on Senate action sent to the House.
- **Jun 22, 2022:** Considered by Senate (Message from the House considered). (consideration: CR S3045)
- **Jun 21, 2022:** Motion to proceed to consideration of the House message to accompany S. 2938 agreed to in Senate by Yea-Nay Vote. 64 - 34. Record Vote Number: 235.
- **Jun 21, 2022:** Measure laid before Senate by motion. (consideration: CR S3028)
- **Jun 21, 2022:** Motion by Senator Schumer to concur in the House amendment to S. 2938 with an amendment (SA 5099) made in Senate. (CR S3028)
- **Jun 21, 2022:** Motion by Senator Schumer to refer to Senate Committee on Environment and Public Works the House message to accompany S. 2938 with instructions to report back forthwith with the following amendment (SA 5101) made in Senate. (CR S3028)
- **Jun 21, 2022:** Cloture motion on the motion to concur in the House amendment to S. 2938 with an amendment SA 5099 presented in Senate. (CR S3028)
- **May 19, 2022:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **May 18, 2022:** Considered as unfinished business. (consideration: CR H5138-5139)
- **May 18, 2022:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 230 - 190, 1 Present (Roll no. 212).(text: 05/17/2022 CR H5089)
- **May 18, 2022:** On passage Passed by the Yeas and Nays: 230 - 190, 1 Present (Roll no. 212). (text: 05/17/2022 CR H5089)
- **May 18, 2022:** Motion to reconsider laid on the table Agreed to without objection.
- **May 17, 2022:** Rule H. Res. 1119 passed House.
- **May 17, 2022:** Considered under the provisions of rule H. Res. 1119. (consideration: CR H5089-5091)
- **May 17, 2022:** Rule provides for consideration of H.R. 6531, H.R. 7309 and S. 2938. Measure will be considered read. Specified amendments are in order. The rule provides that the previous question shall be considered as ordered on each measure without intervening motions except one hour of debate and one motion to recommit Upon passage of H. Res. 1119, H. Res. 1118 is adopted.

- **May 17, 2022:** DEBATE - The House proceeded with one hour of debate on S. 2938.
- **May 17, 2022:** The previous question was ordered pursuant to the rule.
- **May 17, 2022:** POSTPONED PROCEEDINGS - At the conclusion of debate on S. 2938, the Chair put the question on passage of the bill and by voice vote announced that the ayes had prevailed. Mr. Roy demanded the yeas and nays and the Chair postponed further proceedings until a time to be announced.
- **May 16, 2022:** Rules Committee Resolution H. Res. 1119 Reported to House. Rule provides for consideration of H.R. 6531, H.R. 7309 and S. 2938. Measure will be considered read. Specified amendments are in order. The rule provides that the previous question shall be considered as ordered on each measure without intervening motions except one hour of debate and one motion to recommit Upon passage of H. Res. 1119, H. Res. 1118 is adopted.
- **Mar 30, 2022:** Ms. Williams (GA) moved to suspend the rules and pass the bill.
- **Mar 30, 2022:** Considered under suspension of the rules. (consideration: CR H3992-3993)
- **Mar 30, 2022:** DEBATE - The House proceeded with forty minutes of debate on S. 2938.
- **Mar 30, 2022:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Mar 30, 2022:** Considered as unfinished business. (consideration: CR H3999-4000)
- **Mar 30, 2022:** Failed of passage/not agreed to in House: On motion to suspend the rules and pass the bill Failed by the Yeas and Nays: (2/3 required): 238 - 187, 1 Present (Roll no. 95).(text: CR H3992)
- **Mar 30, 2022:** On motion to suspend the rules and pass the bill Failed by the Yeas and Nays: (2/3 required): 238 - 187, 1 Present (Roll no. 95). (text: CR H3992)
- **Dec 13, 2021:** Received in the House.
- **Dec 13, 2021:** Held at the desk.
- **Dec 10, 2021:** Message on Senate action sent to the House.
- **Dec 9, 2021:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.(consideration: CR S9085; text: CR S9085)
- **Dec 9, 2021:** Passed Senate without amendment by Unanimous Consent. (consideration: CR S9085; text: CR S9085)
- **Dec 1, 2021:** Committee on Environment and Public Works. Ordered to be reported without amendment favorably.
- **Dec 1, 2021:** Committee on Environment and Public Works. Committee consideration held. Business Meeting printed. S. Hrg. 117-133.
- **Dec 1, 2021:** Committee on Environment and Public Works. Reported by Senator Carper without amendment. Without written report.
- **Dec 1, 2021:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 170.
- **Oct 5, 2021:** Introduced in Senate
- **Oct 5, 2021:** Read twice and referred to the Committee on Environment and Public Works.