

**Bipartisan Safer Communities Act S. 2938**

***Section-By-Section***

**Executive Summary:**

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| <p>I. Title I- Children and Family Mental Health Services</p> <ul style="list-style-type: none"> <li>a. CCBHC expansion for 10 new states every 2 years</li> <li>b. Medicaid and Telehealth</li> <li>c. Medicaid Healthcare Services in Schools</li> <li>d. Review of State Implementation of Early and Periodic Screening, Diagnostic, and Treatment Services (EPDST)</li> <li>e. HRSA Pediatric Mental Health Care Access Program</li> </ul> <p>II. Title II- Firearms</p> <ul style="list-style-type: none"> <li>a. Potential Juvenile Records Transfer-Potential 10 Day Investigation Period</li> <li>b. Clarification of “engaged in the business” of firearm dealing</li> <li>c. Byrne JAG Court System Crisis Intervention &amp; ERPO Grants</li> <li>d. Stopping and Enforcing Penalties Firearm Trafficking</li> <li>e. Expanding crime of Misdemeanor crime of Domestic Violence to Dating Partner</li> </ul> <p>III. Title III- Other Matters</p> <ul style="list-style-type: none"> <li>a. Extension of moratorium on implementation of rule relating to eliminating the anti-kickback statute safe harbor protection for prescription drug rebates</li> </ul> | <ul style="list-style-type: none"> <li>b. Medicare Improvement Fund</li> <li>c. Luke and Alex School Safety Act of 2022</li> <li>d. ESEA prohibition to arm teachers</li> </ul> <p>IV. Title IV- Appropriations</p> <ul style="list-style-type: none"> <li>a. Department of Justice <ul style="list-style-type: none"> <li>i. STOP School Violence Act</li> <li>ii. Community Violence Intervention</li> </ul> </li> <li>b. Department of Health and Human Services <ul style="list-style-type: none"> <li>i. National Child Traumatic Stress Network</li> <li>ii. Project AWARE</li> <li>iii. 9-8-8 National Suicide Prevention Lifeline</li> <li>iv. PCTE Grants</li> <li>v. Community Mental Health Services Block Grant</li> <li>vi. MHAT Grants</li> </ul> </li> <li>c. Department of Education <ul style="list-style-type: none"> <li>i. Safe and Healthy Students</li> <li>ii. 21<sup>st</sup> Century Learning Centers</li> <li>iii. School-Based Mental Health Professionals</li> <li>iv. School-Based Mental Health Professional Pipeline</li> </ul> </li> </ul> |
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**Section-by-Section: Division A (Authorization) and B (Appropriations) Combined Below:**

**Title I- Children and Family MH Services**

<b>Section</b>	<b>Summary</b>	<b>Funding and/or Authorizing Years</b>
Community Mental Health Services Expansion to 10 more states every 2 years	<ul style="list-style-type: none"> <li>• Expands CCBHCs to up to 10 states to opt-in every 2 years with 4 years of enhanced match</li> </ul>	\$250M over 4 years
Telehealth and Medicaid	<ul style="list-style-type: none"> <li>• Requires HHS Secretary to provide technical assistance (TA) and issue guidance for services covered under Medicaid and CHIP related to telehealth and how telehealth availability can be expanded</li> </ul>	N/A

Medicaid services in schools	<ul style="list-style-type: none"> <li>Requires CMS to build a TA center and issue guidance to states and schools to support delivery of care to Medicaid and CHIP beneficiaries in school-based settings, incl. clarifying payments may be made to school entities, how states may receive funding, and best practices for enrolling providers, etc.</li> </ul>	\$8M + \$50M for grants to states
Review of state implementation of screening, diagnostic, treatment services	<ul style="list-style-type: none"> <li>Requires CMS to review state implementation of the Medicaid Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit starting 24 months after enactment and 5 years thereafter.</li> <li>Includes TA to states to address gaps, issue guidance on state Medicaid coverage requirement best practices and reports from GAO and Comptroller General on oversight efforts.</li> </ul>	Treasury funds not otherwise appropriated of \$5M for the first two FY and \$1M for remaining 3 FY
Pediatric mental health care access grants	<ul style="list-style-type: none"> <li>Reauthorizes Pediatric Mental Health Care Access program for 5 years.</li> <li>Expands program for awards to be used to provide TA to emergency departments, state educational agencies, Tribal education agencies and elementary and secondary schools.</li> </ul>	\$31M each FY for 5 years

**Title II- Firearms**

Section	Summary	Funding and/or Authorizing Years
Potential Disqualifying Juvenile Records- 10-day Investigation	<ul style="list-style-type: none"> <li>Under <b>current law</b>, individuals adjudicated or committed to any mental institution are prohibited from being sold a firearm and such records shall be included on background check system. Such definition has been expanded to include juveniles 16 years of age or older by having those records provided by a State to the background check system only for the purposes of deeper investigation for the transfer of a firearm between the ages of 18-20 years old.</li> <li>If an individual is under 21 years old, they will receive a unique ID number, get the regular 3-business day background check- but NICS must check with states and local law enforcement to determine if individual had a juvenile record that would disqualify them from purchasing firearm.</li> <li>If no NICS IDed disqualification/or possible → firearm transfer</li> <li><b>Up to 10-day Investigation Period for Possible Juvenile Record Disqualification:</b> If NICs IDed possible disqualifying juvenile record→ FBI investigate within 3 days under current law; If FBI shows cause for more time to investigate nature and substance of disqualification, they have no more than 7 additional business days</li> <li>Annual report to have oversight of potential false denials on all NICs records</li> </ul>	<p>\$200M for NICS improvement and Juvenile Records</p> <p>\$100M for FBI salaries and expenses</p> <p>10-year Authorization except expansion to 16 y/o</p>

Clarification of “engaged in the business” of firearm dealing	<ul style="list-style-type: none"> <li>• Clarifies and codifies the definition of who is a dealer in firearms, by removing “principal objective of livelihood and profit” and replacing it with “to predominantly earn a profit”</li> <li>• “Predominantly earn a profit” means to obtain pecuniary gain (and not other intents like improving/liquidating a personal firearm collection); and doesn’t apply for the purposes of terrorism</li> </ul>	N/A
Byrne JAG Grants for State Crisis Intervention Programs (including ERPO)	<ul style="list-style-type: none"> <li>• New formula funding allowable use for States for specified \$750M on crisis intervention programs for mental health courts, drug courts, veterans’ courts, and extreme risk protection orders (ERPOs)</li> <li>• Any state utilizing ERPO funding must use high standards of due process</li> <li>• <u>Annual report on crisis intervention grant programs &amp; initiatives</u></li> </ul>	\$750M over 5 years
Firearm Trafficking Criminalization, Enhanced Enforcement and Prosecution	<ul style="list-style-type: none"> <li>• Creates new, specific criminal offense for straw purchasers and firearm traffickers (up to 15 years imprisonment) and enhanced penalties when used for terrorism and drug trafficking (up to 25 years imprisonment)</li> <li>• Improves investigative and prosecutorial tools against straw purchasers and gun traffickers</li> <li>• US Sentencing Commission to review/amend guidelines for tougher penalties</li> <li>• Criminalizes smuggling firearms out of the US (current law only unlawful for smuggling into the US)</li> <li>• Authorizes funding for ATF Anti-Straw purchasing campaign to educate FFLs/others in industry to combat</li> <li>• Authorizes funding to support coordination between federal and local law enforcement to prevent firearm trafficking</li> <li>• <u>Nothing can be used to create National Gun Registry</u></li> </ul>	N/A
Misdemeanor Crime of Domestic Violence	<ul style="list-style-type: none"> <li>• Adds current or recent dating partners from possessing (etc.) a firearm to existing spouses/cohabitations/parents who commit a misdemeanor of domestic violence; and defines dating relationship</li> <li>• Applies from the date of enactment (not retroactive)</li> <li>• Includes ability for dating partner to restore their rights to a firearm <b>after 5 years if only having 1 conviction</b> under certain circumstance or earlier if conviction is expunged or set aside</li> </ul>	N/A

**Title III- Other Matters**

<b>Section</b>	<b>Summary</b>	<b>Funding and/or Authorizing Years</b>
Extension of Moratorium on implementation of anti-kickback	<ul style="list-style-type: none"> <li>• “Jan. 1, 2026” struck and replaced with “Jan. 1, 2027”</li> <li>• Utilized as an offset</li> </ul>	Extension of 1 year

statute safe harbor protection for prescription drug rebates		
Medicare Improvement Fund	<ul style="list-style-type: none"> <li>Utilized as a pay-for for health policy corrections as necessary (historically not used to “improve Medicare” as name suggests)</li> </ul>	Extension of 1 year of \$5M deposit
Luke and Alex School Safety Act	<ul style="list-style-type: none"> <li>Codifies schoolsafety.gov, a federal clearinghouse on school safety practices, recommendations for a safe learning environment</li> <li>Secretary shall consult with government, private, and NGOs including civil rights and disability rights orgs</li> <li>Clearinghouse shall include developmentally appropriate recommendations with respect to various ages and developmental statuses</li> <li>Clearinghouse shall produce accessible materials for parents/legal guardians</li> <li>Clearinghouse also includes info on over \$2B in grant funding opportunities for school-based entities, law enforcement, etc.</li> </ul>	N/A
Prohibition of ESEA Funding for Arming, Training to Arm Teachers	<ul style="list-style-type: none"> <li>No funds can be used to fund the arming of or training for firearms for teachers under ESEA</li> </ul>	N/A

**Title IV- Additional Appropriations (not included to above authorizations)**

<b>Section</b>	<b>Summary</b>	<b>Funding and/or Authorizing Years</b>
STOP School Violence	<ul style="list-style-type: none"> <li>\$200M for BJA, \$100M for COPS under STOP-</li> <li><b>Note there is <u>no funding for SROs/law enforcement</u> to be in school as the original statute only permits trainings</b></li> </ul>	\$300M for 5 years
Community Violence Intervention	<ul style="list-style-type: none"> <li>Funding for community violence intervention programs</li> </ul>	\$250M
National Child Traumatic Stress Network	<ul style="list-style-type: none"> <li>Under SAMHSA to improve treatment and services for children, adolescents, and families</li> </ul>	\$40M over 4 years
Project AWARE	<ul style="list-style-type: none"> <li>\$240M total for Project AWARE grants</li> <li>\$28M set-aside for grants to support trauma care in school settings</li> </ul>	\$240M
National Suicide Prevention Lifeline (988)	<ul style="list-style-type: none"> <li>Implementation support</li> </ul>	\$150M for FY22
Primary Care Training and Enhancement Grants for pediatric providers	<ul style="list-style-type: none"> <li>Provides mental and behavioral health care training of pediatricians and other primary care clinicians who provide care for pediatric populations and other vulnerable populations through HRSA’s PCTE Program</li> </ul>	\$60M over 5 years
Community Mental Health Services Block Grant	<ul style="list-style-type: none"> <li>To continue the provision of funding to provide comprehensive community mental health services for states, D.C., and territories</li> </ul>	\$250M over 4 years

Mental health awareness training (MHAT) grant program	<ul style="list-style-type: none"> <li>Requires SAMHSA to prepare and train community members and first responders on how to respond with individuals appropriately and safely with mental disorders</li> </ul>	\$120M over 4 years
Safe and Healthy Students Programs	<ul style="list-style-type: none"> <li>Funding to states for mental health resources, substance use and violence prevention, mentoring, crisis intervention, training for school personnel on suicide prevention/human trafficking</li> <li><b>Can include school mental health professionals</b></li> </ul>	\$1B
21 <sup>st</sup> Century Community Learning Centers	<ul style="list-style-type: none"> <li>Expand after/outside-of-school programs for academic enrichment, CBO connection, and youth development of students from lower-income households</li> </ul>	\$50M
School-based mental health services	<ul style="list-style-type: none"> <li><b>School Mental Health Professionals-</b> Competitive grants to states for recruitment and retention of school-based mental health service providers in districts with demonstrated need</li> </ul>	\$500M available until March 1, 2023
School-based mental health professional demonstration grant	<ul style="list-style-type: none"> <li><b>School Mental Health Professional Pipeline-</b> Competitive grants for partnerships between higher ed institutions and school districts to prepare providers for employment in high need schools</li> </ul>	\$500M available until March 1, 2023