

June 27, 2022

M E M O R A N D U M

To: Governors' State-Federal Representatives
From: NGA Governmental Relations
Re: Summary of the Bipartisan Safer Communities Act

On Saturday, June 25, 2022, President Biden signed the *Bipartisan Safer Communities Act* ([S. 2938](#)) into law, following the House passage of the bill by a vote of 234-193 on Friday, and the Senate passage of the bill on Thursday night by a vote of 65-33.

The *Bipartisan Safer Communities Act* is one of the most significant steps Congress has taken to reduce gun violence in decades and expand access to community and school-based behavioral health services for children and families. The bill would amend current law to clarify who needs a federal license to buy and sell firearms; impose an enhanced background check review process, which includes reviewing juvenile mental health records to purchase a firearm; and narrow the “boyfriend loophole” by prohibiting someone convicted of a misdemeanor crime of domestic violence as part of a dating relationship from purchasing or possessing a firearm for at least five years. The bill provides states and territories with funding to implement extreme risk protection order programs, drug courts, and other crisis intervention programs.

On June 21, 2022, NGA Chair Governor Asa Hutchinson and Vice-Chair Phil Murphy issued a [statement](#) on the bipartisan framework. Below is a summary of the critical provisions for states and territories in the *Bipartisan Safer Communities Act*.

Public Safety Provisions

- Provides **\$1.5 billion** for states and territories to strengthen school safety and reduce threat of community violence through establishing crisis intervention programs and improving reporting capabilities, including:
 - **\$750 million** until expended for Byrne Justice Assistance Programs for crisis intervention program implementation, including implementation and administration of “red flag laws”, with funding allocations based on existing formulas.
 - **\$250 million** until expended for community violence intervention and prevention programs
 - **\$200 million** until expended for upgrading criminal and mental health records to National Instant Criminal Background Check System (NICS)
 - **\$200 million** until expended for STOP School Violence School Safety Programs
 - **\$100 million** until expended for Community Oriented Policing Services (COPS)
- Closes existing “boyfriend loophole” by adding convicted domestic violence abusers in dating relationships to NICS. Creates removal process from NICS after 5 years of completion of sentence if no other intervening prohibiting crimes have occurred.
- Requires more thorough background checks for buyers under 21 years of age including contacts with state databases and local law enforcement.

- Provides clarity to firearms industry on definition of Federally Licensed Firearms Dealer to clearly define sellers which need to register, conduct background checks, and keep appropriate records.
- Cracks down on criminals who intentionally seek to avoid licensing requirements.
- Creates federal law with significant penalties specifically prohibiting straw purchases and expanding trafficking offenses.
- Provides the Federal Bureau of Investigations with additional resources necessary to meet implementation needs.

Mental Health Provisions

- Expands the Medicaid Certified Community Behavioral Health Center (CCBHC) demonstration program nationally under a phased-in approach over a period of years. The Medicaid demonstration is currently limited to 10 states.
- Requires the Secretary of HHS to provide technical assistance and issue guidance to states on improving access to telehealth under Medicaid and CHIP including best practices to support services delivered via telehealth in schools and strategies to promote the delivery of accessible and culturally competent behavioral health care via telehealth.
- Requires the Secretary of HHS, in consultation with the Secretary of Education, to issue guidance to state Medicaid agencies, local education agencies, and school-based entities to support the delivery of services to children covered by Medicaid and CHIP in school-based settings
- Creates a technical assistance center focused on school-based Medicaid to assist and expand capacity of states, local education agencies, and school-based entities including a focus on small and rural schools. It also provides **\$50 million** in funding for grants to states to implement, enhance, or expand school-based services under Medicaid and CHIP.
- Requires the Secretary of HHS to do regular reviews of state implementation of the requirements for providing early and periodic screening, diagnostic, and treatment (EPSDT) services under Medicaid (including with respect to the provision of such services by managed care plans), identify gaps and deficiencies, provide technical assistance to states to address gaps and deficiencies, issue guidance to states on Medicaid coverage requirements for such services, and provide a report to Congress on the findings. It also requires the Government Accountability Office to study and issue a report on state implementation of the EPSDT benefit including with respect to state oversight of managed care plans.
- Provides **\$80 million** in grants to support pediatric primary care providers to rapidly access mental health specialists' expertise in guiding the treatment of their patients. Reauthorizes the program for five years and expands teleconsults into emergency departments and schools.
- Provides **\$60 million** over five years for training in mental health for pediatric primary care clinicians who treat children and youth.
- Provides **\$120 million** over four years to prepare and train community members and first responders on how to respond to individuals with mental disorders.
- Provides **\$250 million** for states, DC, and territories to enhance comprehensive community mental health services.
- Appropriates **\$240 million** for Project AWARE over four years to increase awareness of mental health issues among school-aged youth, provide training for school personnel and other adults who interact with school-aged youth to detect and respond to mental health issues, and connect school-aged youth who may have behavioral health issues and their families to needed services.
- Provides a set aside of **\$28 million** for grants to support trauma care in school settings.
- Appropriates **\$40 million** over four years for the National Child Traumatic Stress Network to improve treatment and services for children, adolescents, and families who have experienced traumatic events.

- Appropriates **\$150 million** to support implementation of the 9-8-8 Suicide and Crisis Lifeline that provides 24/7, free and confidential support to people in suicidal crisis or emotional distress.

Education Provisions

- Provides **\$1 billion** for the Safe and Healthy Students Programs in Title IV-A of the ESEA. Funding is available to support student well-being and safety and improve campus climates to support student learning.
- Provides **\$50 million** for the 21st Century Community Learning Center programs in Title IV-B of the ESEA. Funding is available for summer and after school programs to support students when they are out of school.
- Provides **\$500 million** to the School Based Mental Health Service Professionals Demonstration Grant program to train, increase, and diversify the pipeline of school-based counselors, social workers and psychologists.
- Provides **\$500 million** to the School Based Mental Health Services Grant program to increase the number of qualified mental health providers in low-resourced school districts.
- Prohibits the use of funding under the Elementary and Secondary Education Act (ESEA) to purchase, train, or use a dangerous weapon.
- Codifies [schoolsafety.gov](https://www.schoolsafety.gov) through the Luke and Alex School Safety Act of 2022. [Schoolsafety.gov](https://www.schoolsafety.gov) is a national clearinghouse that provides information on grant funding opportunities to support a safe and supportive learning environment in schools.