

118TH CONGRESS
1ST SESSION

S. 1082

To provide for safe schools and safe communities.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2023

Mr. CRUZ (for himself and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for safe schools and safe communities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing Our Schools
5 Act of 2023”.

6 **SEC. 2. NONPROFIT SECURITY GRANT PROGRAM.**

7 Section 2009 of the Homeland Security Act of 2002
8 (6 U.S.C. 609a) is amended—

9 (1) in subsection (e), by striking “2022 through
10 2028” and inserting “2023 through 2029”;

1 (2) by redesignating subsection (i) as subsection
2 (1);

3 (3) by inserting after subsection (h) the fol-
4 lowing:

5 “(i) FEEDBACK.—

6 “(1) IN GENERAL.—If the Administrator denies
7 an application for a grant under this section, not
8 later than 120 days after the date of the denial, the
9 Administrator shall—

10 “(A) notify the applicant; and

11 “(B) provide an explanation for the denial.

12 “(2) EXPLANATION.—An explanation described
13 in paragraph (1)(B) shall include information identi-
14 fying the reason for the denial of the application, in-
15 cluding—

16 “(A) any factors that led to a lower score
17 or rank compared to other applicants; and

18 “(B) an identification of any deficiencies in
19 the application.

20 “(j) ADMINISTRATIVE COSTS AND TECHNICAL AS-
21 SISTANCE.—A State through which the Administrator
22 makes a grant to an eligible nonprofit organization under
23 this section shall receive a 5-percent increase in the
24 amount of the grant—

25 “(1) for administrative costs; and

1 “(2) to provide technical assistance to the eligi-
2 ble nonprofit organization.

3 “(k) APPLICATION UPDATE AND IMPROVEMENTS.—

4 “(1) PUBLIC MEETING.—Not later than 90
5 days after the date of enactment of the Securing
6 Our Schools Act of 2023, the Administrator shall
7 hold a public meeting to solicit recommendations on
8 updating the application process for a grant under
9 this section.

10 “(2) REPORT.—Not later than 180 days after
11 the date of enactment of the Securing Our Schools
12 Act of 2023, the Administrator shall—

13 “(A) develop recommendations to mod-
14 ernize and update the application process for a
15 grant under this section, which shall include
16 considerations for—

17 “(i) establishing a more streamlined
18 application process;

19 “(ii) establishing greater uniformity in
20 the application process among all appli-
21 cants and the guidance provided to States
22 through which the Administrator makes
23 grants to eligible nonprofit organizations
24 under this section;

1 “(iii) ensuring that the application
2 template is compatible with the latest or
3 most widely used version of software pro-
4 grams; and

5 “(iv) coordinating with the Adminis-
6 trator of General Services to ensure that
7 applications submitted under this section
8 are compatible across online platforms of
9 the Federal Government; and

10 “(B) submit to the Committee on Home-
11 land Security and Governmental Affairs of the
12 Senate and the Committee on Homeland Secu-
13 rity of the House of Representatives a report
14 that includes—

15 “(i) the recommendations developed
16 under subparagraph (A); and

17 “(ii) a description of whether the rec-
18 ommendations developed under subpara-
19 graph (A) are consistent with feedback re-
20 ceived at the public meeting required under
21 paragraph (1).

22 “(3) IMPLEMENTATION OF RECOMMENDA-
23 TIONS.—Not later than 270 days after the date of
24 enactment of the Securing Our Schools Act of 2023,

1 the Administrator shall implement the recommenda-
2 tions developed under paragraph (2)(A).

3 “(4) PAPERWORK REDUCTION ACT WAIVER.—
4 For the purpose of meeting the deadlines established
5 under this subsection, the Secretary may waive the
6 application of subchapter I of chapter 35 of title 44,
7 United States Code, to the requirements of this sub-
8 section.”; and

9 (4) in subsection (l), as so redesignated—

10 (A) by amending paragraph (1) to read as
11 follows:

12 “(1) IN GENERAL.—There is authorized to be
13 appropriated for grants under this section—

14 “(A) \$360,000,000 for fiscal year 2023, of
15 which—

16 “(i) \$180,000,000 shall be for recipi-
17 ents in high-risk urban areas that receive
18 funding under section 2003; and

19 “(ii) \$180,000,000 shall be for recipi-
20 ents in jurisdictions that do not so receive
21 such funding; and

22 “(B) \$480,000,000 for each of fiscal years
23 2024 through 2029.”;

24 (B) in paragraph (2), by striking “2028”
25 and inserting “2029”; and

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

2 “(3) HIGH-RISK URBAN AREAS.—Of the
3 amounts made available to carry out this section for
4 each of fiscal years 2024 through 2029, not less
5 than 0.35 percent shall be for grants to eligible re-
6 cipients located in each high-risk urban area receiv-
7 ing grants under section 2003.

8 “(4) SALARIES AND EXPENSES.—Of the
9 amounts made available to carry out this section in
10 any fiscal year, the Administrator may transfer to
11 another account of the Federal Emergency Manage-
12 ment Agency not more than 3 percent for salaries
13 and administrative expenses, including any necessary
14 expenses to provide feedback or technical assistance
15 to applicants for a grant under this section in ac-
16 cordance with subsection (j).”

17 **SEC. 3. SECURING SCHOOLS.**

18 (a) IN GENERAL.—

19 (1) APPROPRIATION.—There are authorized to
20 be appropriated, and there are appropriated, to the
21 Secretary of Education to carry out subpart 1 of
22 part A of title IV of the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 7111),
24 \$2,560,000,000 for fiscal years 2024 through 2033.

1 (2) SCHOOL SECURITY.—The Secretary of Edu-
2 cation shall use 50 percent of the funds appropriated
3 under paragraph (1) to carry out clause (v) of sec-
4 tion 4104(b)(3)(B) of the Elementary and Sec-
5 ondary Education Act of 1965 (20 U.S.C.
6 7114(b)(3)(B)).

7 (b) ELEMENTARY AND SECONDARY EDUCATION ACT
8 OF 1965.—Section 4104 of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 7114) is amended in
10 subsection (b)(3)(B)—

11 (1) in clause (iii), by striking “and” at the end;
12 and

13 (2) by inserting after clause (iv) the following:

14 “(v) improving school conditions for
15 student learning, by enabling local edu-
16 cational agencies to use funds available
17 under subsection (a)(3) for the purpose of
18 planning and designing school buildings
19 and facilities, installing infrastructure, and
20 implementing technology or other meas-
21 ures, that strengthen security on school
22 premises, which may include—

23 “(I) controlling access to school
24 premises or facilities, through the use
25 of metal detectors, or other measures,

1 or technology, with evidence-based ef-
2 fectiveness (to the extent the State in-
3 volved determines that such evidence
4 is reasonably available), which may in-
5 clude—

6 “(aa) secured campus exter-
7 nal gate or locked doors or check-
8 in points;

9 “(bb) active shooter alert
10 systems;

11 “(cc) access control;

12 “(dd) internal door locks;

13 “(ee) peepholes for class-
14 room doors;

15 “(ff) school site alarm and
16 protection systems;

17 “(gg) metal detectors or x-
18 ray machines (including port-
19 able);

20 “(hh) door locking mecha-
21 nisms and access control doors;

22 “(ii) increased lighting on
23 school grounds;

24 “(jj) emergency call boxes;

25 “(kk) two-way radios;

1 “(ll) emergency alerts;

2 “(mm) surveillance cameras
3 or systems and infrastructure
4 (such as poles and wiring);

5 “(nn) software costs and
6 warranties;

7 “(oo) fencing and gating;
8 and

9 “(pp) emergency generators
10 to provide back-up power for
11 phone systems, critical lighting,
12 and essential outlets;

13 “(II) implementing any tech-
14 nology or measure, or installing any
15 infrastructure, to cover and conceal
16 students within the school during cri-
17 sis situations;

18 “(III) implementing technology
19 to provide coordination with law en-
20 forcement and notification to relevant
21 law enforcement and first responders
22 during such a situation, which shall
23 include—

24 “(aa) emergency planning
25 and preparation;

1 “(bb) emphasis on a school
2 safety plan with buy in from all
3 elements of the school commu-
4 nity, including board members,
5 employees, students, parents, law
6 enforcers, government and busi-
7 ness leaders, the media, and local
8 residents;

9 “(cc) school implementation
10 of threat assessment programs;

11 “(dd) development of dis-
12 trict-based mandatory incident
13 reporting systems;

14 “(ee) establishment of local
15 school safety advisory groups (in-
16 cluding parents, families, judges,
17 first responders, health and
18 human service professionals, and
19 mental health professionals);

20 “(ff) evidence-based training
21 for school resource officers,
22 school personnel, and students to
23 prevent student violence to enable
24 them to recognize and quickly re-
25 spond to warning signs;

1 “(gg) development and oper-
2 ations of anonymous reporting
3 systems;

4 “(hh) evidence-based school
5 threat assessment and crisis
6 intervention teams;

7 “(ii) programs to facilitate
8 coordination with local law en-
9 forcement;

10 “(jj) liability and insurance
11 for school districts;

12 “(kk) trauma-informed
13 training for school staff on re-
14 sponses to active shooter situa-
15 tions; and

16 “(ll) community engagement
17 for planning and implementing
18 safety policies and procedures;

19 “(IV) implementing any tech-
20 nology or measure, including hiring
21 school security officers, or installing
22 any infrastructure, with evidence-
23 based effectiveness (to the extent the
24 State involved determines that such
25 evidence is reasonably available) to in-

1 crease the safety of school students
2 and staff;

3 “(V) implementing any tech-
4 nology or measure, or installing any
5 infrastructure, for school safety rein-
6 forcement, including bullet-resistant
7 doors and windows; and

8 “(VI) implementing any tech-
9 nology or system that would reduce
10 the time needed to disseminate official
11 information to parents regarding the
12 safety of their children during and im-
13 mediately following a crisis;”.

14 **SEC. 4. IMPROVING SCHOOL SECURITY THROUGH THE**
15 **COPS ON THE BEAT PROGRAM.**

16 Section 1701(b) of title I of the Omnibus Crime Con-
17 trol and Safe Streets Act of 1968 (34 U.S.C. 10381(b))
18 is amended—

19 (1) in paragraph (22), by striking “and” at the
20 end;

21 (2) in paragraph (23), by striking the period at
22 the end and inserting a semicolon; and

23 (3) by adding at the end the following:

24 “(24) to pay salaries and expenses of school re-
25 source officers at public, charter, and private ele-

1 elementary schools and secondary schools (as such
2 terms are defined under section 8101 of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 7801)); and

5 “(25) to improve physical school security at
6 public, charter, and private elementary schools and
7 secondary schools (as such terms are defined under
8 section 8101 of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 7801)) by obtaining
10 security equipment to protect students in schools
11 and equip law enforcement officers responding to
12 school security issues and installing physical struc-
13 ture improvements, including—

14 “(A) fencing, external gates, door locks,
15 and check-in points, to establish a secured cam-
16 pus;

17 “(B) active shooter alert systems;

18 “(C) access controls;

19 “(D) internal door locks;

20 “(E) school site alarm and protection sys-
21 tems;

22 “(F) metal detector or x-ray machines (in-
23 cluding portable machines);

24 “(G) ballistic safety equipment for schools
25 and responding law enforcement officers;

- 1 “(H) increased lighting on school grounds;
 2 “(I) emergency call boxes;
 3 “(J) two-way radios;
 4 “(K) emergency alert systems;
 5 “(L) surveillance cameras or systems, in-
 6 cluding infrastructure for such systems such as
 7 poles and wiring;
 8 “(M) software costs and warranties; and
 9 “(N) emergency generators to provide
 10 back-up power for phone systems, critical light-
 11 ing, and essential outlets.”.

12 **SEC. 5. STUDENT MENTAL HEALTH.**

13 (a) **STUDENT ACCESS TO MENTAL HEALTH PRO-**
 14 **GRAM FUND.—**

15 (1) **DEFINITIONS.—**In this subsection:

16 (A) **ELIGIBLE SCHOOL.—**The term “eligi-
 17 ble school” means a school in which the lowest
 18 grade at the school is not lower than grade 6
 19 and the highest grade at the school is not high-
 20 er than grade 12.

21 (B) **SECRETARY.—**The term “Secretary”
 22 means the Secretary of Education.

23 (2) **STUDENT ACCESS TO MENTAL HEALTH**
 24 **PROGRAM FUND.—**

1 (A) IN GENERAL.—From the funds made
2 available to carry out section 2001 of the Amer-
3 ican Rescue Plan Act of 2021 (20 U.S.C. 3401
4 note), \$10,000,000,000 shall be transferred to
5 establish the “Student Access to Mental Health
6 Program Fund”, to remain available through
7 September 30, 2032. The Secretary shall use
8 amounts available in such Fund to award
9 grants to States, from allocations under sub-
10 paragraph (B), to enable the States to support
11 the salary of a mental health professional in eli-
12 gible schools located in the State.

13 (B) ALLOCATION.—From the amounts
14 available in the Fund established under sub-
15 paragraph (A), the Secretary shall make an al-
16 location to each State in the same proportion as
17 the number of eligible schools located in the
18 State.

19 (C) PARTNERSHIP.—

20 (i) IN GENERAL.—A State awarded a
21 grant under this subsection shall comply
22 with the following:

23 (I) The State shall use the grant
24 funds to cover the cost of the salary,
25 which shall be not more than \$55,000,

1 for 10 years for a mental health pro-
2 fessional to serve eligible schools lo-
3 cated in the State. Such mental health
4 professional shall serve not more than
5 5 eligible schools in any school year by
6 rotating among the schools for not
7 less than 1 day a week at each such
8 school.

9 (II) The State shall expend non-
10 Federal funds to pay for the other
11 costs of recruitment, training, and
12 benefits for each such mental health
13 professional, and any other expenses
14 related to such employment.

15 (ii) CONDITIONS OF GRANTS.—A
16 State awarded a grant under this sub-
17 section shall require that each eligible
18 school served by the grant—

19 (I) provide to the parents of any
20 student enrolled in the school who has
21 not reached age 19 who meets with a
22 mental health professional employed
23 at the school with all counseling
24 records and mental health assess-
25 ments for such student;

1 (II) not teach Critical Race The-
2 ory or include Critical Race Theory in
3 any school program; and

4 (III) not advocate for abortion or
5 abortion services in any form.

6 (b) FUNDS FOR PROGRAMS.—The unobligated bal-
7 ance of funds made available to carry out sections 2021
8 and 6002 of the American Rescue Plan Act of 2021 (Pub-
9 lic Law 117–2) shall be transferred to, and evenly divided
10 among, the following programs:

11 (1) Project AWARE State Educational Agency
12 Grant Program carried out by the Secretary of
13 Health and Human Services.

14 (2) Student Support and Academic Enrichment
15 Grant Program carried out by the Secretary of Edu-
16 cation.

17 (3) Community Mental Health Services Block
18 Grant Program carried out by the Secretary of
19 Health and Human Services.

20 (4) Children’s Mental Health Initiative of the
21 Substance Abuse and Mental Health Services Ad-
22 ministration.

23 (c) BEST PRACTICES.—

24 (1) ESEA DEFINITIONS.—In this subsection,
25 the terms “elementary school” and “secondary

1 school” have the meanings given the terms in section
2 8101 of the Elementary and Secondary Education
3 Act of 1965 (20 U.S.C. 7801).

4 (2) DEVELOPMENT AND DISSEMINATION OF
5 BEST PRACTICES.—Not later than 1 year after the
6 date of enactment of this Act, the Administrator of
7 the Substance Abuse and Mental Health Services
8 Administration, the Secretary of Health and Human
9 Services, and the Secretary of Education shall work
10 in consultation to—

11 (A) develop best practices for identifying
12 warning signs of mental health problems with
13 students and identify warning signs for teachers
14 and administrator that a student is at high-risk
15 for violence, specifically for a mass shooting;

16 (B) develop best practices for identifying
17 warning signs of mental health problems with
18 children and identify warning signs for individ-
19 uals who work at a social service agency that a
20 child under the age of 18 is at high-risk for vio-
21 lence, specifically for a mass shooting; and

22 (C) disseminate the best practices devel-
23 oped under subparagraphs (A) and (B) to each
24 elementary school and secondary school in the
25 United States, and publish the best practices on

1 a publicly accessible website of the Department
2 of Education and the Substance Abuse and
3 Mental Health Services Administration.

4 (d) GAO STUDY.—

5 (1) IN GENERAL.—The Comptroller General of
6 the United States shall conduct a study on how
7 many elementary schools and secondary schools in
8 the United States have a mental health provider for
9 students, how many students take advantage of the
10 mental health services, the main causes for students
11 to access the services.

12 (2) ESEA DEFINITIONS.—In this subsection,
13 the terms “elementary school” and “secondary
14 school” have the meanings given the terms in section
15 8101 of the Elementary and Secondary Education
16 Act of 1965 (20 U.S.C. 7801).

17 **SEC. 6. AUTHORIZATION AND APPROPRIATIONS OF FUNDS.**

18 The unobligated balance of funds made available to
19 carry out section 18003 of division B of the CARES Act
20 (Public Law 116–136; 134 Stat. 565), section 313 of the
21 Coronavirus Response and Relief Supplemental Appro-
22 priations Act, 2021 (division M of Public Law 116–260;
23 134 Stat. 1929), and section 2001 of the American Rescue
24 Plan Act of 2021 (20 U.S.C. 3401 note) shall be trans-

1 ferred to the Secretary of Education to be used to carry
2 out this Act in an amount not to exceed \$38,000,000,000.

3 **SEC. 7. NO FEDERAL FUNDING FOR ABORTIONS.**

4 (a) IN GENERAL.—No funds authorized or appro-
5 priated by this Act, or an amendment made by this Act,
6 shall be expended for any abortion or counseling that re-
7 sults in encouraging, facilitating, or referral for an abor-
8 tion.

9 (b) HEALTH BENEFITS COVERAGE.—No funds au-
10 thorized or appropriated by this Act, or an amendment
11 made by this Act, shall be expended for health benefits
12 coverage that includes coverage of abortion.

13 (c) EXCEPTIONS.—The limitations established in
14 paragraphs (a) and (b) shall not apply to an abortion—

15 (1) if the pregnancy is the result of an act of
16 rape or incest; or

17 (2) in the case where a woman suffers from a
18 physical disorder, physical injury, or physical illness,
19 including a life-endangering physical condition
20 caused by or arising from the pregnancy itself, that
21 would, as certified by a physician, place the woman
22 in danger of death unless an abortion is performed.

○