

106TH CONGRESS
2D SESSION

H. R. 5218

To provide grant funds to units of local government that comply with certain requirements and to amend certain Federal firearms laws.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2000

Mr. GILMAN introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide grant funds to units of local government that comply with certain requirements and to amend certain Federal firearms laws.

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 “Safer America For
5 Everyone’s Children (SAFE Children) Act”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated \$10,000,000
8 for fiscal year 2002 to carry out titles I, II, and IV.

1 **TITLE I—SAFE COMMUNITIES**

2 **SEC. 101. PROGRAM AUTHORIZED.**

3 The Attorney General is authorized to provide grants
4 to units of local government that comply with the require-
5 ments of section 102(a).

6 **SEC. 102. ELIGIBILITY REQUIREMENTS.**

7 (a) IN GENERAL.—To be a eligible to receive a grant
8 under this title, a unit of local government shall have in
9 effect, for a period of not less than 1 year, the following
10 programs:

11 (1) GUN BUYBACK.—A program under which—

12 (A) the unit of local government offers to
13 purchase any semiautomatic firearm for \$100,
14 and to purchase any other firearm for \$50;

15 (B) the offer is renewed not less frequently
16 than every 6 months; and

17 (C) the unit of local government transmits
18 to the Bureau of Alcohol, Tobacco and Fire-
19 arms, with respect to each 6-month period dur-
20 ing which the program is in effect, a report on
21 the volume and types of firearms obtained
22 through the program during the period.

23 (2) SCHOOL VIOLENCE INITIATIVES.—School vi-
24 olence initiatives that implement comprehensive

1 strategies to ensure a learning environment at school
2 that is safe and drug-free.

3 (3) OPPORTUNITIES DURING NON-SCHOOL
4 HOURS.—Activities to meet the child care needs of
5 parents during non-school hours, including before-
6 and after-school, weekends, holidays, and vacation
7 periods. Such activities shall be designed to focus on
8 the social, physical, emotional, moral, or cognitive
9 well being of students and may include leadership
10 development, character training, delinquency preven-
11 tion, sports and recreation, arts, tutoring, academic
12 enrichment, or other activities to meet the needs of
13 the local community.

14 (b) PRIORITY.—In awarding grants under this sec-
15 tion, the Attorney General shall give priority to applica-
16 tions from eligible units of local government that have the
17 highest number of children aged 5 though 17 and highest
18 rate of violent crime.

19 (c) FEDERAL SHARE.—

20 (1) IN GENERAL.—The Federal share of the
21 cost of expanding a program described in subsection
22 (a) may not exceed 80 percent.

23 (2) NON-FEDERAL SHARE.—The non-Federal
24 share of a grant under this title shall be 20 percent
25 of the cost of expanding the activities described in

1 subsection (a) and may be in cash or in kind, fairly
2 evaluated (including the provision of equipment,
3 services, or facilities), from State or local sources.

4 **SEC. 103. USES OF FUNDS.**

5 A unit of local government that receives a grant
6 award under this title may use funds received to expand
7 programs described in section 102(a).

8 **SEC. 104. REPORTS.**

9 (a) LOCAL REPORTS.—Each unit of local government
10 that receives a grant award under this title shall submit
11 an annual report to the Attorney General regarding the
12 effectiveness of the programs expanded through such
13 award.

14 (b) REPORT TO CONGRESS.—The Attorney General
15 shall compile the results of reports submitted under sub-
16 section (a) and submit such information on an annual
17 basis to the appropriate committees of Congress.

18 **SEC. 105. DEFINITION.**

19 For purposes of this title and title II, the term “unit
20 of local government” means a county, municipality, town,
21 township, village, parish, borough, Indian tribe, or other
22 general purpose political subdivision of a State.

1 **TITLE II—SAFE STATES**

2 **SEC. 201. PROGRAM AUTHORIZED.**

3 The Attorney General is authorized to provide grants
4 to States that comply with the requirements of section
5 202(a).

6 **SEC. 202. ELIGIBILITY REQUIREMENTS.**

7 (a) IN GENERAL.—To be a eligible to receive a grant
8 under this title, a State shall have in effect laws which—

9 (1) impose criminal penalties on a person who
10 purchases a handgun in the State if the person has
11 not attained 21 years of age;

12 (2) require each person who is licensed under
13 section 923 of title 18, United States Code, to sell
14 a secure gun storage or safety device (as defined in
15 section 921(a)(34) of such title) with each firearm
16 sold by the person; and

17 (3) create a public-private partnership to sup-
18 port organizations and units of local governments
19 that promote safe schools and gun safety.

20 (b) PRIORITY.—In awarding grants under this sec-
21 tion, the Attorney General shall give priority to applica-
22 tions from eligible States that have the highest number
23 of children aged 5 though 17 and the highest rate of vio-
24 lent crime.

25 (c) FEDERAL SHARE.—

1 (1) IN GENERAL.—The Federal share of the
2 cost of carrying out a program described in sub-
3 section (a) may not exceed 80 percent.

4 (2) NON-FEDERAL SHARE.—The non-Federal
5 share of a grant under this title shall be 20 percent
6 of the cost of carrying out the activities described in
7 subsection (a) and may be in cash or in kind, fairly
8 evaluated (including the provision of equipment,
9 services, or facilities), from State sources.

10 **SEC. 203. USES OF FUNDS.**

11 A State that receives a grant award under this title
12 may use funds received to enforce programs described in
13 section 202(a).

14 **SEC. 204. REPORTS.**

15 (a) LOCAL REPORTS.—Each State that receives a
16 grant award under this title shall submit an annual report
17 to the Attorney General regarding the effectiveness of the
18 program implemented with such award.

19 (b) REPORT TO CONGRESS.—The Attorney General
20 shall compile the results of reports submitted under sub-
21 section (a) and submit such information on an annual
22 basis to the appropriate committees of Congress.

1 **TITLE III—FEDERAL FIREARMS**
2 **LAWS**
3 **Subtitle A—Ban on Importation of**
4 **Large Capacity Ammunition**
5 **Feeding Devices**

6 **SEC. 301. SHORT TITLE.**

7 This subtitle may be cited as the “Juvenile Assault
8 Weapon Loophole Closure Act”.

9 **SEC. 302. BAN ON IMPORTING LARGE CAPACITY AMMUNI-**
10 **TION FEEDING DEVICES.**

11 Section 922(w) of title 18, United States Code, is
12 amended—

13 (1) in paragraph (1), by striking “(1) Except as
14 provided in paragraph (2)” and inserting “(1)(A)
15 Except as provided in subparagraph (B)”;

16 (2) in paragraph (2), by striking “(2) Para-
17 graph (1)” and inserting “(B) Subparagraph (A)”;

18 (3) by inserting before paragraph (3) the fol-
19 lowing:

20 “(2) It shall be unlawful for any person to import
21 a large capacity ammunition feeding device.”; and

22 (4) in paragraph (4)—

23 (A) by striking “(1)” each place it appears
24 and inserting “(1)(A)”;

1 (B) by striking “(2)” and inserting
2 “(1)(B)”.

3 **SEC. 303. DEFINITION OF LARGE CAPACITY AMMUNITION**
4 **FEEDING DEVICE.**

5 Section 921(a)(31) of title 18, United States Code,
6 is amended by striking “manufactured after the date of
7 enactment of the Violent Crime Control and Law Enforce-
8 ment Act of 1994”.

9 **Subtitle B—Community Protection**
10 **Act**

11 **SEC. 311. SHORT TITLE.**

12 This subtitle may be cited as the “Community Pro-
13 tection Act”.

14 **SEC. 312. EXEMPTION OF QUALIFIED LAW ENFORCEMENT**
15 **OFFICERS FROM STATE LAWS PROHIBITING**
16 **THE CARRYING OF CONCEALED FIREARMS.**

17 (a) IN GENERAL.—Chapter 44 of title 18, United
18 States Code, is amended by inserting after section 926A
19 the following:

20 **“§ 926B. Carrying of concealed firearms by qualified**
21 **law enforcement officers**

22 “(a) Notwithstanding any other provision of the law
23 of any State or any political subdivision thereof, an indi-
24 vidual who is a qualified law enforcement officer and who
25 is carrying the identification required by subsection (d)

1 may carry a concealed firearm that has been shipped or
2 transported in interstate or foreign commerce, subject to
3 subsection (b).

4 “(b) This section shall not be construed to supersede
5 or limit the laws of any State that—

6 “(1) permit private persons or entities to pro-
7 hibit or restrict the possession of concealed firearms
8 on their property; or

9 “(2) prohibit or restrict the possession of fire-
10 arms on any State or local government property, in-
11 stallation, building, base, or park.

12 “(c) As used in this section, the term ‘qualified law
13 enforcement officer’ means an employee of a governmental
14 agency who—

15 “(1) is authorized by law to engage in or super-
16 vise the prevention, detection, investigation, or pros-
17 ecution of, or the incarceration of any person for,
18 any violation of law, and has statutory powers of ar-
19 rest;

20 “(2) is authorized by the agency to carry a fire-
21 arm;

22 “(3) is not the subject of any disciplinary action
23 by the agency; and

1 “(4) meets standards, if any, established by the
2 agency which require the employee to regularly qual-
3 ify in the use of a firearm.

4 “(d) The identification required by this subsection is
5 the official badge and photographic identification issued
6 by the governmental agency for which the individual is em-
7 ployed as a law enforcement officer.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for such chapter is amended by inserting after the item
10 relating to section 926A the following:

 “926B. Carrying of concealed firearms by qualified law enforcement officers.”.

11 **SEC. 313. EXEMPTION OF QUALIFIED RETIRED LAW EN-**
12 **FORCEMENT OFFICERS FROM STATE LAWS**
13 **PROHIBITING THE CARRYING OF CON-**
14 **CEALED FIREARMS.**

15 (a) IN GENERAL.—Chapter 44 of title 18, United
16 States Code, is further amended by inserting after section
17 926B the following:

18 **“§ 926C. Carrying of concealed firearms by qualified**
19 **retired law enforcement officers**

20 “(a) Notwithstanding any other provision of the law
21 of any State or any political subdivision thereof, an indi-
22 vidual who is a qualified retired law enforcement officer
23 and who is carrying the identification required by sub-
24 section (d) may carry a concealed firearm that has been

1 shipped or transported in interstate or foreign commerce,
2 subject to subsection (b).

3 “(b) This section shall not be construed to supersede
4 or limit the laws of any State that—

5 “(1) permit private persons or entities to pro-
6 hibit or restrict the possession of concealed firearms
7 on their property; or

8 “(2) prohibit or restrict the possession of fire-
9 arms on any State or local government property, in-
10 stallation, building, base, or park.

11 “(c) As used in this section, the term ‘qualified re-
12 tired law enforcement officer’ means an individual who—

13 “(1) retired in good standing from service with
14 a public agency as a law enforcement officer, other
15 than for reasons of mental instability;

16 “(2) before such retirement, was authorized by
17 law to engage in or supervise the prevention, detec-
18 tion, investigation, or prosecution of, or the incarcer-
19 ation of any person for, any violation of law, and
20 had statutory powers of arrest;

21 “(3)(A) before such retirement, was regularly
22 employed as a law enforcement officer for an aggre-
23 gate of 5 years or more; or

24 “(B) retired from service with such agency,
25 after completing any applicable probationary period

1 of such service, due to a service-connected disability,
2 as determined by such agency;

3 “(4) has a nonforfeitable right to benefits under
4 the retirement plan of the agency;

5 “(5) during the most recent 12-month period
6 or, if the agency requires active duty officers to do
7 so with lesser frequency than every 12 months, dur-
8 ing such most recent period as the agency requires
9 with respect to active duty officers, has completed,
10 at the expense of the individual, a program approved
11 by the State for training or qualification in the use
12 of firearms; and

13 “(6) is not prohibited by Federal law from re-
14 ceiving a firearm.

15 “(d) The identification required by this subsection is
16 photographic identification issued by the State in which
17 the agency for which the individual was employed as a law
18 enforcement officer is located.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for such chapter is further amended by inserting after the
21 item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement offi-
cers.”.

1 **TITLE IV—SCHOOL**
2 **PSYCHOLOGICAL COUNSELING**

3 **SEC. 401. SCHOOL COUNSELING DEMONSTRATION.**

4 (a) COUNSELING DEMONSTRATION.—

5 (1) IN GENERAL.—The Secretary may award
6 grants or enter into contracts under this section to
7 establish or expand elementary and secondary school
8 counseling programs.

9 (2) PRIORITY.—In awarding grants under this
10 section, the Secretary shall give special consideration
11 to applications describing programs that—

12 (A) demonstrate the greatest need for new
13 or additional counseling services among the
14 children in the schools served by the applicant;

15 (B) propose the most promising and inno-
16 vative approaches for initiating or expanding
17 school psychological counseling; and

18 (C) show the greatest potential for replica-
19 tion and dissemination.

20 (3) EQUITABLE DISTRIBUTION.—In awarding
21 grants under this section, the Secretary shall ensure
22 an equitable geographic distribution among the re-
23 gions of the United States and among urban, subur-
24 ban, and rural areas.

1 (4) DURATION.—A grant under this section
2 shall be awarded for a period not to exceed three
3 years.

4 (5) MAXIMUM GRANT.—A grant under this sec-
5 tion shall not exceed \$400,000 for any fiscal year.

6 (b) APPLICATIONS.—

7 (1) IN GENERAL.—Each local educational agen-
8 cy desiring a grant under this section shall submit
9 an application to the Secretary at such time, in such
10 manner, and accompanied by such information as
11 the Secretary may reasonably require.

12 (2) CONTENTS.—Each application for a grant
13 under this section shall—

14 (A) describe the school population to be
15 targeted by the program, the particular per-
16 sonal, social, emotional, and behavioral needs of
17 such population, and the current school psycho-
18 logical counseling resources available for meet-
19 ing such needs;

20 (B) describe the activities, services, and
21 training to be provided by the program and the
22 specific approaches to be used to meet the
23 needs described in subparagraph (A);

1 (C) describe the methods to be used to
2 evaluate the outcomes and effectiveness of the
3 program;

4 (D) describe the collaborative efforts to be
5 undertaken with institutions of higher edu-
6 cation, businesses, labor organizations, commu-
7 nity groups, social service agencies, and other
8 public or private entities to enhance the pro-
9 gram and promote school-linked services inte-
10 gration;

11 (E) describe collaborative efforts with in-
12 stitutions of higher education which specifically
13 seek to enhance or improve graduate programs
14 specializing in the preparation of school psy-
15 chologists;

16 (F) document that the applicant has the
17 personnel qualified to develop, implement, and
18 administer the program;

19 (G) describe how any diverse cultural pop-
20 ulations, if applicable, would be served through
21 the program;

22 (H) assure that the funds made available
23 under this part for any fiscal year will be used
24 to supplement and, to the extent practicable, in-
25 crease the level of funds that would otherwise

1 be available from non-Federal sources for the
2 program described in the application, and in no
3 case supplant such funds from non-Federal
4 sources; and

5 (I) assure that the applicant will appoint
6 an advisory board composed of parents, school
7 counselors, school psychologists, school social
8 workers, other pupil services personnel, teach-
9 ers, school administrators, and community lead-
10 ers to advise the local educational agency on the
11 design and implementation of the program.

12 (c) USE OF FUNDS.—

13 (1) IN GENERAL.—Grant funds under this sec-
14 tion shall be used to initiate or expand school psy-
15 chological counseling programs that comply with the
16 requirements in paragraph (2).

17 (2) PROGRAM REQUIREMENTS.—Each program
18 assisted under this section shall—

19 (A) be comprehensive in addressing the
20 personal, social, and emotional well being of all
21 students;

22 (B) use a developmental, preventive ap-
23 proach to psychological counseling;

24 (C) increase the range, availability, quan-
25 tity, and quality of psychological counseling

1 services in the schools of the local educational
2 agency;

3 (D) expand psychological counseling serv-
4 ices only through qualified school psychologists;

5 (E) use innovative approaches to increase
6 children's understanding of peer and family re-
7 lationships, work and self, decisionmaking, aca-
8 demic and career planning, or to improve social
9 functioning;

10 (F) provide psychological counseling serv-
11 ices that are well-balanced among classroom
12 group and small group counseling, individual
13 counseling, and consultation with parents,
14 teachers, administrators, and other pupil serv-
15 ices personnel;

16 (G) include inservice training for school
17 psychologists;

18 (H) involve parents of participating stu-
19 dents in the design, implementation, and eval-
20 uation of a psychological counseling program;

21 (I) involve collaborative efforts with insti-
22 tutions of higher education, businesses, labor
23 organizations, community groups, social service
24 agencies, or other public or private entities to

1 enhance the program and promote school-linked
2 services integration; and

3 (J) evaluate annually the effectiveness and
4 outcomes of the psychological counseling serv-
5 ices and activities assisted under this section.

6 (3) REPORT.—The Secretary shall issue a re-
7 port evaluating the programs assisted pursuant to
8 each grant under this subsection at the end of each
9 grant period in accordance with section 1, but in no
10 case later than January 30, 2004.

11 (4) DISSEMINATION.—The Secretary shall
12 make the programs assisted under this section avail-
13 able for dissemination, either through the National
14 Diffusion Network or other appropriate means.

15 (5) LIMIT ON ADMINISTRATION.—Not more
16 than five percent of the amounts made available
17 under this section in any fiscal year shall be used for
18 administrative costs to carry out this section.

19 (d) DEFINITIONS.—For purposes of this section—

20 (1) the term “school psychologist” means an in-
21 dividual who—

22 (A) possesses a minimum of 60 graduate
23 semester hours in school psychology from an in-
24 stitution of higher education and has completed
25 1,200 clock hours in a supervised school psy-

1 chology internship, of which 600 hours shall be
2 in the school setting;

3 (B) possesses State licensure or certifi-
4 cation in the State in which the individual
5 works; or

6 (C) in the absence of such State licensure
7 or certification, possesses national certification
8 by the National School Psychology Certification
9 Board;

10 (2) the terms “elementary school”, “local edu-
11 cational agency”, and “secondary school” have the
12 same meanings given such terms in section 14101 of
13 the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 8801); and

15 (3) the term “Secretary” means the Secretary
16 of Education.

○