

Calendar No. 24

113TH CONGRESS
1ST SESSION

S. 146

To enhance the safety of America's schools.

IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2013

Mrs. BOXER (for herself, Ms. COLLINS, Mr. BLUMENTHAL, and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 12, 2013

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To enhance the safety of America's schools.

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 “School Safety En-
5 hancements Act of 2013”.

1 **SEC. 2. GRANT PROGRAM FOR SCHOOL SECURITY.**

2 Section 2701 of title I of the Omnibus Crime Control
3 and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amend-
4 ed—

5 (1) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking “Placement” and in-
8 serting “Installation”; and

9 (ii) by inserting “surveillance equip-
10 ment,” after “detectors.”;

11 (B) by redesignating paragraph (5) as
12 paragraph (6); and

13 (C) by inserting after paragraph (4) the
14 following:

15 “(5) Establishment of hotlines or tiplines for
16 the reporting of potentially dangerous students and
17 situations.”;

18 (2) in subsection (d), by striking paragraph (1)
19 and inserting the following:

20 “(1) The Federal share of the costs of a pro-
21 gram provided by a grant under subsection (a) shall
22 be not more than 80 percent of the total of such
23 costs.”; and

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

25 “(g) INTERAGENCY TASK FORCE.—

1 “(1) ESTABLISHMENT.—Not later than 60 days
 2 after the date of enactment of the School Safety En-
 3 hancements Act of 2013, the Director and the Sec-
 4 retary of Education, or the designee of the Sec-
 5 retary, shall establish an interagency task force to
 6 develop and promulgate a set of advisory school
 7 safety guidelines.

8 “(2) PUBLICATION OF GUIDELINES.—Not later
 9 than 1 year after the date of enactment of the
 10 School Safety Enhancements Act of 2013, the advi-
 11 sory school safety guidelines promulgated by the
 12 interagency task force shall be published in the Fed-
 13 eral Register.

14 “(3) REQUIRED CONSULTATION.—In developing
 15 the final advisory school safety guidelines under this
 16 subsection, the interagency task force shall consult
 17 with stakeholders and interested parties, including
 18 parents, teachers, and agencies.”.

19 **SEC. 3. APPLICATIONS.**

20 Section 2702(a)(2) of title I of the Omnibus Crime
 21 Control and Safe Streets Act of 1968 (42 U.S.C.
 22 3797b(a)(2)) is amended to read as follows:

23 “(2) be accompanied by a report—

24 “(A) signed by the heads of each law en-
 25 forcement agency and school district with juris-

1 diction over the schools where the safety im-
2 provements will be implemented; and

3 “~~(B)~~ demonstrating that each proposed use
4 of the grant funds will be—

5 “(i) an effective means for improving
6 the safety of ~~1~~ or more schools;

7 “(ii) consistent with a comprehensive
8 approach to preventing school violence; and

9 “(iii) individualized to the needs of
10 each school at which those improvements
11 are to be made.”.

12 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 2705 of title I of the Omnibus Crime Control
14 and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amend-
15 ed—

16 (1) by striking “\$30,000,000” and inserting
17 “\$100,000,000”; and

18 (2) by striking “2001 through 2009” and in-
19 serting “2014 through 2023”.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “School and Campus*
22 *Safety Enhancements Act of 2013”.*

1 **SEC. 2. GRANT PROGRAM FOR SCHOOL SECURITY.**

2 *Section 2701 of title I of the Omnibus Crime Control*
 3 *and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amend-*
 4 *ed—*

5 *(1) in subsection (b)—*

6 *(A) in paragraph (1)—*

7 *(i) by striking “Placement” and insert-*
 8 *ing “Installation”; and*

9 *(ii) by inserting “surveillance equip-*
 10 *ment,” after “detectors,”;*

11 *(B) by redesignating paragraph (5) as*
 12 *paragraph (6); and*

13 *(C) by inserting after paragraph (4) the fol-*
 14 *lowing:*

15 *“(5) Establishment of hotlines or tiplines for the*
 16 *reporting of potentially dangerous students and situa-*
 17 *tions.”; and*

18 *(2) by adding at the end the following:*

19 *“(g) INTERAGENCY TASK FORCE.—*

20 *“(1) ESTABLISHMENT.—Not later than 60 days*
 21 *after the date of enactment of the School and Campus*
 22 *Safety Enhancements Act of 2013, the Director and*
 23 *the Secretary of Education, or the designee of the Sec-*
 24 *retary, shall establish an interagency task force to de-*
 25 *velop and promulgate a set of advisory school safety*
 26 *guidelines.*

1 “(2) *PUBLICATION OF GUIDELINES.*—Not later
 2 than 1 year after the date of enactment of the School
 3 and Campus Safety Enhancements Act of 2013, the
 4 advisory school safety guidelines promulgated by the
 5 interagency task force shall be published in the Fed-
 6 eral Register.

7 “(3) *REQUIRED CONSULTATION.*—In developing
 8 the final advisory school safety guidelines under this
 9 subsection, the interagency task force shall consult
 10 with stakeholders and interested parties, including
 11 parents, teachers, and agencies.”.

12 **SEC. 3. APPLICATIONS.**

13 Section 2702(a)(2) of title I of the Omnibus Crime
 14 Control and Safe Streets Act of 1968 (42 U.S.C.
 15 3797b(a)(2)) is amended to read as follows:

16 “(2) be accompanied by a report—

17 “(A) signed by the heads of each law en-
 18 forcement agency and school district with juris-
 19 diction over the schools where the safety improve-
 20 ments will be implemented; and

21 “(B) demonstrating that each proposed use
 22 of the grant funds will be—

23 “(i) an effective means for improving
 24 the safety of 1 or more schools;

1 “(ii) consistent with a comprehensive
 2 approach to preventing school violence; and
 3 “(iii) individualized to the needs of
 4 each school at which those improvements are
 5 to be made.”.

6 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 2705 of title I of the Omnibus Crime Control
 8 and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amend-
 9 ed—

10 (1) by striking “\$30,000,000” and inserting
 11 “\$40,000,000”; and

12 (2) by striking “2001 through 2009” and insert-
 13 ing “2014 through 2023”.

14 **SEC. 5. ACCOUNTABILITY.**

15 Section 2701 of title I of the Omnibus Crime Control
 16 and Safe Streets Act of 1968 (42 U.S.C. 3797a), as amended
 17 by section 2 of this Act, is amended by adding at the end
 18 the following:

19 “(h) **ACCOUNTABILITY.**—All grants awarded by the At-
 20 torney General under this part shall be subject to the fol-
 21 lowing accountability provisions:

22 “(1) **AUDIT REQUIREMENT.**—

23 “(A) **DEFINITION.**—In this paragraph, the
 24 term ‘unresolved audit finding’ means a finding
 25 in the final audit report of the Inspector General

1 *of the Department of Justice that the audited*
2 *grantee has utilized grant funds for an unau-*
3 *thorized expenditure or otherwise unallowable*
4 *cost that is not closed or resolved within 12*
5 *months from the date when the final audit report*
6 *is issued.*

7 “(B) *AUDITS.*—*Beginning in the first fiscal*
8 *year beginning after the date of enactment of*
9 *this subsection, and in each fiscal year there-*
10 *after, the Inspector General of the Department of*
11 *Justice shall conduct audits of recipients of*
12 *grants under this part to prevent waste, fraud,*
13 *and abuse of funds by grantees. The Inspector*
14 *General shall determine the appropriate number*
15 *of grantees to be audited each year.*

16 “(C) *MANDATORY EXCLUSION.*—*A recipient*
17 *of grant funds under this part that is found to*
18 *have an unresolved audit finding shall not be eli-*
19 *gible to receive grant funds under this part dur-*
20 *ing the first 2 fiscal years beginning after the*
21 *end of the 12-month period described in subpara-*
22 *graph (A).*

23 “(D) *PRIORITY.*—*In awarding grants under*
24 *this part, the Attorney General shall give pri-*
25 *ority to eligible applicants that did not have an*

1 *unresolved audit finding during the 3 fiscal*
 2 *years before submitting an application for a*
 3 *grant under this part.*

4 “(E) *REIMBURSEMENT.*—*If an entity is*
 5 *awarded grant funds under this part during the*
 6 *2-fiscal-year period during which the entity is*
 7 *barred from receiving grants under subpara-*
 8 *graph (C), the Attorney General shall—*

9 “(i) *deposit an amount equal to the*
 10 *amount of the grant funds that were im-*
 11 *properly awarded to the grantee into the*
 12 *General Fund of the Treasury; and*

13 “(ii) *seek to recoup the costs of the re-*
 14 *payment to the fund from the grant recipi-*
 15 *ent that was erroneously awarded grant*
 16 *funds.*

17 “(2) *NONPROFIT ORGANIZATION REQUIRE-*
 18 *MENTS.*—

19 “(A) *DEFINITION.*—*For purposes of this*
 20 *paragraph and the grant programs under this*
 21 *part, the term ‘nonprofit organization’ means an*
 22 *organization that is described in section*
 23 *501(c)(3) of the Internal Revenue Code of 1986*
 24 *and is exempt from taxation under section*
 25 *501(a) of such Code.*

1 “(B) *PROHIBITION.*—*The Attorney General*
2 *may not award a grant under this part to a*
3 *nonprofit organization that holds money in off-*
4 *shore accounts for the purpose of avoiding pay-*
5 *ing the tax described in section 511(a) of the In-*
6 *ternal Revenue Code of 1986.*

7 “(C) *DISCLOSURE.*—*Each nonprofit organi-*
8 *zation that is awarded a grant under this part*
9 *and uses the procedures prescribed in regulations*
10 *to create a rebuttable presumption of reasonable-*
11 *ness for the compensation of its officers, direc-*
12 *tors, trustees and key employees, shall disclose to*
13 *the Attorney General, in the application for the*
14 *grant, the process for determining such com-*
15 *penetration, including the independent persons in-*
16 *volved in reviewing and approving such com-*
17 *penetration, the comparability data used, and con-*
18 *temporaneous substantiation of the deliberation*
19 *and decision. Upon request, the Attorney General*
20 *shall make the information disclosed under this*
21 *subparagraph available for public inspection.*

22 “(3) *CONFERENCE EXPENDITURES.*—

23 “(A) *LIMITATION.*—*No amounts authorized*
24 *to be appropriated to the Department of Justice*
25 *under this part may be used by the Attorney*

1 *General, or by any individual or entity awarded*
2 *discretionary funds through a cooperative agree-*
3 *ment under this part, to host or support any ex-*
4 *penditure for conferences that uses more than*
5 *\$20,000 in funds made available by the Depart-*
6 *ment of Justice, unless the Deputy Attorney Gen-*
7 *eral or such Assistant Attorney Generals, Direc-*
8 *tors, or principal deputies as the Deputy Attor-*
9 *ney General may designate, provides prior writ-*
10 *ten authorization that the funds may be ex-*
11 *pended to host the conference.*

12 “(B) *WRITTEN APPROVAL.*—*Written ap-*
13 *proval under subparagraph (A) shall include a*
14 *written estimate of all costs associated with the*
15 *conference, including the cost of all food, bev-*
16 *erages, audio-visual equipment, honoraria for*
17 *speakers, and entertainment.*

18 “(C) *REPORT.*—*The Deputy Attorney Gen-*
19 *eral shall submit an annual report to the Com-*
20 *mittee on the Judiciary of the Senate and the*
21 *Committee on the Judiciary of the House of Rep-*
22 *resentatives on all conference expenditures ap-*
23 *proved under this paragraph.*

24 “(4) *ANNUAL CERTIFICATION.*—*Beginning in the*
25 *first fiscal year beginning after the date of enactment*

1 of this subsection, the Attorney General shall submit,
2 to the Committee on the Judiciary and the Committee
3 on Appropriations of the Senate and the Committee
4 on the Judiciary and the Committee on Appropria-
5 tions of the House of Representatives, an annual cer-
6 tification—

7 “(A) indicating whether—

8 “(i) all audits issued by the Office of
9 the Inspector General under paragraph (1)
10 have been completed and reviewed by the
11 appropriate Assistant Attorney General or
12 Director;

13 “(ii) all mandatory exclusions required
14 under paragraph (1)(C) have been issued;
15 and

16 “(iii) all reimbursements required
17 under paragraph (1)(E) have been made;
18 and

19 “(B) that includes a list of any grant re-
20 cipients excluded under paragraph (1) from the
21 previous year.”.

22 **SEC. 6. CAMPUS SAFETY ACT OF 2013.**

23 (a) *SHORT TITLE.*—This section may be cited as the
24 “Center to Advance, Monitor, and Preserve University Se-

1 *curity Safety Act of 2013” or the “CAMPUS Safety Act*
 2 *of 2013”.*

3 (b) *NATIONAL CENTER FOR CAMPUS PUBLIC SAFE-*
 4 *TY.—Subpart 1 of part E of title I of the Omnibus Crime*
 5 *Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et*
 6 *seq.) is amended—*

7 (1) *in section 501 (42 U.S.C. 3751)—*

8 (A) *in subsection (a)(1)—*

9 (i) *in the matter preceding subpara-*
 10 *graph (A), by inserting “or purposes” after*
 11 *“one or more of the following programs”;*
 12 *and*

13 (ii) *by adding at the end the following:*

14 *“(H) Making subawards to institutions of*
 15 *higher education and other nonprofit organiza-*
 16 *tions to assist the National Center for Campus*
 17 *Public Safety in carrying out the functions of*
 18 *the Center required under section 509(c).”;* and

19 (B) *in subsection (b)—*

20 (i) *in paragraph (1), by striking “or”*
 21 *at the end;*

22 (ii) *in paragraph (2), by striking the*
 23 *period and inserting “; or”;* and

24 (iii) *by adding at the end the fol-*
 25 *lowing:*

1 “(3) institutions of higher education and other
2 nonprofit organizations, for purposes of carrying out
3 section 509.”; and

4 (2) by adding at the end the following:

5 **“SEC. 509. NATIONAL CENTER FOR CAMPUS PUBLIC SAFE-**
6 **TY.**

7 “(a) *DEFINITION OF INSTITUTION OF HIGHER EDU-*
8 *CATION.—In this section, the term ‘institution of higher*
9 *education’ has the meaning given the term in section 101*
10 *of the Higher Education Act of 1965 (20 U.S.C. 1001).*

11 “(b) *AUTHORITY TO ESTABLISH AND OPERATE CEN-*
12 *TER.—The Attorney General may establish and operate a*
13 *National Center for Campus Public Safety (referred to in*
14 *this section as the ‘Center’).*

15 “(c) *FUNCTIONS OF THE CENTER.—The Center shall—*

16 “(1) provide quality education and training for
17 public safety personnel of institutions of higher edu-
18 cation and their collaborative partners, including
19 campus mental health agencies;

20 “(2) foster quality research to strengthen the
21 safety and security of institutions of higher education;

22 “(3) serve as a clearinghouse for the identifica-
23 tion and dissemination of information, policies, pro-
24 tocols, procedures, and best practices relevant to cam-
25 pus public safety, including off-campus housing safe-

1 *ty, the prevention of violence against persons and*
2 *property, and emergency response and evacuation*
3 *procedures;*

4 *“(4) coordinate with the Secretary of Homeland*
5 *Security, the Secretary of Education, State, local and*
6 *tribal governments and law enforcement agencies, pri-*
7 *vate and nonprofit organizations and associations,*
8 *and other stakeholders, to develop protocols and best*
9 *practices to prevent, protect against and respond to*
10 *dangerous and violent situations involving an imme-*
11 *diat threat to the safety of the campus community;*

12 *“(5) promote the development and dissemination*
13 *of effective behavioral threat assessment and manage-*
14 *ment models to prevent campus violence;*

15 *“(6) identify campus safety information (includ-*
16 *ing ways to increase off-campus housing safety) and*
17 *identify resources available from the Department of*
18 *Justice, the Department of Homeland Security, the*
19 *Department of Education, State, local, and tribal*
20 *governments and law enforcement agencies, and pri-*
21 *vate and nonprofit organizations and associations;*

22 *“(7) promote cooperation, collaboration, and*
23 *consistency in prevention, response, and problem-solv-*
24 *ing methods among public safety and emergency*
25 *management personnel of institutions of higher edu-*

1 *cation and their campus- and non-campus-based col-*
2 *laborative partners, including law enforcement, emer-*
3 *gency management, mental health services, and other*
4 *relevant agencies;*

5 *“(8) disseminate standardized formats and mod-*
6 *els for mutual aid agreements and memoranda of un-*
7 *derstanding between campus security agencies and*
8 *other public safety organizations and mental health*
9 *agencies; and*

10 *“(9) report annually to Congress on activities*
11 *performed by the Center during the previous 12*
12 *months.*

13 *“(d) COORDINATION WITH AVAILABLE RESOURCES.—*
14 *In establishing the Center, the Attorney General shall—*

15 *“(1) coordinate with the Secretary of Homeland*
16 *Security, the Secretary of Education, and appro-*
17 *priate State or territory officials;*

18 *“(2) ensure coordination with campus public*
19 *safety resources within the Department of Homeland*
20 *Security, including within the Federal Emergency*
21 *Management Agency, and the Department of Edu-*
22 *cation; and*

23 *“(3) coordinate within the Department of Justice*
24 *and existing grant programs to ensure against dupli-*
25 *cation with the program authorized by this section.*

1 “(e) *REPORTING AND ACCOUNTABILITY.*—At the end of
2 each fiscal year, the Attorney General shall—

3 “(1) issue a report that assesses the impacts, out-
4 comes and effectiveness of the grants distributed to
5 carry out this section;

6 “(2) in compiling such report, assess instances of
7 duplicative activity, if any, performed through grants
8 distributed to carry out this section and other grant
9 programs maintained by the Department of Justice,
10 the Department of Education, and the Department of
11 Homeland Security; and

12 “(3) make such report available on the Depart-
13 ment of Justice website and submit such report to the
14 Senate and House Judiciary Committees and the
15 Senate and House Appropriations Committees.”.

16 “(c) *RULE OF CONSTRUCTION.*—Nothing in this section
17 shall preclude public elementary and secondary schools or
18 their larger governing agencies from receiving the informa-
19 tional and training benefits of the National Center for Cam-
20 pus Public Safety authorized under section 509 of the Om-
21 nibus Crime Control and Safe Streets Act of 1968, as added
22 by this Act.

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