

# Union Calendar No. 227

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5428

[Report No. 117-307]

To require the Secretary of Education, in consultation with the Attorney General and the Secretary of Health and Human Services, to publish an annual report on indicators of school crime and safety that includes data on school shootings, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2021

Ms. WASSERMAN SCHULTZ (for herself, Mrs. HAYES, and Mrs. MCBATH) introduced the following bill; which was referred to the Committee on Education and Labor

MAY 6, 2022

Additional sponsors: Mrs. CAROLYN B. MALONEY of New York, Mr. LEVIN of Michigan, Mr. ALLRED, Ms. NORTON, Mr. CICILLINE, Mr. SUOZZI, Mr. KHANNA, Mr. BLUMENAUER, Ms. GARCIA of Texas, Ms. JAYAPAL, Mr. LARSON of Connecticut, Mr. AUCHINCLOSS, Ms. ADAMS, Ms. SCHAKOWSKY, Ms. MANNING, Mr. GRIJALVA, Mr. COHEN, Mr. MORELLE, Ms. BONAMICI, Ms. DEAN, Mrs. DINGELL, Mr. MFUME, Mr. COURTNEY, Mr. DESAULNIER, Mr. LARSEN of Washington, Mr. SABLAN, Mr. SWALWELL, Ms. ROYBAL-ALLARD, Mr. KRISHNAMOORTHY, Ms. STEVENS, Mr. BOWMAN, Ms. MENG, Mr. SOTO, Mr. JONES, Ms. ESHOO, Mrs. WATSON COLEMAN, Mrs. LURIA, Mr. CARSON, Mr. THOMPSON of Mississippi, Ms. WILSON of Florida, Mr. LANGEVIN, Mr. DAVID SCOTT of Georgia, Ms. SÁNCHEZ, Mr. GREEN of Texas, Ms. CASTOR of Florida, Mrs. CHERFILUS-McCORMICK, and Mr. NEGUSE

MAY 6, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on September 29, 2021]

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## **A BILL**

To require the Secretary of Education, in consultation with the Attorney General and the Secretary of Health and Human Services, to publish an annual report on indicators of school crime and safety that includes data on school shootings, and for other purposes.

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 Shooting Safety*  
5 *and Preparedness Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *TITLE 18 DEFINITIONS.—The terms “fire-*  
9 *arm” and “ammunition” have the meanings given*  
10 *such terms in section 921 of title 18, United States*  
11 *Code. The term “large capacity ammunition feeding*  
12 *device” has the meaning given such term in section*  
13 *921 of title 18, United States Code, as in effect on*  
14 *September 1, 2004.*

15 (2) *MASS SHOOTING.—The term “mass shooting”*  
16 *means a shooting during which three or more individ-*  
17 *uals, not including the shooter, were injured or killed*  
18 *in one location or in multiple locations in close prox-*  
19 *imity.*

20 (3) *SCHOOL.—The term “school” means—*

21 (A) *an early childhood education program*  
22 *(as defined in section 103 of the Higher Edu-*  
23 *cation Act of 1965 (20 U.S.C. 1003));*

1           (B) an elementary school (as defined in sec-  
2           tion 8101 of the Elementary and Secondary  
3           Education Act of 1965 (20 U.S.C. 7801));

4           (C) a secondary school (as defined in sec-  
5           tion 8101 of the Elementary and Secondary  
6           Education Act of 1965 (20 U.S.C. 7801)); and

7           (D) an institution of higher education (as  
8           defined in section 102 of the Higher Education  
9           Act of 1965 (20 U.S.C. 1002)).

10          (4) *SCHOOL SHOOTING*.—The term “school shoot-  
11          ing” means an event or occurrence—

12                 (A) during which one or more individuals  
13                 were injured or killed by a firearm; and

14                 (B) that occurred—

15                         (i) in, or on the grounds of, a school,  
16                         even if before or after school hours;

17                         (ii) while the victim was traveling to  
18                         or from a regular session at school; or

19                         (iii) while the victim was attending or  
20                         traveling to or from an official school spon-  
21                         sored event.

22          **SEC. 3. ANNUAL REPORT ON INDICATORS OF SCHOOL**  
23                         **CRIME AND SAFETY.**

24                 (a) *IN GENERAL*.—The Secretary of Education, in  
25                 consultation with the Attorney General and the Secretary

1 of Health and Human Services, shall publish not less fre-  
2 quently than on an annual basis a report on indicators of  
3 school crime and safety. Such report shall be produced by  
4 the National Center for Education Statistics of the Depart-  
5 ment of Education in consultation with the Bureau of Jus-  
6 tice Statistics of the Department of Justice. Such report  
7 shall include, at a minimum, an updated version of the in-  
8 formation provided in the National Center for Education  
9 Statistics report NCES 2021–092 issued in July 2021, and  
10 the data described in subsections (b) and (d).

11 (b) *STATISTICS ON SCHOOL SHOOTINGS.*—In col-  
12 lecting data on school shootings to be compiled in the an-  
13 nual report described in subsection (a), the National Center  
14 for Education Statistics shall collect at a minimum the fol-  
15 lowing data annually:

16 (1) *The number of school shootings that have*  
17 *taken place nationwide.*

18 (2) *Of the school shootings described in para-*  
19 *graph (1), the number that were mass shootings.*

20 (3) *Of the school shootings described in para-*  
21 *graph (1), the number that were suicides.*

22 (4) *Of the school shootings described in para-*  
23 *graph (1), the number that were accidents.*

24 (5) *The number of people killed in each school*  
25 *shooting, including—*

1           (A) the number of people whose cause of  
2 death was attributable to wound by firearm; and

3           (B) the number of people having some other  
4 cause of death.

5           (6) The number of people injured in each school  
6 shooting, including—

7           (A) the number of people wounded by fire-  
8 arm; and

9           (B) the number of people injured in some  
10 other manner.

11          (7) The time of the shooting and whether it oc-  
12 curred during school hours.

13          (8) The demographics of each school, including—

14           (A) the locale code of the school, as deter-  
15 mined by the Secretary of Education; and

16           (B) student demographic data disaggregated  
17 by—

18           (i) economically disadvantaged stu-  
19 dents as compared to students who are not  
20 economically disadvantaged;

21           (ii) each major racial and ethnic  
22 group;

23           (iii) children with disabilities as com-  
24 pared to children without disabilities; and

25           (iv) English proficiency status.

1           (9) *The personal characteristics of each victim in*  
2           *the shooting, including, at a minimum, the victim's—*

3                   (A) *age;*

4                   (B) *gender;*

5                   (C) *race;*

6                   (D) *ethnicity; and*

7                   (E) *nationality.*

8           (10) *The personal characteristics of the shooter,*  
9           *including, at a minimum the shooter's—*

10                   (A) *age;*

11                   (B) *gender;*

12                   (C) *race;*

13                   (D) *ethnicity;*

14                   (E) *nationality; and*

15                   (F) *relationship to the school.*

16           (11) *Whether the shooting was determined to be*  
17           *an accident, and if not, the motivation of the shooter,*  
18           *including any real or perceived bias based on race,*  
19           *religion, ethnicity, nationality, or sex (including sex-*  
20           *ual orientation or gender identity).*

21           (12) *How the shooting was stopped, including—*

22                   (A) *whether the shooter was injured or*  
23                   *killed, and if so, by whom; and*

24                   (B) *if not, what was the other outcome of*  
25                   *the incident (such as escape, arrest, or suicide).*

1           (13) *The number and type of firearms and am-*  
2 *munition that were used in each shooting, includ-*  
3 *ing—*

4                   (A) *the make and model of the firearm;*

5                   (B) *the manufacturer of the firearm;*

6                   (C) *the make and model of the ammunition;*

7                   (D) *the manufacturer of the ammunition;*

8                   (E) *whether a large capacity ammunition*  
9 *feeding device was present at the scene or used*  
10 *during the shooting; and*

11                  (F) *the number of rounds of ammunition*  
12 *fired by the shooter over the course of the shoot-*  
13 *ing.*

14           (14) *Where each of the firearms used in each*  
15 *shooting was obtained and how, including—*

16                   (A) *whether the firearm was registered;*

17                   (B) *whether the firearm was purchased*  
18 *from a licensed gun dealer or an unlicensed sale;*  
19 *and*

20                   (C) *the geographic location from where the*  
21 *shooter obtained the firearm.*

22           (15) *If the original purchaser was not the shoot-*  
23 *er, what was, if any, the original purchaser's rela-*  
24 *tionship to the shooter.*



1           (16) *If the original purchaser was not the shooter*  
2           *and the firearm was obtained from the shooter's home,*  
3           *the gun storage practices being used in the home, and*  
4           *whether the gun owner was charged with failing to*  
5           *properly secure his or her firearm.*

6           (17) *Whether the school had one or more teach-*  
7           *ers, as that term is defined in section 8553 of the Ele-*  
8           *mentary and Secondary Education Act of 1965 (20*  
9           *U.S.C. 7943), who were armed, and if so, whether*  
10          *such armed teacher or teachers stopped the incident*  
11          *by shooting the shooter.*

12          (18) *How long did the shooting last (the approx-*  
13          *imate elapsed time between the first and last shots*  
14          *fired).*

15          (19) *What was the response time of law enforce-*  
16          *ment.*

17          (c) *HISTORIC STATISTICS ON SCHOOL SHOOTINGS.—*  
18          *The Secretary of Education shall direct the National Center*  
19          *for Education Statistics—*

20                 (1) *to collect, to the extent practicable, the data*  
21                 *required in subsection (b) for shootings that occurred*  
22                 *before the date of the enactment of this Act; and*

23                 (2) *to publish such data as revisions to the most*  
24                 *applicable annual reports on indicators of school*  
25                 *crime and safety issued by the National Center for*

1        *Education Statistics before the date of the enactment*  
2        *of this Act.*

3        *(d) SAFETY AND PREVENTION.—In collecting data on*  
4        *school shootings to be compiled in the annual report de-*  
5        *scribed in subsection (a), the National Center for Education*  
6        *Statistics shall collect, at a minimum, information on the*  
7        *existence or absence of the following measures at the time*  
8        *of the shooting at schools where a school shooting occurred*  
9        *in the previous year:*

10            *(1) Physical security measures, including—*

11                    *(A) building envelopes and interiors de-*  
12                    *signed to protect occupants from human threats;*  
13                    *and*

14                    *(B) other physical security measures de-*  
15                    *signed to avert and restrict violence.*

16            *(2) Other types of security measures, including*  
17        *measures designed to preserve open learning environ-*  
18        *ments that positively influence student behavior.*

19            *(3) A communication plan with local law en-*  
20        *forcement.*

21            *(4) A response plan that includes coordination*  
22        *with local agencies (law enforcement, fire department,*  
23        *hospitals, etc).*

1           (5) *An active shooter response plan (including*  
2 *the use of an alert system to notify students, faculty,*  
3 *and parents or guardians).*

4           (6) *A trauma response plan to address trauma*  
5 *resulting from the shooting, including coordination*  
6 *with school-based counselors, other school mental*  
7 *health professionals, and appropriate community*  
8 *partners and organizations, such as community ac-*  
9 *tion programs or agencies.*

10          (7) *Any other similar type of safety or preven-*  
11 *tion measure in place at the time of the school shoot-*  
12 *ing.*

13          (e) *RULE OF CONSTRUCTION.—In collecting data on*  
14 *school shootings to be compiled in the annual report de-*  
15 *scribed in subsection (a), any data disaggregation required*  
16 *by subsection (b) shall not be required in the case where*  
17 *such disaggregation would reveal personally identifiable in-*  
18 *formation about any individual.*

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