

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5428
OFFERED BY MRS. MCBATH OF GEORGIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “School Shooting Safety
3 and Preparedness Act”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

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

13 (2) **MASS SHOOTING.**—The term “mass shoot-
14 ing” means a shooting during which three or more
15 individuals, not including the shooter, were injured
16 or killed in one location or in multiple locations in
17 close proximity.

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

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

4 (B) an elementary school (as defined in
5 section 8101 of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 7801));

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

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

13 (4) SCHOOL SHOOTING.—The term “school
14 shooting” means an event or occurrence—

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

17 (B) that occurred—

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

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

22 (iii) while the victim was attending or
23 traveling to or from an official school spon-
24 sored event.

1 **SEC. 3. ANNUAL REPORT ON INDICATORS OF SCHOOL**
2 **CRIME AND SAFETY.**

3 (a) IN GENERAL.—The Secretary of Education, in
4 consultation with the Attorney General and the Secretary
5 of Health and Human Services, shall publish not less fre-
6 quently than on an annual basis a report on indicators
7 of school crime and safety. Such report shall be produced
8 by the National Center for Education Statistics of the De-
9 partment of Education in consultation with the Bureau
10 of Justice Statistics of the Department of Justice. Such
11 report shall include, at a minimum, an updated version
12 of the information provided in the National Center for
13 Education Statistics report NCES 2021–092 issued in
14 July 2021, and the data described in subsections (b) and
15 (d).

16 (b) STATISTICS ON SCHOOL SHOOTINGS.—In col-
17 lecting data on school shootings to be compiled in the an-
18 nual report described in subsection (a), the National Cen-
19 ter for Education Statistics shall collect at a minimum the
20 following data annually:

21 (1) The number of school shootings that have
22 taken place nationwide.

23 (2) Of the school shootings described in para-
24 graph (1), the number that were mass shootings.

25 (3) Of the school shootings described in para-
26 graph (1), the number that were suicides.

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

3 (5) The number of people killed in each school
4 shooting, including—

5 (A) the number of people whose cause of
6 death was attributable to wound by firearm;
7 and

8 (B) the number of people having some
9 other cause of death.

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

12 (A) the number of people wounded by fire-
13 arm; and

14 (B) the number of people injured in some
15 other manner.

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

18 (8) The demographics of each school, includ-
19 ing—

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

22 (B) student demographic data
23 disaggregated by—

1 (i) economically disadvantaged stu-
2 dents as compared to students who are not
3 economically disadvantaged;

4 (ii) each major racial and ethnic
5 group;

6 (iii) children with disabilities as com-
7 pared to children without disabilities; and

8 (iv) English proficiency status.

9 (9) The personal characteristics of each victim
10 in the shooting, including, at a minimum, the vic-
11 tim's—

12 (A) age;

13 (B) gender;

14 (C) race;

15 (D) ethnicity; and

16 (E) nationality.

17 (10) The personal characteristics of the shooter,
18 including, at a minimum the shooter's—

19 (A) age;

20 (B) gender;

21 (C) race;

22 (D) ethnicity;

23 (E) nationality; and

24 (F) relationship to the school.

1 (11) Whether the shooting was determined to
2 be an accident, and if not, the motivation of the
3 shooter, including any real or perceived bias based
4 on race, religion, ethnicity, nationality, or sex (in-
5 cluding sexual orientation or gender identity).

6 (12) How the shooting was stopped, includ-
7 ing—

8 (A) whether the shooter was injured or
9 killed, and if so, by whom; and

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

12 (13) The number and type of firearms and am-
13 munition that were used in each shooting, includ-
14 ing—

15 (A) the make and model of the firearm;

16 (B) the manufacturer of the firearm;

17 (C) the make and model of the ammuni-
18 tion;

19 (D) the manufacturer of the ammunition;

20 (E) whether a large capacity ammunition
21 feeding device was present at the scene or used
22 during the shooting; and

23 (F) the number of rounds of ammunition
24 fired by the shooter over the course of the
25 shooting.

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

3 (A) whether the firearm was registered;

4 (B) whether the firearm was purchased
5 from a licensed gun dealer or an unlicensed
6 sale; and

7 (C) the geographic location from where the
8 shooter obtained the firearm.

9 (15) If the original purchaser was not the
10 shooter, what was, if any, the original purchaser's
11 relationship to the shooter.

12 (16) If the original purchaser was not the
13 shooter and the firearm was obtained from the
14 shooter's home, the gun storage practices being used
15 in the home, and whether the gun owner was
16 charged with failing to properly secure his or her
17 firearm.

18 (17) Whether the school had one or more teach-
19 ers, as that term is defined in section 8553 of the
20 Elementary and Secondary Education Act of 1965
21 (20 U.S.C. 7943), who were armed, and if so,
22 whether such armed teacher or teachers stopped the
23 incident by shooting the shooter.

1 (18) How long did the shooting last (the ap-
2 proximate elapsed time between the first and last
3 shots fired).

4 (19) What was the response time of law en-
5 forcement.

6 (c) HISTORIC STATISTICS ON SCHOOL SHOOTINGS.—
7 The Secretary of Education shall direct the National Cen-
8 ter for Education Statistics—

9 (1) to collect, to the extent practicable, the data
10 required in subsection (b) for shootings that oc-
11 curred before the date of the enactment of this Act;
12 and

13 (2) to publish such data as revisions to the
14 most applicable annual reports on indicators of
15 school crime and safety issued by the National Cen-
16 ter for Education Statistics before the date of the
17 enactment of this Act.

18 (d) SAFETY AND PREVENTION.—In collecting data
19 on school shootings to be compiled in the annual report
20 described in subsection (a), the National Center for Edu-
21 cation Statistics shall collect, at a minimum, information
22 on the existence or absence of the following measures at
23 the time of the shooting at schools where a school shooting
24 occurred in the previous year:

25 (1) Physical security measures, including—

1 (A) building envelopes and interiors de-
2 signed to protect occupants from human
3 threats; and

4 (B) other physical security measures de-
5 signed to avert and restrict violence.

6 (2) Other types of security measures, including
7 measures designed to preserve open learning envi-
8 ronments that positively influence student behavior.

9 (3) A communication plan with local law en-
10 forcement.

11 (4) A response plan that includes coordination
12 with local agencies (law enforcement, fire depart-
13 ment, hospitals, etc).

14 (5) An active shooter response plan (including
15 the use of an alert system to notify students, faculty,
16 and parents or guardians).

17 (6) A trauma response plan to address trauma
18 resulting from the shooting, including coordination
19 with school-based counselors, other school mental
20 health professionals, and appropriate community
21 partners and organizations, such as community ac-
22 tion programs or agencies.

23 (7) Any other similar type of safety or preven-
24 tion measure in place at the time of the school
25 shooting.

1 (e) RULE OF CONSTRUCTION.—In collecting data on
2 school shootings to be compiled in the annual report de-
3 scribed in subsection (a), any data disaggregation required
4 by subsection (b) shall not be required in the case where
5 such disaggregation would reveal personally identifiable
6 information about any individual.

