

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4301
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”—

15 (A) means an event or occurrence—

16 (i) during which one or more individ-
17 uals were injured or killed by a firearm;
18 and

19 (ii) that occurred—

20 (I) in, or on the grounds of, a
21 school, even if before or after school
22 hours;

23 (II) while the victim was trav-
24 eling to or from a regular session at
25 school; or

1 (III) while the victim was attend-
2 ing or traveling to or from an official
3 school sponsored event; and

4 (B) does not include an accidental shoot-
5 ing.

6 **SEC. 3. ANNUAL REPORT ON INDICATORS OF SCHOOL**
7 **CRIME AND SAFETY.**

8 (a) IN GENERAL.—The Secretary of Education, in
9 consultation with the Attorney General and the Secretary
10 of Health and Human Services, shall publish not less fre-
11 quently than on an annual basis a report on indicators
12 of school crime and safety. Such report shall be produced
13 by the National Center for Education Statistics of the De-
14 partment of Education in consultation with the Bureau
15 of Justice Statistics of the Department of Justice. Such
16 report shall include, at a minimum, an updated version
17 of the information provided in the National Center for
18 Education Statistics report NCES 2019–047 issued in
19 April 2019, and the data described in subsections (b) and
20 (d).

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

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

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

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

7 (4) The number of people killed in each school
8 shooting, including—

9 (A) the number of people whose cause of
10 death was attributable to wound by firearm;
11 and

12 (B) the number of people having some
13 other cause of death.

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

16 (A) the number of people wounded by fire-
17 arm; and

18 (B) the number of people injured in some
19 other manner.

20 (6) The time of the shooting and whether it oc-
21 curred during school hours.

22 (7) The demographics of each school, includ-
23 ing—

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

1 (B) student demographic data
2 disaggregated by—

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

6 (ii) each major racial and ethnic
7 group;

8 (iii) children with disabilities as com-
9 pared to children without disabilities; and

10 (iv) English proficiency status.

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

14 (A) age;

15 (B) gender;

16 (C) race;

17 (D) ethnicity; and

18 (E) nationality.

19 (9) The personal characteristics of the shooter,
20 including, at a minimum the shooter's—

21 (A) age;

22 (B) gender;

23 (C) race;

24 (D) ethnicity;

25 (E) nationality; and

1 (F) relationship to the school.

2 (10) The motivation of the shooter, including
3 any real or perceived bias based on race, religion,
4 ethnicity, nationality, or sex (including sexual ori-
5 entation or gender identity).

6 (11) 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 (12) 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 (13) Where each of the firearms used in each
2 shooting was obtained and how, including—

3 (A) whether the firearm was registered;
4 and

5 (B) whether the firearm was purchased
6 from a licensed gun dealer or an unlicensed
7 sale.

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

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

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

23 (17) How long did the shooting last (the ap-
24 proximate elapsed time between the first and last
25 shots fired).

1 (18) What was the response time of law en-
2 forcement.

3 (c) HISTORIC STATISTICS ON SCHOOL SHOOTINGS.—

4 The Secretary of Education shall direct the National Cen-
5 ter for Education Statistics—

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

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

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

22 (1) Physical security measures, including—

23 (A) building envelopes and interiors de-
24 signed to protect occupants from human
25 threats; and

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

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

6 (3) A communication plan with local law en-
7 forcement.

8 (4) A response plan that includes coordination
9 with local agencies (law enforcement, fire depart-
10 ment, hospitals, etc).

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

14 (6) Any other similar type of safety or preven-
15 tion measure in place at the time of the school
16 shooting.

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

