

# Department of Justice Grant Funding in the Bipartisan Safer Communities Act

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The Bipartisan Safer Communities Act (BSCA, P.L. 117-159) provides [\\$1.5 billion in funding for Department of Justice \(DOJ\) grants](#) to help address gun violence, which includes

- \$750 million for state crisis intervention programs,
- \$300 million for the Matching Grant Program for School Security (school security grants),
- \$200 million for grants to upgrade criminal and mental health records in the National Instant Criminal Background Check System (NICS), and
- \$250 million for community violence intervention and prevention programs.

DOJ is required to distribute these funds in equal amounts each fiscal year from FY2022 to FY2026.

## Crisis Intervention Programs

BSCA amended [the authorization](#) for the Edward Byrne Memorial Justice Assistance Grant (JAG) program to allow funds to be used for state “crisis intervention court proceedings and related programs or initiatives,” which can include drug, mental health, and veteran treatment courts and extreme risk protection order programs. For the latter, the act establishes standards that include

- due process rights, including, at a minimum, the right to an in-person hearing, the right to an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses;
- the right to be represented by counsel;
- evidentiary standards that, at a minimum, are equal to those of a similarly situated litigant in federal or state court, including procedures to prevent admission of evidence that is unsworn, irrelevant, based on hearsay, unreliable, vague, speculative, and lacking a foundation; and
- penalties for abuse of the programs.

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The \$750 million the act provides for crisis intervention programs is to be distributed “pursuant to the formula allocation (adjusted in proportion to the relative amounts statutorily designated therefor) that was used in the fiscal year prior to the year for which funds are provided for the [JAG] program,” and “the allocation provisions under sections 505(a) through (e), the special rules for Puerto Rico under section 505(g), and section 1001(c) of title I of the [Omnibus Crime Control and Safe Streets Acts of 1968] shall not apply” when allocating funding. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act, P.L. 116-136) [contained similar language](#) when it appropriated \$850 million for [DOJ’s Coronavirus Emergency Supplemental Funding \(CESF\) program](#). Pursuant to this direction, DOJ did not allocate CESF funds [using the JAG formula](#); rather, states’ allocations under the program were based on their previous fiscal year JAG allocation adjusted for the difference between the amount made available by the CARES Act and the amount DOJ allocated under the JAG program the previous fiscal year.

It is unclear if funding under this program will be limited to states because, per the law, funding is for state crisis intervention programs, or if local governments will also receive a share as they traditionally do under the JAG program and as they did under the CESF program.

## School Security

BSCA provides \$300 million for school security grants, of which \$200 million is to be administered by the Bureau of Justice Assistance (BJA) and \$100 million by the Community Oriented Policing Services (COPS) Office. Under the [authorization for this program](#), BJA can award competitive grants to state, tribal, and local governments for

- training school personnel and students to prevent student violence,
- developing and operating anonymous reporting systems,
- developing and operating school threat assessment and intervention teams, and
- implementing any other measure that the BJA Director determines appropriate and consistent with the above purposes.

The COPS Office is authorized to make grants to state, tribal, and local governments for

- coordination between schools and local law enforcement to improve school security;
- training local law enforcement officers to prevent student violence;
- placing and using metal detectors, locks, lighting, and other deterrent measures in schools;
- acquiring and installing technology for expedited notification of local law enforcement during an emergency; and
- implementing any other measure that the COPS Office Director determines appropriate and consistent with the above purposes.

## Criminal History Records

BSCA does not direct DOJ as to how it should award funding for upgrading criminal and mental health records in the NICS. In the past, DOJ has awarded funding it received [for a similar purpose](#) through its [National Criminal History Improvement Program \(NCHIP\)](#) and [NICS Act Records Improvement Program \(NAIRP\)](#).

Under both programs, grants help state and tribal governments fund programs to improve the accuracy and completeness of information in criminal records systems. The NCHIP provides grants to state and tribal governments to enhance the quality, completeness, and accessibility of criminal history record information and ensure the implementation of effective background check systems. NICS background

check inquiries [utilize databases maintained by the Federal Bureau of Investigation](#), including the Interstate Identification Index—a repository of criminal history records—and the National Crime Information Center—which includes, among others, records on wanted persons and subjects of protection orders created by state and local law enforcement. As such, grants that help states improve the accuracy of criminal history information can improve the accuracy of NICS background checks. The NARIP provides grants to state and tribal governments to help them update certain mental health, protection and restraining order, domestic violence conviction, and other criminal history record information in the NICS that may disqualify individuals from purchasing or possessing firearms. DOJ coordinates the work of the NARIP and NCHIP to ensure that funded programs are complementary and consistent with the overall goal of improving the accuracy, completeness, and timeliness of state and national criminal records.

## Community Violence Prevention

BSCA does not direct DOJ as to how it should award funding for community violence intervention and prevention programs. However, [under a solicitation for funding for a similar purpose](#), DOJ sought applications for grants to “prevent and reduce violent crime in communities by supporting comprehensive, evidence-based violence intervention and prevention programs, including efforts to address gang and gun violence, based on partnerships among community residents, local government agencies, victim service providers, community-based organizations, law enforcement, hospitals, researchers, and other community stakeholders.” Eligible applicants included nonprofit organizations; tribal organizations; tribal, county, city, or township governments; for-profit organizations; public housing authorities; independent school districts; and institutions of higher education.

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