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118TH CONGRESS
1ST SESSION

H. R. 2991

To eliminate the prohibition on training teachers with effective defensive tools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2023

Mr. OGLES (for himself, Mr. GOSAR, Mr. NEHLS, Mr. JACKSON of Texas, Mr. CLOUD, Mrs. BOEBERT, Mr. BIGGS, Mr. MOONEY, Mr. MOORE of Alabama, Mr. AMODEI, Ms. GREENE of Georgia, and Mr. CLYDE) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To eliminate the prohibition on training teachers with effective defensive tools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Teachers Empowered Against Classroom Harm Act of 2023'' or the ''TEACH Act of 2023''.

SEC. 2. ELIMINATING BARRIERS BETWEEN WILLING SCHOOL STAFF AND THEIR RIGHT TO DEFEND THEIR STUDENTS.

(a) ELIMINATING PROHIBITION ON TRAINING TEACHERS WITH EFFECTIVE DEFENSIVE TOOLS.—Section 8526 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7906) is amended—

(1) in paragraph (5), by inserting ''or'' after the semicolon;

(2) in paragraph (6), by striking ''; or'' at the end and inserting a period; and

(3) by striking paragraph (7).

(b) PRIORITIZING FUNDING FOR SCHOOLS THAT PROTECT STUDENTS.—

(1) PROHIBITION.—

(A) IN GENERAL.—The Secretary of Education may not disburse to or obligate any funds for any State, local government, or eligible entity (as defined in section 3) that restricts the possession of firearms in excess of section 922(q) of title 18, United States Code, within school zones as defined in section 921(a)(26) of such title.

(B) DEFINITIONS.—In this paragraph:

(i) LOCAL GOVERNMENT.—The term ''local government'' means any county,

parish, city, town, township, village or other general purpose political subdivision of a State with the power to levy taxes and expend Federal, State, and local funds and exercise governmental powers.

(ii) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

(2) CONFORMING AMENDMENT.—Section 922(q) of title 18, United States Code, is amended by striking paragraph (4).

(c) RESPECTING THE RIGHT TO CONSTITUTIONALLY CARRY A FIREARM AS PROTECTED BY A MAJORITY OF THESE UNITED STATES.—Section 922(q)(2)(B) of title 18, United States Code, is amended—

(1) by redesignating clauses (iii) through (vii) as clauses (iv) through (vii), respectively; and

(2) by inserting after clause (ii) the following:

''(iii) if the individual possessing the firearm is otherwise eligible or entitled to carry a firearm under the laws of the State in which the school zone is located;''.

SEC. 3. HELPING WILLING STAFF AND SCHOOLS DEFEND STUDENTS FROM ARMED INTRUDERS.

(a) GRANTS FOR SCHOOL SAFETY.—Notwithstanding section 4103(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(a)(3)) or any other provision of law, using the total amount of the funds reserved under such section 4103(a)(3) for a fiscal year, the Secretary of Education shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to participate in defensive training programs designed to protect elementary schools and secondary schools from armed intruders, including covering the cost of—

(1) instructor and program fees;

(2) training supplies; and

(3) educational materials.

(b) APPLICATIONS.—

(1) ANNOUNCEMENT.—Not later than October 1, 2023, or 120 days after the date of enactment of this Act, whichever occurs later, the Secretary of Education shall announce an application process for grant funding under this section.

(2) PRIORITY.—In approving grant applications under this section, the Secretary shall give priority to eligible entities with a commitment to protecting the right to keep and bear arms for self-defense as

protected by the Second Amendment to the Constitution and affirmed by the Supreme Court's rulings in District of Columbia v. Heller and NYSRPA v. Bruen.

(3) REQUIREMENT.—

(A) IN GENERAL.—For each fiscal year for which the Secretary reserves funds under section 4103(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(a)(3)), the Secretary shall fully obligate such funds by awarding grants to eligible entities under this section in such fiscal year, except that the funds reserved under such section 4103(a)(3) for the first fiscal year that begins after the date of enactment of this Act may be so fully obligated by not later than the end of fiscal year that follows such first fiscal year.

(B) HIRING FREEZE.—

(i) IN GENERAL.—Subject to clause (ii), if the Secretary fails to comply with the requirements of subparagraph (A) for a fiscal year, beginning on October 1 of the succeeding fiscal year—

(I) no individual may be appointed to any position within the Department of Education;

(II) no new position may be established at the Department;

(III) no officer or employee of the Department may be assigned any duties not assigned to that employee in the preceding fiscal year; and

(IV) no officer or employee of the Department may be transferred to a duty station other than the duty station applicable to such officer or employee in the preceding fiscal year.

(ii) EXCEPTION FOR FIRST YEAR.—In a case in which the Secretary fails to comply with the requirements of subparagraph (A) in the first fiscal year that begins after the date of enactment of this Act, the hiring freeze described in subclauses (I) through (IV) of clause (i) shall take effect beginning on October 1 of the second succeeding fiscal year.

(c) TERMINATION OF HIRING FREEZE.—Any hiring freeze described in subclauses (I) through (IV) of sub-

section (b)(3)(B)(i) for a fiscal year shall be terminated on the date on which the Secretary of Education notifies the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate that any unobligated funds that have been reserved under section 4103(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(a)(3)) for the preceding fiscal year have been awarded under this section to eligible entities.

(d) REPORTING REQUIREMENTS.—

(1) REPORT.—On the day when the Secretary establishes an announcement of a grant application process under subsection (b)(1), the Secretary of Education shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate an accompanying report on the efforts of the Department of Education to—

(A) create a streamlined grant application process under this section; and

(B) request the minimum amount of information from grant applicants.

(2) ANNUAL REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report, on an annual basis, on the following:

(A) The average amount of time between when a grant applicant submits an application under this section and the disbursement of funds to a grant applicant, and efforts to reduce that average time.

(B) Any Department practices, procedures, and rulemakings that could delay or limit accessibility to grant disbursements.

(e) DEFINITIONS.—In this section:

(1) DEFENSIVE TRAINING PROGRAM.—The term ''defensive training program'' shall include any training or program that—

(A) instructs an individual on the best practices for carrying a firearm on school property for defensive purposes as approved by—

(i) a State or local government; or

(ii) school administrators, a school board, or other governing body of a school;

(B) instructs an individual on the best practices for using or carrying, or storing (if applicable) a firearm on school property for defensive purposes, including—

(i) the protection of students from a violent criminal;

(ii) the interaction of armed citizens with first responders;

(iii) denying an intruder entry into a classroom or school facility; or

(iv) increasing an individual's accuracy with a firearm while under duress; and

(C) instructs individuals on the use of emergency medical response equipment and traumatic injury kits.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) A local educational agency, or a consortium of local educational agencies.

(B) The Bureau of Indian Education.

(C) A private elementary school or secondary school.

(D) An entity described in subparagraph (A), (B), or (C), in partnership with—

(i) a nonprofit organization that has demonstrated experience in defensive training programs;

(ii) a business; or

(iii) an educational service agency.

(E) A nonprofit organization that has demonstrated experience in defensive training programs.

(3) ESEA TERMS.—The terms ''educational service agency'', ''elementary school'', ''local educational agency'', ''secondary school'', and ''Secretary'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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