

114TH CONGRESS
1ST SESSION

S. 1738

To protect individuals by strengthening the Nation’s mental health infrastructure, improving the understanding of violence, strengthening firearm prohibitions and protections for at-risk individuals, and improving and expanding the reporting of mental health records to the National Instant Criminal Background Check System.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect individuals by strengthening the Nation’s mental health infrastructure, improving the understanding of violence, strengthening firearm prohibitions and protections for at-risk individuals, and improving and expanding the reporting of mental health records to the National Instant Criminal Background Check System.

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 “Safer Communities
5 Act of 2015”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Statement of purpose.

TITLE I—STRENGTHENING AND IMPROVING INTERVENTION
EFFORTS

- Sec. 101. Mental health crisis assessment, prevention, and education grant program.
- Sec. 102. School-based mental health programs.
- Sec. 103. Justice and mental health collaboration.

TITLE II—IMPROVING RESEARCH ON VIOLENCE

- Sec. 201. Research with respect to violence.

TITLE III—UNDERSTANDING THE EPIDEMIC OF GUN VIOLENCE

- Sec. 301. National violent death reporting system.
- Sec. 302. Reaffirming Centers for Disease Control's authority.
- Sec. 303. Protecting confidential doctor-patient relationship.

TITLE IV—ENSURING SAFE COMMUNITIES

- Sec. 401. Ban on firearm possession by person committed involuntarily to mental institution on an outpatient basis.
- Sec. 402. Grant program regarding firearms.
- Sec. 403. Notification of State and local law enforcement authorities of attempt to purchase firearm by ineligible person.

TITLE V—RESTORATION

- Sec. 501. Federal agency relief program.
- Sec. 502. State relief programs.
- Sec. 503. Ineligibility due to disqualifying mental status.

TITLE VI—SUBMISSION OF RECORDS TO NATIONAL INSTANT
CRIMINAL BACKGROUND CHECK SYSTEM

- Sec. 601. Reports relating to submission of information to NICS.
- Sec. 602. Reauthorization of the National Criminal History Records Improvement Program.
- Sec. 603. Improvement of metrics and incentives.
- Sec. 604. Grants to States to improve coordination and automation of NICS record reporting.
- Sec. 605. Sharing of records by Federal departments and agencies with NICS.

3 SEC. 3. STATEMENT OF PURPOSE.

4 The purpose of this Act is to ensure the public safety
5 and welfare of communities by promoting evidence-based

1 approaches that will prevent the tragic toll of gun violence
 2 on families and communities. This purpose can be accom-
 3 plished by—

4 (1) strengthening and improving intervention
 5 efforts by increasing investments in programs de-
 6 signed to appropriately identify, respond to, treat,
 7 and mitigate future behavioral health crises;

8 (2) prioritizing research on reducing the threat
 9 of gun violence to self or others and identifying fur-
 10 ther risk factors for violence, including gender, cul-
 11 ture, substance abuse, and history of violence; and

12 (3) restricting gun access by individuals found
 13 to be at an elevated risk of committing future acts
 14 of violence against self or others.

15 **TITLE I—STRENGTHENING AND**
 16 **IMPROVING INTERVENTION**
 17 **EFFORTS**

18 **SEC. 101. MENTAL HEALTH CRISIS ASSESSMENT, PREVEN-**
 19 **TION, AND EDUCATION GRANT PROGRAM.**

20 (a) DEFINITIONS.—For purposes of this section, the
 21 following definitions shall apply:

22 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 23 ty” means a State, political subdivision of a State,
 24 or nonprofit private entity.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 (3) STATE.—The term “State” means each
4 State of the United States, the District of Columbia,
5 each commonwealth, territory or possession of the
6 United States, and each federally recognized Indian
7 tribe.

8 (b) ESTABLISHMENT OF GRANT PROGRAM.—

9 (1) ESTABLISHMENT.—The Secretary shall es-
10 tablish a program to award grants to eligible entities
11 to carry out the activities described in paragraph
12 (2).

13 (2) USE OF FUNDS.—

14 (A) IN GENERAL.—Grants under this sec-
15 tion may be used to carry out programs that—

16 (i) expand early intervention and
17 treatment services to improve access to
18 mental health crisis assistance and address
19 unmet mental health care needs;

20 (ii) expand the continuum of services
21 to address crisis intervention and crisis
22 stabilization;

23 (iii) reduce recidivism due to mental
24 health crises and mitigate unnecessary ex-
25 penditures by local law enforcement; and

1 (iv) reduce unnecessary hospitaliza-
2 tions by appropriately utilizing community-
3 based services and improving access to
4 timely mental health crisis assistance.

5 (B) AUTHORIZED ACTIVITIES.—The pro-
6 grams described in subparagraph (A) may in-
7 clude any or all of the following activities:

8 (i) Mental health crisis intervention
9 and response training for law enforcement
10 (to increase officers' understanding and
11 recognition of mental illnesses).

12 (ii) Mobile support that provides field-
13 based behavioral health assistance to law
14 enforcement and members of the commu-
15 nity and links individuals in crisis to ap-
16 propriate services.

17 (iii) School and community-based
18 early intervention and prevention programs
19 that provide mobile response, screening
20 and assessment, training and education,
21 and peer-based and family services.

22 (3) APPLICATION.—To be considered for a
23 grant under this section, an eligible entity shall sub-
24 mit an application to the Secretary at such time, in
25 such manner, and containing such information as

1 the Secretary may require. At minimum, such appli-
2 cation shall include a description of—

3 (A) the activities to be funded with the
4 grant;

5 (B) community needs;

6 (C) the population to be served; and

7 (D) the interaction between the activities
8 described in subparagraph (A) and public sys-
9 tems of health and mental health care, law en-
10 forcement, social services, and related assist-
11 ance programs.

12 (4) SELECTING AMONG APPLICANTS.—

13 (A) IN GENERAL.—Grants shall be award-
14 ed to eligible entities on a competitive basis.

15 (B) SELECTION CRITERIA.—The Secretary
16 shall evaluate applicants based on such criteria
17 as the Secretary determines to be appropriate,
18 including the ability of an applicant to carry
19 out the activities described in paragraph (2).

20 (5) REPORTS.—

21 (A) ANNUAL REPORTS.—

22 (i) ELIGIBLE ENTITIES.—As a condi-
23 tion of receiving a grant under this section,
24 an eligible entity shall agree to submit a
25 report to the Secretary, on an annual

1 basis, describing the activities carried out
2 with the grant and assessing the effective-
3 ness of such activities.

4 (ii) SECRETARY.—The Secretary
5 shall, on an annual basis, and using the re-
6 ports received under clause (i), report to
7 Congress on the overall impact and effec-
8 tiveness of the grant program under this
9 section.

10 (B) FINAL REPORT.—Not later than Janu-
11 ary 15, 2019, the Secretary shall submit to
12 Congress a final report that includes rec-
13 ommendations with respect to the feasibility
14 and advisability of extending or expanding the
15 grant program.

16 (6) COLLECTION OF DATA.—

17 (A) IN GENERAL.—The Secretary shall col-
18 lect data on the grant program to determine its
19 effectiveness in reducing the social impact of
20 mental health crises and the feasibility and ad-
21 visability of extending the grant program.

22 (B) MANNER OF COLLECTION.—Data de-
23 scribed in subparagraph (A) shall be collected
24 and analyzed using a scientific peer-reviewed

1 system and valid and reliable results-based re-
 2 search methodologies.

3 (c) FUNDING.—

4 (1) GRANT AMOUNT.—A grant under this sec-
 5 tion shall be in an amount that is not more than
 6 \$100,000 for each of fiscal years 2016 through
 7 2020. Subject to the preceding sentence, the Sec-
 8 retary shall determine the amount of each grant.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to carry out
 11 this section \$10,000,000 for each of fiscal years
 12 2016 through 2020.

13 **SEC. 102. SCHOOL-BASED MENTAL HEALTH PROGRAMS.**

14 (a) TECHNICAL AMENDMENTS.—The second part G
 15 (relating to services provided through religious organiza-
 16 tions) of title V of the Public Health Service Act (42
 17 U.S.C. 290kk et seq.) is amended—

18 (1) by redesignating such part as part J; and

19 (2) by redesignating sections 581 through 584
 20 as sections 596 through 596C, respectively.

21 (b) SCHOOL-BASED MENTAL HEALTH AND CHIL-
 22 DREN AND VIOLENCE.—Section 581 of the Public Health
 23 Service Act (42 U.S.C. 290hh) is amended to read as fol-
 24 lows:

1 **“SEC. 581. SCHOOL-BASED MENTAL HEALTH AND CHIL-**
2 **DREN AND VIOLENCE.**

3 “(a) IN GENERAL.—The Secretary, in collaboration
4 with the Secretary of Education and in consultation with
5 the Attorney General, shall, directly or through grants,
6 contracts, or cooperative agreements awarded to public en-
7 tities and local educational agencies, assist local commu-
8 nities and schools in applying a public health approach
9 to mental health services both in schools and in the com-
10 munity. Such approach should provide comprehensive age-
11 appropriate services and supports, be linguistically and
12 culturally appropriate, be trauma-informed, and incor-
13 porate age-appropriate strategies of positive behavioral
14 interventions and supports. A comprehensive school men-
15 tal health program funded under this section shall assist
16 children in dealing with trauma and violence.

17 “(b) ACTIVITIES.—Under the program under sub-
18 section (a), the Secretary may—

19 “(1) provide financial support to enable local
20 communities to implement a comprehensive cul-
21 turally and linguistically appropriate, trauma-in-
22 formed, and age-appropriate, school mental health
23 program that incorporates positive behavioral inter-
24 ventions, client treatment, and supports to foster the
25 health and development of children;

1 “(2) provide technical assistance to local com-
2 munities with respect to the development of pro-
3 grams described in paragraph (1);

4 “(3) provide assistance to local communities in
5 the development of policies to address child and ado-
6 lescent trauma and mental health issues and violence
7 when and if it occurs;

8 “(4) facilitate community partnerships among
9 families, students, law enforcement agencies, edu-
10 cation systems, mental health and substance use dis-
11 order service systems, family-based mental health
12 service systems, welfare agencies, health care service
13 systems (including physicians), faith-based pro-
14 grams, trauma networks, and other community-
15 based systems; and

16 “(5) establish mechanisms for children and ado-
17 lescents to report incidents of violence or plans by
18 other children, adolescents, or adults to commit vio-
19 lence.

20 “(c) REQUIREMENTS.—

21 “(1) IN GENERAL.—To be eligible for a grant,
22 contract, or cooperative agreement under subsection
23 (a), an entity shall—

24 “(A) be a partnership between a local edu-
25 cational agency and at least one community

1 program or agency that is involved in mental
2 health; and

3 “(B) submit an application, that is en-
4 dorsed by all members of the partnership, that
5 contains the assurances described in paragraph
6 (2).

7 “(2) REQUIRED ASSURANCES.—An application
8 under paragraph (1) shall contain assurances as fol-
9 lows:

10 “(A) That the applicant will ensure that,
11 in carrying out activities under this section, the
12 local educational agency involved will enter into
13 a memorandum of understanding—

14 “(i) with at least one public or private
15 mental health entity, health care entity,
16 law enforcement or juvenile justice entity,
17 child welfare agency, family-based mental
18 health entity, family or family organiza-
19 tion, trauma network, or other community-
20 based entity; and

21 “(ii) that clearly states—

22 “(I) how school-employed mental
23 health professionals (such as school
24 psychologists, school counselors, and
25 school social workers) will be utilized

1 in the comprehensive school mental
2 health program;

3 “(II) the responsibilities of each
4 partner with respect to the activities
5 to be carried out;

6 “(III) how each such partner will
7 be accountable for carrying out such
8 responsibilities; and

9 “(IV) the amount of non-Federal
10 funding or in-kind contributions that
11 each such partner will contribute in
12 order to sustain the program.

13 “(B) That the comprehensive school-based
14 mental health program carried out under this
15 section supports the flexible use of funds to ad-
16 dress—

17 “(i) the promotion of the social, emo-
18 tional, mental, and behavioral health and
19 wellness of all students in an environment
20 that is conducive to learning;

21 “(ii) the reduction in the likelihood of
22 at risk students developing social, emo-
23 tional, mental, and behavioral health prob-
24 lems, or substance use disorders;

1 “(iii) the early identification of social,
2 emotional, mental, and behavioral prob-
3 lems, or substance use disorders and the
4 provision of early intervention services;

5 “(iv) the treatment or referral for
6 treatment of students with existing social,
7 emotional, mental, and behavioral health
8 problems, or substance use disorders; and

9 “(v) the development and implementa-
10 tion of programs to assist children in deal-
11 ing with trauma and violence.

12 “(C) That the comprehensive school-based
13 mental health program carried out under this
14 section will provide for in-service training of all
15 school personnel, including ancillary staff and
16 volunteers, in—

17 “(i) the techniques and supports need-
18 ed to identify early children with trauma
19 histories and children with, or at risk of,
20 mental illness;

21 “(ii) the use of referral mechanisms
22 that effectively link such children to appro-
23 priate treatment and intervention services
24 in the school and in the community and to
25 follow-up when services are not available;

1 “(iii) strategies that promote the so-
2 cial, emotional, mental, and behavioral
3 health and wellness of all students;

4 “(iv) strategies for promoting the so-
5 cial, emotional, mental, and behavioral
6 health of all students; and

7 “(v) strategies to increase the knowl-
8 edge and skills of school and community
9 leaders about the impact of trauma and vi-
10 olence and on the application of a public
11 health approach to comprehensive school-
12 based mental health programs.

13 “(D) That the comprehensive school-based
14 mental health program carried out under this
15 section will include comprehensive training for
16 parents, siblings, and other family members of
17 children with mental health disorders, and for
18 concerned members of the community in—

19 “(i) the techniques and supports need-
20 ed to identify early children with trauma
21 histories, and children with, or at risk of,
22 mental illness;

23 “(ii) the use of referral mechanisms
24 that effectively link such children to appro-
25 priate treatment and intervention services

1 in the school and in the community and
2 follow-up when such services are not avail-
3 able; and

4 “(iii) strategies that promote a school-
5 wide positive environment.

6 “(E) That the comprehensive school-based
7 mental health program carried out under this
8 section will demonstrate the measures to be
9 taken to sustain the program after funding
10 under this section terminates.

11 “(F) That the local educational agency
12 partnership involved is supported by the State
13 educational and mental health system to ensure
14 that the sustainability of the programs is estab-
15 lished after funding under this section termi-
16 nates.

17 “(G) That the comprehensive school-based
18 mental health program carried out under this
19 section will be based on trauma-informed and
20 evidence-based practices.

21 “(H) That the comprehensive school-based
22 mental health program carried out under this
23 section will be coordinated with early inter-
24 vening activities carried out under the Individ-
25 uals with Disabilities Education Act.

1 “(I) That the comprehensive school-based
2 mental health program carried out under this
3 section will be trauma-informed and culturally
4 and linguistically appropriate.

5 “(J) That the comprehensive school-based
6 mental health program carried out under this
7 section will include a broad needs assessment of
8 youth who drop out of school due to policies of
9 ‘zero tolerance’ with respect to drugs, alcohol,
10 or weapons and an inability to obtain appro-
11 priate services.

12 “(K) That the mental health services pro-
13 vided through the comprehensive school-based
14 mental health program carried out under this
15 section will be provided by qualified mental and
16 behavioral health professionals who are certified
17 or licensed by the State involved and practicing
18 within their area of expertise.

19 “(3) COORDINATOR.—Any entity that is a
20 member of a partnership described in paragraph
21 (1)(A) may serve as the coordinator of funding and
22 activities under the grant if all members of the part-
23 nership agree.

24 “(4) COMPLIANCE WITH HIPAA.—A grantee
25 under this section shall be deemed to be a covered

1 entity for purposes of compliance with the regula-
2 tions promulgated under section 264(c) of the
3 Health Insurance Portability and Accountability Act
4 of 1996 with respect to any patient records devel-
5 oped through activities under the grant.

6 “(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary
7 shall ensure that grants, contracts, or cooperative agree-
8 ments under subsection (a) will be distributed equitably
9 among the regions of the country and among urban and
10 rural areas.

11 “(e) DURATION OF AWARDS.—With respect to a
12 grant, contract, or cooperative agreement under sub-
13 section (a), the period during which payments under such
14 an award will be made to the recipient shall be 6 years.
15 An entity may receive only one award under this section,
16 except that an entity that is providing services and sup-
17 ports on a regional basis may receive additional funding
18 after the expiration of the preceding grant period.

19 “(f) EVALUATION AND MEASURES OF OUTCOMES.—

20 “(1) DEVELOPMENT OF PROCESS.—The Ad-
21 ministrators shall develop a fiscally appropriate proc-
22 ess for evaluating activities carried out under this
23 section. Such process shall include—

1 “(A) the development of guidelines for the
2 submission of program data by grant, contract,
3 or cooperative agreement recipients;

4 “(B) the development of measures of out-
5 comes (in accordance with paragraph (2)) to be
6 applied by such recipients in evaluating pro-
7 grams carried out under this section; and

8 “(C) the submission of annual reports by
9 such recipients concerning the effectiveness of
10 programs carried out under this section.

11 “(2) MEASURES OF OUTCOMES.—

12 “(A) IN GENERAL.—The Administrator
13 shall develop measures of outcomes to be ap-
14 plied by recipients of assistance under this sec-
15 tion, and the Administrator, in evaluating the
16 effectiveness of programs carried out under this
17 section. Such measures shall include student
18 and family measures as provided for in sub-
19 paragraph (B) and local educational measures
20 as provided for under subparagraph (C).

21 “(B) STUDENT AND FAMILY MEASURES OF
22 OUTCOMES.—The measures of outcomes devel-
23 oped under paragraph (1)(B) relating to stu-
24 dents and families shall, with respect to activi-
25 ties carried out under a program under this

1 section, at a minimum include provisions to
2 evaluate whether the program is effective in—
3 “(i) improving social, emotional, men-
4 tal, and behavioral health and wellness;
5 “(ii) increasing academic competency
6 (as defined by Secretary);
7 “(iii) reducing disruptive and aggres-
8 sive behaviors;
9 “(iv) improving child functioning;
10 “(v) reducing substance use disorders;
11 “(vi) reducing suspensions, truancy,
12 expulsions and violence;
13 “(vii) increasing graduation rates (as
14 defined in section 1111(b)(2)(C)(vi) of the
15 Elementary and Secondary Education Act
16 of 1965); and
17 “(viii) improving access to care for
18 mental health disorders.
19 “(C) LOCAL EDUCATIONAL OUTCOMES.—
20 The outcome measures developed under para-
21 graph (1)(B) relating to local educational sys-
22 tems shall, with respect to activities carried out
23 under a program under this section, at a min-
24 imum include provisions to evaluate—

1 “(i) the effectiveness of comprehensive
2 school mental health programs established
3 under this section;

4 “(ii) the effectiveness of formal part-
5 nership linkages among child and family
6 serving institutions, community support
7 systems, and the educational system;

8 “(iii) the progress made in sustaining
9 the program once funding under the grant
10 has expired;

11 “(iv) the effectiveness of training and
12 professional development programs for all
13 school personnel that incorporate indica-
14 tors that measure cultural and linguistic
15 competencies under the program in a man-
16 ner that incorporates appropriate cultural
17 and linguistic training;

18 “(v) the improvement in perception of
19 a safe and supportive learning environment
20 among school staff, students, and parents;

21 “(vi) the improvement in case-finding
22 of students in need of more intensive serv-
23 ices and referral of identified students to
24 early intervention and clinical services;

1 “(vii) the improvement in the imme-
2 diate availability of clinical assessment and
3 treatment services within the context of
4 the local community to students posing a
5 danger to themselves or others;

6 “(viii) the increased successful matric-
7 ulation to postsecondary school; and

8 “(ix) reduced referrals to juvenile jus-
9 tice.

10 “(3) SUBMISSION OF ANNUAL DATA.—An entity
11 that receives a grant, contract, or cooperative agree-
12 ment under this section shall annually submit to the
13 Administrator a report that includes data to evalu-
14 ate the success of the program carried out by the en-
15 tity based on whether such program is achieving the
16 purposes of the program. Such reports shall utilize
17 the measures of outcomes under paragraph (2) in a
18 reasonable manner to demonstrate the progress of
19 the program in achieving such purposes.

20 “(4) EVALUATION BY ADMINISTRATOR.—Based
21 on the data submitted under paragraph (3), the Ad-
22 ministrator shall annually submit to Congress a re-
23 port concerning the results and effectiveness of the
24 programs carried out with assistance received under
25 this section.

1 “(5) LIMITATION.—A grantee shall use not to
2 exceed 10 percent of amounts received under a grant
3 under this section to carry out evaluation activities
4 under this subsection.

5 “(g) INFORMATION AND EDUCATION.—The Sec-
6 retary shall establish comprehensive information and edu-
7 cation programs to disseminate the findings of the knowl-
8 edge development and application under this section to the
9 general public and to health care professionals.

10 “(h) AMOUNT OF GRANTS AND AUTHORIZATION OF
11 APPROPRIATIONS.—

12 “(1) AMOUNT OF GRANTS.—A grant under this
13 section shall be in an amount that is not more than
14 \$1,000,000 for each of grant years 2016 through
15 2020. The Secretary shall determine the amount of
16 each such grant based on the population of children
17 up to age 21 of the area to be served under the
18 grant.

19 “(2) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this section, \$200,000,000 for each of fiscal years
22 2016 through 2020.”.

23 “(c) CONFORMING AMENDMENT.—Part G of title V of
24 the Public Health Service Act (42 U.S.C. 290hh et seq.),

1 as amended by this section, is further amended by striking
2 the part heading and inserting the following:

3 **“PART G—SCHOOL-BASED MENTAL HEALTH”.**

4 **SEC. 103. JUSTICE AND MENTAL HEALTH COLLABORATION.**

5 (a) ASSISTING VETERANS.—

6 (1) REDESIGNATION.—Section 2991 of title I of
7 the Omnibus Crime Control and Safe Streets Act of
8 1968 (42 U.S.C. 3797aa) is amended by redesi-
9 gnating subsection (i) as subsection (l).

10 (2) ASSISTING VETERANS.—Section 2991 of
11 title I of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (42 U.S.C. 3797aa) is amended
13 by inserting after subsection (h) the following:

14 “(i) ASSISTING VETERANS.—

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) PEER TO PEER SERVICES OR PRO-
17 GRAMS.—The term ‘peer to peer services or
18 programs’ means services or programs that con-
19 nect qualified veterans with other veterans for
20 the purpose of providing support and
21 mentorship to assist qualified veterans in ob-
22 taining treatment, recovery, stabilization, or re-
23 habilitation.

1 “(B) QUALIFIED VETERAN.—The term
2 ‘qualified veteran’ means a preliminarily quali-
3 fied offender who—

4 “(i) has served on active duty in any
5 branch of the Armed Forces, including the
6 National Guard and reserve components;
7 and

8 “(ii) was discharged or released from
9 such service under conditions other than
10 dishonorable.

11 “(C) VETERANS TREATMENT COURT PRO-
12 GRAM.—The term ‘veterans treatment court
13 program’ means a court program involving col-
14 laboration among criminal justice, veterans, and
15 mental health and substance abuse agencies
16 that provides qualified veterans with—

17 “(i) intensive judicial supervision and
18 case management, which may include ran-
19 dom and frequent drug testing where ap-
20 propriate;

21 “(ii) a full continuum of treatment
22 services, including mental health services,
23 substance abuse services, medical services,
24 and services to address trauma;

25 “(iii) alternatives to incarceration; or

1 “(iv) other appropriate services, which
2 may include housing, transportation, men-
3 toring, employment, job training, edu-
4 cation, and assistance in applying for and
5 obtaining available benefits.

6 “(2) VETERANS ASSISTANCE PROGRAM.—

7 “(A) IN GENERAL.—The Attorney General,
8 in consultation with the Secretary of Veterans
9 Affairs, may award grants under this sub-
10 section to applicants to establish or expand—

11 “(i) veterans treatment court pro-
12 grams;

13 “(ii) peer to peer services or programs
14 for qualified veterans;

15 “(iii) practices that identify and pro-
16 vide treatment, rehabilitation, legal, transi-
17 tional, and other appropriate services to
18 qualified veterans who have been incarcerated;
19 and

20 “(iv) training programs to teach
21 criminal justice, law enforcement, correc-
22 tions, mental health, and substance abuse
23 personnel how to identify and appro-
24 priately respond to incidents involving
25 qualified veterans.

1 “(B) PRIORITY.—In awarding grants
2 under this subsection, the Attorney General
3 shall give priority to applications that—

4 “(i) demonstrate collaboration be-
5 tween and joint investments by criminal
6 justice, mental health, substance abuse,
7 and veterans service agencies;

8 “(ii) promote effective strategies to
9 identify and reduce the risk of harm to
10 qualified veterans and public safety; and

11 “(iii) propose interventions with em-
12 pirical support to improve outcomes for
13 qualified veterans.”.

14 (b) CORRECTIONAL FACILITIES.—Section 2991 of
15 title I of the Omnibus Crime Control and Safe Streets Act
16 of 1968 (42 U.S.C. 3797aa) is amended by inserting after
17 subsection (i), as so added by subsection (a), the following:

18 “(j) CORRECTIONAL FACILITIES.—

19 “(1) DEFINITIONS.—

20 “(A) CORRECTIONAL FACILITY.—The term
21 ‘correctional facility’ means a jail, prison, or
22 other detention facility used to house people
23 who have been arrested, detained, held, or con-
24 victed by a criminal justice agency or a court.

1 “(B) ELIGIBLE INMATE.—The term ‘eligi-
2 ble inmate’ means an individual who—

3 “(i) is being held, detained, or incar-
4 cerated in a correctional facility; and

5 “(ii) manifests obvious signs of a
6 mental illness or has been diagnosed by a
7 qualified mental health professional as hav-
8 ing a mental illness.

9 “(2) CORRECTIONAL FACILITY GRANTS.—The
10 Attorney General may award grants to applicants to
11 enhance the capabilities of a correctional facility—

12 “(A) to identify and screen for eligible in-
13 mates;

14 “(B) to plan and provide—

15 “(i) initial and periodic assessments of
16 the clinical, medical, and social needs of in-
17 mates; and

18 “(ii) appropriate treatment and serv-
19 ices that address the mental health and
20 substance abuse needs of inmates;

21 “(C) to develop, implement, and enhance—

22 “(i) post-release transition plans for
23 eligible inmates that, in a comprehensive
24 manner, coordinate health, housing, med-

1 ical, employment, and other appropriate
2 services and public benefits;

3 “(ii) the availability of mental health
4 care services and substance abuse treat-
5 ment services; and

6 “(iii) alternatives to solitary confine-
7 ment and segregated housing and mental
8 health screening and treatment for inmates
9 placed in solitary confinement or seg-
10 regated housing; and

11 “(D) to train each employee of the correc-
12 tional facility to identify and appropriately re-
13 spond to incidents involving inmates with men-
14 tal health or co-occurring mental health and
15 substance abuse disorders.”.

16 (c) HIGH UTILIZERS.—Section 2991 of title I of the
17 Omnibus Crime Control and Safe Streets Act of 1968 (42
18 U.S.C. 3797aa) is amended by inserting after subsection
19 (j), as added by subsection (b), the following:

20 “(k) DEMONSTRATION GRANTS RESPONDING TO
21 HIGH UTILIZERS.—

22 “(1) DEFINITION.—In this subsection, the term
23 ‘high utilizer’ means an individual who—

24 “(A) manifests obvious signs of mental ill-
25 ness or has been diagnosed by a qualified men-

1 tal health professional as having a mental ill-
2 ness; and

3 “(B) consumes a significantly dispro-
4 portionate quantity of public resources, such as
5 emergency, housing, judicial, corrections, and
6 law enforcement services.

7 “(2) DEMONSTRATION GRANTS RESPONDING TO
8 HIGH UTILIZERS.—

9 “(A) IN GENERAL.—The Attorney General
10 may award not more than 6 grants per year
11 under this subsection to applicants for the pur-
12 pose of reducing the use of public services by
13 high utilizers.

14 “(B) USE OF GRANTS.—A recipient of a
15 grant awarded under this subsection may use
16 the grant—

17 “(i) to develop or support multidisci-
18 plinary teams that coordinate, implement,
19 and administer community-based crisis re-
20 sponses and long-term plans for high uti-
21 lizers;

22 “(ii) to provide training on how to re-
23 spond appropriately to the unique issues
24 involving high utilizers for public service
25 personnel, including criminal justice, men-

1 tal health, substance abuse, emergency
2 room, healthcare, law enforcement, correc-
3 tions, and housing personnel;

4 “(iii) to develop or support alter-
5 natives to hospital and jail admissions for
6 high utilizers that provide treatment, sta-
7 bilization, and other appropriate supports
8 in the least restrictive, yet appropriate, en-
9 vironment; or

10 “(iv) to develop protocols and systems
11 among law enforcement, mental health,
12 substance abuse, housing, corrections, and
13 emergency medical service operations to
14 provide coordinated assistance to high uti-
15 lizers.

16 “(C) REPORT.—Not later than the last
17 day of the first year following the fiscal year in
18 which a grant is awarded under this subsection,
19 the recipient of the grant shall submit to the
20 Attorney General a report that—

21 “(i) measures the performance of the
22 grant recipient in reducing the use of pub-
23 lic services by high utilizers; and

24 “(ii) provides a model set of practices,
25 systems, or procedures that other jurisdic-

1 tions can adopt to reduce the use of public
2 services by high utilizers.”.

3 (d) ACADEMY TRAINING.—Section 2991(h) of title I
4 of the Omnibus Crime Control and Safe Streets Act of
5 1968 (42 U.S.C. 3797aa(h)) is amended—

6 (1) in paragraph (1), by adding at the end the
7 following:

8 “(F) ACADEMY TRAINING.—To provide
9 support for academy curricula, law enforcement
10 officer orientation programs, continuing edu-
11 cation training, and other programs that teach
12 law enforcement personnel how to identify and
13 respond to incidents involving individuals with
14 mental illness or co-occurring mental illness and
15 substance abuse disorders.”; and

16 (2) by adding at the end the following:

17 “(4) PRIORITY CONSIDERATION.—The Attorney
18 General, in awarding grants under this subsection,
19 shall give priority to programs that law enforcement
20 personnel and members of the mental health and
21 substance abuse professions develop and administer
22 cooperatively.”.

23 (e) EVIDENCE-BASED PRACTICES.—Section 2991(c)
24 of title I of the Omnibus Crime Control and Safe Streets
25 Act of 1968 (42 U.S.C. 3797aa(c)) is amended—

1 (1) in paragraph (3), by striking “or” at the
2 end;

3 (2) by redesignating paragraph (4) as para-
4 graph (6); and

5 (3) by inserting after paragraph (3), the fol-
6 lowing:

7 “(4) propose interventions that have been
8 shown by empirical evidence to reduce recidivism;

9 “(5) when appropriate, use validated assess-
10 ment tools to target preliminarily qualified offenders
11 with a moderate or high risk of recidivism and a
12 need for treatment and services; or”.

13 (f) SAFE COMMUNITIES.—

14 (1) IN GENERAL.—Section 2991(a) of title I of
15 the Omnibus Crime Control and Safe Streets Act of
16 1968 (42 U.S.C. 3797aa(a)) is amended by striking
17 paragraph (9) and inserting the following:

18 “(9) PRELIMINARILY QUALIFIED OFFENDER.—

19 “(A) IN GENERAL.—The term ‘prelimi-
20 narily qualified offender’ means an adult or ju-
21 venile accused of an offense who—

22 “(i)(I) previously or currently has
23 been diagnosed by a qualified mental
24 health professional as having a mental ill-

1 ness or co-occurring mental illness and
2 substance abuse disorders;

3 “(II) manifests obvious signs of men-
4 tal illness or co-occurring mental illness
5 and substance abuse disorders during ar-
6 rest or confinement or before any court; or

7 “(III) in the case of a veterans treat-
8 ment court provided under subsection (i),
9 has been diagnosed with, or manifests ob-
10 vious signs of, mental illness or a sub-
11 stance abuse disorder or co-occurring men-
12 tal illness and substance abuse disorder;
13 and

14 “(ii) has been unanimously approved
15 for participation in a program funded
16 under this section by, when appropriate,
17 the relevant—

18 “(I) prosecuting attorney;

19 “(II) defense attorney;

20 “(III) probation or corrections
21 official;

22 “(IV) judge; and

23 “(V) representative from the rel-
24 evant mental health agency described
25 in subsection (b)(5)(B)(i).

1 “(B) DETERMINATION.—In determining
2 whether to designate an individual as a prelimi-
3 narily qualified offender, the relevant pros-
4 ecuting attorney, defense attorney, probation or
5 corrections official, judge, and mental health or
6 substance abuse agency representative shall
7 take into account—

8 “(i) whether the participation of the
9 individual in the program would pose a
10 substantial risk of violence to the commu-
11 nity;

12 “(ii) the criminal history of the indi-
13 vidual and the nature and severity of the
14 offense for which the individual is charged;

15 “(iii) the views of any relevant victims
16 to the offense;

17 “(iv) the extent to which the indi-
18 vidual would benefit from participation in
19 the program;

20 “(v) the extent to which the commu-
21 nity would realize cost savings because of
22 the individual’s participation in the pro-
23 gram; and

24 “(vi) whether the individual satisfies
25 the eligibility criteria for program partici-

1 pation unanimously established by the rel-
 2 evant prosecuting attorney, defense attor-
 3 ney, probation or corrections official, judge
 4 and mental health or substance abuse
 5 agency representative.”.

6 (2) TECHNICAL AND CONFORMING AMEND-
 7 MENT.—Section 2927(2) of title I of the Omnibus
 8 Crime Control and Safe Streets Act of 1968 (42
 9 U.S.C. 3797s–6(2)) is amended by striking “has the
 10 meaning given that term in section 2991(a).” and
 11 inserting “means an offense that—

12 “(A) does not have as an element the use,
 13 attempted use, or threatened use of physical
 14 force against the person or property of another;
 15 or

16 “(B) is not a felony that by its nature in-
 17 volves a substantial risk that physical force
 18 against the person or property of another may
 19 be used in the course of committing the of-
 20 fense.”.

21 (g) REAUTHORIZATION OF APPROPRIATIONS.—Sub-
 22 section (l) of section 2991 of title I of the Omnibus Crime
 23 Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa),
 24 as redesignated in subsection (a)(1), is amended—

25 (1) in paragraph (1)—

1 (A) in subparagraph (B), by striking
2 “and” at the end;

3 (B) in subparagraph (C), by striking the
4 period and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(D) \$40,000,000 for each of fiscal years
7 2016 through 2020.”; and

8 (2) by adding at the end the following:

9 “(3) LIMITATION.—Not more than 20 percent
10 of the funds authorized to be appropriated under
11 this section may be used for purposes described in
12 subsection (i) (relating to veterans).”.

13 **TITLE II—IMPROVING**
14 **RESEARCH ON VIOLENCE**

15 **SEC. 201. RESEARCH WITH RESPECT TO VIOLENCE.**

16 (a) IN GENERAL.—The Secretary of Health and
17 Human Services, in consultation with the Director of the
18 National Institutes of Health, shall expand and intensify
19 research on self-directed and other-directed violence asso-
20 ciated with mental illness and substance abuse disorders.

21 (b) LIMITATIONS ON AUTHORIZATION OF APPRO-
22 PRIATIONS.—To carry out subsection (a), there are au-
23 thorized to be appropriated \$100,000, without fiscal year
24 limitation, which is authorized to remain available until
25 expended.

1 **TITLE III—UNDERSTANDING**
2 **THE EPIDEMIC OF GUN VIO-**
3 **LENCE**

4 **SEC. 301. NATIONAL VIOLENT DEATH REPORTING SYSTEM.**

5 The Secretary of Health and Human Services, acting
6 through the Director of the Centers for Disease Control
7 and Prevention, shall improve the National Violent Death
8 Reporting System, as authorized by title III of the Public
9 Health Service Act (42 U.S.C. 241 et seq.), particularly
10 through the expansion of the application of such system
11 to include the 50 States. Participation in the system by
12 the States shall be voluntary.

13 **SEC. 302. REAFFIRMING CENTERS FOR DISEASE CON-**
14 **TROL'S AUTHORITY.**

15 (a) IN GENERAL.—Section 391 of the Public Health
16 Service Act (42 U.S.C. 280b) is amended—

17 (1) in subsection (a)(1), by striking “research
18 relating to the causes, mechanisms, prevention, diag-
19 nosis, treatment of injuries, and rehabilitation from
20 injuries;” and inserting “research, including data
21 collection, relating to—

22 “(A) the causes, mechanisms, prevention, diag-
23 nosis, and treatment of injuries, including with re-
24 spect to gun violence; and

25 “(B) rehabilitation from such injuries;” and

1 “(6) RULE OF CONSTRUCTION.—Notwith-
 2 standing the previous provisions of this subsection,
 3 none of the authorities provided to the Secretary
 4 under this subsection, Public Law 111–148, or an
 5 amendment made by such Public Law shall be con-
 6 strued to prohibit a physician or other health care
 7 provider from—

8 “(A) asking a patient about the ownership,
 9 possession, use, or storage of a firearm or am-
 10 munition in the home of such patient;

11 “(B) speaking to a patient about gun safe-
 12 ty; or

13 “(C) reporting to the authorities a pa-
 14 tient’s threat of violence.”.

15 **TITLE IV—ENSURING SAFE** 16 **COMMUNITIES**

17 **SEC. 401. BAN ON FIREARM POSSESSION BY PERSON COM-** 18 **MITTED INVOLUNTARILY TO MENTAL INSTI-** 19 **TUTION ON AN OUTPATIENT BASIS.**

20 Section 922 of title 18, United States Code, is
 21 amended—

22 (1) in subsection (d)(4), by inserting “on an in-
 23 voluntary inpatient or involuntary outpatient basis”
 24 before the semicolon; and

1 (2) in subsection (g)(4), by inserting “on an in-
2 voluntary inpatient or involuntary outpatient basis”
3 before the semicolon.

4 **SEC. 402. GRANT PROGRAM REGARDING FIREARMS.**

5 Section 506(b) of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (42 U.S.C. 3756(b))
7 is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “to 1 or more States or units of local gov-
10 ernment, for 1 or more of the purposes specified in
11 section 501, pursuant to his determination that the
12 same is necessary” and inserting “to—”;

13 (2) by redesignating paragraphs (1) and (2) as
14 subparagraphs (A) and (B), respectively, and adjust-
15 ing the margins accordingly;

16 (3) by inserting before subparagraph (A), as re-
17 designated, the following:

18 “(1) 1 or more States or units of local govern-
19 ment, for 1 or more of the purposes specified in sec-
20 tion 501, pursuant to his determination that the
21 same is necessary—”;

22 (4) in paragraph (1)(B), as redesignated, by
23 striking the period at the end and inserting “; or”;
24 and

25 (5) by adding at the end the following:

1 “(2) 1 or more States, if that State has dem-
2 onstrated, in the determination of the Attorney Gen-
3 eral, that the State has adopted policies, procedures,
4 protocols, laws or regulations pertaining to the pos-
5 session or transfer of firearms or ammunition that—

6 “(A)(i) give State and local law enforce-
7 ment the authority, to the extent allowable
8 under Federal laws and the United States Con-
9 stitution, to seize firearms or ammunition from
10 an individual pursuant to a warrant, where
11 there is probable cause to believe that the indi-
12 vidual in possession of such firearms or ammu-
13 nition poses an elevated risk of harm to himself
14 or herself or to another individual, which may
15 be determined by considering whether the indi-
16 vidual has caused harm to himself or herself or
17 another individual, has detailed plans to cause
18 harm to himself or herself or another indi-
19 vidual, has a history of substance abuse, or
20 lacks impulse control; and

21 “(ii) provide that not later than 14 days
22 after such a seizure, an individual from whom
23 a firearm or ammunition was so seized shall be
24 given an opportunity to contest such seizure in
25 court, and any firearm or ammunition so seized

1 shall be returned to the individual, unless a
2 State or local law enforcement officer dem-
3 onstrates in court by a preponderance of the
4 evidence that the individual from whom a fire-
5 arm or ammunition was seized poses an ele-
6 vated risk of harm to himself or herself or to
7 another individual; or

8 “(B) temporarily prohibit an individual
9 who has been involuntarily hospitalized for a
10 period of not less than 48 hours for mental ill-
11 ness on an emergency basis, from possessing a
12 firearm or ammunition.”.

13 **SEC. 403. NOTIFICATION OF STATE AND LOCAL LAW EN-**
14 **FORCEMENT AUTHORITIES OF ATTEMPT TO**
15 **PURCHASE FIREARM BY INELIGIBLE PER-**
16 **SON.**

17 (a) IN GENERAL.—The Attorney General shall estab-
18 lish a system for the prompt notification of the relevant
19 State and local law enforcement agencies when the Na-
20 tional Instant Criminal Background Check System estab-
21 lished under section 103 of the Brady Handgun Violence
22 Prevention Act (18 U.S.C. 922 note) notifies a licensed
23 dealer that the information available to the system indi-
24 cates that the possession of a firearm by an individual at-
25 tempting to obtain a firearm from the licensed dealer

1 would violate subsection (g) or (n) of section 922 of title
 2 18, United States Code, or State law, except when it is
 3 determined, on a case-by-case basis, that law enforcement
 4 purposes would best be served by not providing such a no-
 5 tice.

6 (b) DEFINITIONS.—In this section, the terms “fire-
 7 arm” and “licensed dealer” shall have the meanings given
 8 such terms in section 921(a) of title 18, United States
 9 Code.

10 **TITLE V—RESTORATION**

11 **SEC. 501. FEDERAL AGENCY RELIEF PROGRAM.**

12 Section 101(c) of the NICS Improvement Amend-
 13 ments Act of 2007 (18 U.S.C. 922 note) is amended—

14 (1) in paragraph (2)(A)(i), by inserting after
 15 “imposed by such subsections” the following: “if
 16 such person is a person described in subparagraph
 17 (C) and submits the opinion (and records and infor-
 18 mation supporting the opinion) of a psychiatrist, a
 19 clinical psychologist, or a licensed or qualified men-
 20 tal health professional who can provide adequate in-
 21 formation who has personally evaluated the person”;
 22 and

23 (2) by adding at the end the following:

24 “(C) PERSON DESCRIBED.—A person is
 25 described in this subparagraph if, beginning not

1 earlier than 1 year after the person is subject
2 to the disabilities imposed by subsection (d)(4)
3 or (g)(4) of section 922 of title 18, United
4 States Code, and after affording the Federal
5 department or agency the opportunity to re-
6 quest an additional evaluation, by a psychia-
7 trist, a clinical psychologist, or a licensed or
8 qualified mental health professional who can
9 provide adequate information appointed by the
10 department or agency, the department or agen-
11 cy determines by a preponderance of the evi-
12 dence received that—

13 “(i) the person no longer manifests
14 the symptoms of mental disorder that re-
15 sulted in that person’s adjudication as in-
16 eligible due to disqualifying mental status
17 or involuntary commitment or that other-
18 wise significantly elevate the risk of harm
19 to self or others;

20 “(ii) the person has adhered consist-
21 ently to any prescribed treatment for a
22 substantial period of time preceding the
23 date of the application and has expressed
24 a willingness to continue treatment under
25 an appropriate mental health professional;

1 “(iii) if ongoing treatment is required,
2 that adherence to that treatment is likely
3 to minimize the risk that the person will
4 revert to a mental state that would present
5 a danger to self or others; and

6 “(iv) the granting of the relief would
7 not be contrary to the public interest.”.

8 **SEC. 502. STATE RELIEF PROGRAMS.**

9 (a) IN GENERAL.—Section 105 of the NICS Im-
10 provement Amendments Act of 2007 (18 U.S.C. 922 note)
11 is amended—

12 (1) in subsection (a)(2), by striking “if the cir-
13 cumstances regarding the disabilities referred to in
14 paragraph (1), and the person’s record and reputa-
15 tion, are such that the person will not be likely to
16 act in a manner dangerous to public safety and that
17 the granting of the relief would not be contrary to
18 the public interest; and” and inserting the following:
19 “beginning not earlier than 1 year after the person
20 is first adjudicated as described in subsection (g)(4)
21 of section 922 of title 18, United States Code, if the
22 person submits the opinion (and records and infor-
23 mation supporting the opinion) of a psychiatrist, a
24 clinical psychologist, or a licensed or qualified men-
25 tal health professional who can provide adequate in-

1 formation who has personally evaluated the person,
2 and after affording the State the opportunity to re-
3 quest an additional evaluation, by a psychiatrist,
4 clinical psychologist, or other licensed or qualified
5 mental health professional who can provide adequate
6 information appointed by the court, board, commis-
7 sion, or other lawful authority, only if the court,
8 board, commission, or other lawful authority deter-
9 mines by a preponderance of the evidence received
10 that the person is a person described in subsection
11 (c); and”;

12 (2) by adding at the end the following:

13 “(c) ELIGIBLE PERSON DESCRIBED.—A person de-
14 scribed in this subsection is any person who submits with
15 the application for relief under subsection (a)(1), the opin-
16 ion (and records and information supporting the opinion)
17 of a psychiatrist, a clinical psychologist, or a licensed or
18 qualified mental health professional who can provide ade-
19 quate information who has personally evaluated the peti-
20 tioner and which attests that—

21 “(1) the person no longer manifests the symp-
22 toms of disqualifying mental status that resulted in
23 that person’s adjudication as a mental defective or
24 involuntary commitment;

1 “(2) the person appears to have adhered con-
2 sistently to any prescribed treatment for a substan-
3 tial period of time preceding the date of the applica-
4 tion and has expressed a willingness to continue
5 treatment under an appropriate mental health pro-
6 fessional;

7 “(3) if ongoing treatment is required, that ad-
8 herence to that treatment is likely to minimize the
9 risk that the person will revert to a mental state
10 that would present a danger to self or others; and

11 “(4) the granting of the relief would not be con-
12 trary to the public interest.

13 “(d) DEFINITIONS.—The Attorney General may, by
14 rule, define terms used in this section to ensure conformity
15 with Federal programs providing relief from disabilities
16 imposed under subsections (d) and (g) of section 922 of
17 title 18, United States Code.”.

18 (b) TRANSITION RULE.—The amendment made by
19 subsection (a) shall apply only beginning on the date that
20 is 5 years after the date of enactment of this Act, in the
21 case of any State that has a program described in section
22 105 of the NICS Improvement Amendments Act of 2007
23 (18 U.S.C. 922 note) in effect on the date of enactment
24 of this Act.

1 **SEC. 503. INELIGIBILITY DUE TO DISQUALIFYING MENTAL**
2 **STATUS.**

3 (a) TITLE 18.—Part I of title 18, United States
4 Code, is amended—

5 (1) in section 175b(d)(2)(F), by striking “adju-
6 dicated as a mental defective” and inserting “adju-
7 dicated as ineligible due to disqualifying mental sta-
8 tus”;

9 (2) in section 842—

10 (A) in subsection (d)(6), by striking “adju-
11 dicated as a mental defective” and inserting
12 “adjudicated as ineligible due to disqualifying
13 mental status”; and

14 (B) in subsection (i)(4), by striking “adju-
15 dicated as a mental defective” and inserting
16 “adjudicated as ineligible due to disqualifying
17 mental status”; and

18 (3) in section 922—

19 (A) in subsection (d)(4), as amended by
20 section 401, by striking “adjudicated as a men-
21 tal defective” and inserting “adjudicated as in-
22 eligible due to disqualifying mental status”; and

23 (B) in subsection (g)(4), as amended by
24 section 401, by striking “adjudicated as a men-
25 tal defective” and inserting “adjudicated as in-
26 eligible due to disqualifying mental status”; and

1 (C) in subsection (s)(3)(B)(iv), by striking
2 “adjudicated as a mental defective” and insert-
3 ing “adjudicated as ineligible due to disquali-
4 fying mental status”.

5 (b) NICS IMPROVEMENT AMENDMENTS ACT OF
6 2007.—The NICS Improvement Amendments Act of 2007
7 is amended—

8 (1) in section 3(2), by striking “adjudicated as
9 a mental defective” and inserting “adjudicated as in-
10 eligible due to disqualifying mental status”;

11 (2) in section 101(b)(2)(C)(ii), by striking “ad-
12 judicated as a mental defective” and inserting “ad-
13 judicated as ineligible due to disqualifying mental
14 status”;

15 (3) in section 101(c)(1)(C), by striking “adju-
16 dicated as a mental defective” and inserting “adju-
17 dicated as ineligible due to disqualifying mental sta-
18 tus”;

19 (4) in section 101(c)(3)—

20 (A) in the matter preceding subparagraph
21 (A), by striking “adjudicate a person as a men-
22 tal defective,” and insert “adjudicate a person
23 as ineligible due to disqualifying mental sta-
24 tus”; and

1 (B) in subparagraph (A), by striking “ad-
 2 judicate the person as a mental defective,” and
 3 insert “adjudicate the person as ineligible due
 4 to disqualifying mental status”; and

5 (5) in section 102(b)(1)(C)(iv), by striking “ad-
 6 judicated as a mental defective” and inserting “ad-
 7 judicated as ineligible due to disqualifying mental
 8 status”.

9 **TITLE VI—SUBMISSION OF**
 10 **RECORDS TO NATIONAL IN-**
 11 **STANT CRIMINAL BACK-**
 12 **GROUND CHECK SYSTEM**

13 **SEC. 601. REPORTS RELATING TO SUBMISSION OF INFOR-**
 14 **MATION TO NICS.**

15 Section 201 of the NICS Improvement Amendments
 16 Act of 2007 (18 U.S.C. 922 note) is amended—

17 (1) by amending subsection (b) to read as fol-
 18 lows:

19 “(b) REPORT ON PERSONS PROHIBITED FROM OB-
 20 TAINING FIREARMS AS A RESULT OF A CONVICTION OF
 21 A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—Not
 22 later than January 31 of each year, the Director shall sub-
 23 mit to Congress a report containing the number of persons
 24 reported by each State to the National Instant Criminal
 25 Background Check System who are prohibited from pos-

1 sassing or receiving a firearm under section 922(g)(9) of
2 title 18, United States Code.”;

3 (2) by redesignating subsection (d) as (e); and

4 (3) by inserting after subsection (c) the fol-
5 lowing:

6 “(d) REPORT ON PROMISING PRACTICES.—

7 “(1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of the Safer Commu-
9 nities Act of 2015, and annually thereafter, the Di-
10 rector shall submit to Congress and to each State
11 participating in the National Criminal History Im-
12 provement Program, a report of the practices of the
13 States that the Director considers to be promising
14 practices.

15 “(2) PROMISING PRACTICE DEFINED.—For
16 purposes of this subsection, the term ‘promising
17 practice’ means a program, activity, or strategy of a
18 State regarding the collection, maintenance, automa-
19 tion, and transmittal of information relevant to de-
20 termining whether a person is prohibited from pos-
21 sassing or receiving a firearm by Federal or State
22 law, by the State or any other agency, or any other
23 records relevant to the National Instant Criminal
24 Background Check System, that the Director deter-
25 mines—

1 “(A) has been used by a State or other
2 agency to successfully increase or expand its
3 ability to collect, maintain, automate, and
4 transmit the information described in the mat-
5 ter preceding this subparagraph;

6 “(B) shows promise in its early stages of
7 becoming a best practice under subsection (c),
8 with long-term sustainable impact; and

9 “(C) may be replicated by other States or
10 agencies.”.

11 **SEC. 602. REAUTHORIZATION OF THE NATIONAL CRIMINAL**
12 **HISTORY RECORDS IMPROVEMENT PRO-**
13 **GRAM.**

14 Section 106(b) of Public Law 103–159 (18 U.S.C.
15 922 note) is amended—

16 (1) in paragraph (1), in the matter preceding
17 subparagraph (A), by striking “of this Act” and in-
18 serting “of the Safer Communities Act of 2015”;
19 and

20 (2) by striking paragraph (2) and inserting the
21 following:

22 “(2) **AUTHORIZATION OF APPROPRIATIONS.—**
23 There are authorized to be appropriated for grants
24 under this subsection \$100,000,000 for each of fis-
25 cal years 2016 through 2019.”.

1 **SEC. 603. IMPROVEMENT OF METRICS AND INCENTIVES.**

2 Section 102(b) of the NICS Improvement Amend-
3 ments Act of 2007 (18 U.S.C. 922 note) is amended to
4 read as follows:

5 “(b) IMPLEMENTATION PLAN.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of the Safer Communities Act
8 of 2015, the Attorney General, in coordination with
9 the States, shall establish for each State or Indian
10 tribal government applying for a grant under section
11 103 a 4-year implementation plan to ensure max-
12 imum coordination and automation of the reporting
13 of records or making records available to the Na-
14 tional Instant Criminal Background Check System.

15 “(2) BENCHMARK REQUIREMENTS.—Each 4-
16 year plan established under paragraph (1) shall in-
17 clude annual benchmarks, including both qualitative
18 goals and quantitative measures, to assess imple-
19 mentation of the 4-year plan.

20 “(3) PENALTIES FOR NON-COMPLIANCE.—

21 “(A) IN GENERAL.—During the 4-year pe-
22 riod covered by a 4-year plan established under
23 paragraph (1), the Attorney General shall with-
24 hold—

25 “(i) 10 percent of the amount that
26 would otherwise be allocated to a State

1 under section 505 of title I of the Omnibus
2 Crime Control and Safe Streets Act of
3 1968 (42 U.S.C. 3755) if the State does
4 not meet the benchmark established under
5 paragraph (2) for the first year in the 4-
6 year period;

7 “(ii) 11 percent of the amount that
8 would otherwise be allocated to a State
9 under section 505 of title I of the Omnibus
10 Crime Control and Safe Streets Act of
11 1968 (42 U.S.C. 3755) if the State does
12 not meet the benchmark established under
13 paragraph (2) for the second year in the 4-
14 year period;

15 “(iii) 13 percent of the amount that
16 would otherwise be allocated to a State
17 under section 505 of title I of the Omnibus
18 Crime Control and Safe Streets Act of
19 1968 (42 U.S.C. 3755) if the State does
20 not meet the benchmark established under
21 paragraph (2) for the third year in the 4-
22 year period; and

23 “(iv) 15 percent of the amount that
24 would otherwise be allocated to a State
25 under section 505 of title I of the Omnibus

1 Crime Control and Safe Streets Act of
 2 1968 (42 U.S.C. 3755) if the State does
 3 not meet the benchmark established under
 4 paragraph (2) for the fourth year in the 4-
 5 year period.

6 “(B) FAILURE TO ESTABLISH A PLAN.—A
 7 State that fails to establish a plan under para-
 8 graph (1) shall be treated as having not met
 9 any benchmark established under paragraph
 10 (2).”.

11 **SEC. 604. GRANTS TO STATES TO IMPROVE COORDINATION**
 12 **AND AUTOMATION OF NICS RECORD REPORT-**
 13 **ING.**

14 (a) IN GENERAL.—The NICS Improvement Amend-
 15 ments Act of 2007 (18 U.S.C. 922 note) is amended—
 16 (1) by striking section 103 and inserting the
 17 following:

18 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
 19 **ORDINATION AND AUTOMATION OF NICS**
 20 **RECORD REPORTING.**

21 “(a) AUTHORIZATION.—From amounts made avail-
 22 able to carry out this section, the Attorney General shall
 23 make grants to States, Indian Tribal governments, and
 24 State court systems, in a manner consistent with the Na-
 25 tional Criminal History Improvement Program and con-

1 sistent with State plans for integration, automation, and
2 accessibility of criminal history records, for use by the
3 State, or units of local government of the State, Indian
4 Tribal government, or State court system to improve the
5 automation and transmittal of mental health records and
6 criminal history dispositions, records relevant to deter-
7 mining whether a person has been convicted of a mis-
8 demeanor crime of domestic violence, court orders, and
9 mental health adjudications or commitments to Federal
10 and State record repositories in accordance with section
11 102 and the National Criminal History Improvement Pro-
12 gram.

13 “(b) USE OF GRANT AMOUNTS.—Grants awarded to
14 States, Indian Tribal governments, or State court systems
15 under this section may only be used to—

16 “(1) carry out, as necessary, assessments of the
17 capabilities of the courts of the State or Indian Trib-
18 al government for the automation and transmission
19 of arrest and conviction records, court orders, and
20 mental health adjudications or commitments to Fed-
21 eral and State record repositories;

22 “(2) implement policies, systems, and proce-
23 dures for the automation and transmission of arrest
24 and conviction records, court orders, and mental

1 health adjudications or commitments to Federal and
2 State record repositories;

3 “(3) create electronic systems that provide ac-
4 curate and up-to-date information which is directly
5 related to checks under the National Instant Crimi-
6 nal Background Check System, including court dis-
7 position and corrections records;

8 “(4) assist States or Indian Tribal governments
9 in establishing or enhancing their own capacities to
10 perform background checks using the National In-
11 stant Criminal Background Check System; and

12 “(5) develop and maintain the relief from dis-
13 abilities program in accordance with section 105.

14 “(c) ELIGIBILITY.—

15 “(1) IN GENERAL.—To be eligible for a grant
16 under this section, a State, Indian Tribal govern-
17 ment, or State court system shall certify, to the sat-
18 isfaction of the Attorney General, that the State, In-
19 dian Tribal government, or State court system—

20 “(A) is not prohibited by State law or
21 court order from submitting mental health
22 records to the National Instant Criminal Back-
23 ground Check System; and

1 “(B) subject to paragraph (2), has imple-
2 mented a relief from disabilities program in ac-
3 cordance with section 105.

4 “(2) RELIEF FROM DISABILITIES PROGRAM.—
5 For purposes of obtaining a grant under this sec-
6 tion, a State, Indian Tribal government, or State
7 court system shall not be required to meet the eligi-
8 bility requirement described in paragraph (1)(B)
9 until the date that is 2 years after the date of enact-
10 ment of the Safer Communities Act of 2015.

11 “(d) FEDERAL SHARE.—

12 “(1) STUDIES, ASSESSMENTS, NON-MATERIAL
13 ACTIVITIES.—The Federal share of a study, assess-
14 ment, creation of a task force, or other non-material
15 activity, as determined by the Attorney General, car-
16 ried out with a grant under this section shall be not
17 more than 25 percent.

18 “(2) INFRASTRUCTURE OR SYSTEM DEVELOP-
19 MENT.—The Federal share of an activity involving
20 infrastructure or system development, including
21 labor-related costs, for the purpose of improving
22 State or Indian Tribal government record reporting
23 to the National Instant Criminal Background Check
24 System carried out with a grant under this section

1 may amount to 100 percent of the cost of the activ-
2 ity.

3 “(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent
4 of the grant funding available under this section may be
5 reserved for Indian tribal governments for use by Indian
6 tribal judicial systems.

7 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$100,000,000 for each of fiscal years 2016 through
10 2019.”;

11 (2) by striking title III; and

12 (3) in section 401(b), by inserting after “of this
13 Act” the following: “and 18 months after the date
14 of enactment of the Safer Communities Act of
15 2015”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections in section 1(b) of the NICS Improve-
18 ment Amendments Act of 2007 (18 U.S.C. 922 note) is
19 amended—

20 (1) by striking the item relating to section 103
21 and inserting the following:

“Sec. 103. Grants to States for improvement of coordination and automation
of NICS record reporting.”;

22 (2) by striking the item relating to title III; and

23 (3) by striking the item relating to section 301.

1 **SEC. 605. SHARING OF RECORDS BY FEDERAL DEPART-**
2 **MENTS AND AGENCIES WITH NICS.**

3 Section 101(b) of the NICS Improvement Act of
4 2007 (18 U.S.C. 922 note) is amended—

5 (1) in paragraph (2)—

6 (A) in subparagraph (B), by striking
7 “and” at the end;

8 (B) in subparagraph (C), by striking the
9 period at the end and inserting “; and”; and

10 (C) by inserting at the end the following:

11 “(D) not later than 180 days after the
12 date of the enactment of the Safer Communities
13 Act of 2015, and annually thereafter, submit a
14 report to Congress on the compliance of the
15 heads of Federal departments and agencies
16 with the requirements of paragraphs (1) and
17 (3).”; and

18 (2) by adding at the end the following:

19 “(3) OTHER FEDERAL DEPARTMENTS AND
20 AGENCIES.—The head of each Federal department
21 or agency in possession of records which are relevant
22 to a determination of whether a person is disquali-
23 fied from possessing or receiving a firearm under
24 subsection (g) or (n) of section 922 of title 18,
25 United States Code, shall make available to the At-
26 torney General, such records, updated not less than

1 quarterly, for use in the background checks per-
2 formed by the National Instant Criminal Back-
3 ground Check System.”.

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