

Whereas the Boys & Girls Clubs of America effectively leverages limited Federal investment to support Clubs in underfunded communities, while raising the majority of its funding privately;

Whereas the Boys & Girls Clubs of America serves diverse groups of young people in urban, suburban, and rural communities, as well as on military bases and Native American reservations;

Whereas the Boys & Girls Clubs of America provides stability, education, youth development, and prevention programs for children of military personnel, who frequently relocate due to station changes and deployments;

Whereas, as of February 2013, there are 3,985 chartered Clubs serving approximately 4,100,000 young people; and

Whereas, on April 28, 2012, the Boys & Girls Clubs of America signed an agreement with For Inspiration and Recognition of Science and Technology (commonly known as "FIRST") to bring competitive robotics programs to approximately 4,000,000 young people in the United States by 2015: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress—*

(1) commends the Boys & Girls Clubs of America for its work serving the young people of the United States and strengthening thousands of communities;

(2) recognizes the importance of high-impact mentoring of young people in ensuring positive outcomes for young people of all backgrounds;

(3) supports mentoring of young people as a strategy to prepare young people for education, careers, and citizenship;

(4) encourages the Boys & Girls Clubs of America to continue and expand programs that expose young people to science, technology, engineering, and math; and

(5) commits to strengthening the partnership between the Boys & Girls Clubs of America and various Federal agencies and department in order to serve an even greater number of young people.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 725. Mr. GRASSLEY (for himself, Mr. CRUZ, Mr. GRAHAM, Mr. THUNE, Ms. AYOTTE, Mr. HOEVEN, Mr. HATCH, Mr. FLAKE, Mr. COATS, Mr. CORNYN, Mr. ROBERTS, Mr. WICKER, Mr. JOHNSON of Wisconsin, Mr. INHOFE, Mr. RISCH, Mr. RUBIO, Ms. MURKOWSKI, Mr. BOOZMAN, Mr. JOHANNES, Mr. PORTMAN, Mr. MCCONNELL, Mr. BLUNT, Mr. VITTER, Mr. COCHRAN, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

SA 726. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 727. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 728. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 729. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 730. Mr. HARKIN (for himself, Mr. ALEXANDER, Mr. FRANKEN, Ms. MURKOWSKI,

Mr. BENNET, Mr. ROBERTS, Ms. BALDWIN, Ms. AYOTTE, Mrs. HAGAN, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. JOHANNES) proposed an amendment to the bill S. 649, supra.

SA 731. Ms. KLOBUCHAR (for herself and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 649, supra; which was ordered to lie on the table.

SA 732. Mr. GRAHAM (for himself, Mr. BEGICH, Mr. FLAKE, Mr. PRYOR, Mr. HELLER, Mr. CORNYN, Mr. CHAMBLISS, Mr. PORTMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 649, supra; which was ordered to lie on the table.

SA 733. Ms. STABENOW (for herself, Mr. BLUNT, Mr. REED, Mr. RUBIO, Ms. COLLINS, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 649, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 725.** Mr. GRASSLEY (for himself, Mr. CRUZ, Mr. GRAHAM, Mr. THUNE, Ms. AYOTTE, Mr. HOEVEN, Mr. HATCH, Mr. FLAKE, Mr. COATS, Mr. CORNYN, Mr. ROBERTS, Mr. WICKER, Mr. JOHNSON of Wisconsin, Mr. INHOFE, Mr. RISCH, Mr. RUBIO, Ms. MURKOWSKI, Mr. BOOZMAN, Mr. JOHANNES, Mr. PORTMAN, Mr. MCCONNELL, Mr. BLUNT, Mr. VITTER, Mr. COCHRAN, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; as follows:

On page 1, line 3, strike "**short**" and all that follows through page 42, line 15, and insert the following:

#### SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Protecting Communities and Preserving the Second Amendment Act of 2013".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—COMBATING GUN CRIME, NICS REAUTHORIZATION, AND NICS IMPROVEMENT

Sec. 101. Reauthorization and improvements to NICS.

Sec. 102. Availability of records to NICS.

Sec. 103. Definitions relating to mental health.

Sec. 104. Clarification that Federal court information is to be made available to the National Instant Criminal Background Check System.

Sec. 105. Reports and certifications to Congress.

Sec. 106. Increasing Federal prosecution of gun violence.

Sec. 107. Prosecution of felons and fugitives who attempt to illegally purchase firearms.

Sec. 108. Limitation on operations by the Department of Justice.

Sec. 109. Straw purchasing of firearms.

Sec. 110. Increased penalties for lying and buying.

Sec. 111. Amendments to section 924(a).

Sec. 112. Amendments to section 924(h).

Sec. 113. Amendments to section 924(k).

Sec. 114. Multiple sales reports for rifles and shotguns.

Sec. 115. Study by the National Institutes of Justice and National Academy of Sciences on the causes of mass shootings.

Sec. 116. Reports to Congress regarding ammunition purchases by Federal agencies.

Sec. 117. Reduction of Byrne JAG funds for State failure to provide mental health records to NICS.

Sec. 118. Firearm commerce modernization.

Sec. 119. Firearm dealer access to law enforcement information.

Sec. 120. Interstate transportation of firearms or ammunition.

#### TITLE II—MENTAL HEALTH

Sec. 201. Reauthorization and additional amendments to the Mentally Ill Offender Treatment and Crime Reduction Act.

Sec. 202. Additional purposes for Federal grants.

Sec. 203. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.

#### TITLE III—SCHOOL SAFETY

Sec. 301. Short title.

Sec. 302. Grant program for school security.

Sec. 303. Applications.

Sec. 304. Authorization of appropriations.

Sec. 305. Accountability.

Sec. 306. Preventing duplicative grants.

#### SEC. 2. DEFINITIONS.

In this Act—

(1) the term "agency" has the meaning given the term in section 551 of title 5, United States Code;

(2) the term "NICS" means the National Instant Criminal Background Check System; and

(3) the term "relevant Federal records" means any record demonstrating that a person is prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

#### TITLE I—COMBATING GUN CRIME, NICS REAUTHORIZATION, AND NICS IMPROVEMENT

##### SEC. 101. REAUTHORIZATION AND IMPROVEMENTS TO NICS.

(a) **IN GENERAL.**—Section 103 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by redesignating subsection (e) as subsection (f) and amending such subsection to read as follows:

"(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2013 through 2017."; and

(2) by inserting after subsection (d) the following:

"(e) **ACCOUNTABILITY.**—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

"(1) **DEFINITION.**—In this subsection, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

"(2) **AUDITS.**—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by

grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(3) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.”

(b) MODIFICATION OF ELIGIBILITY REQUIREMENTS.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) in section 102(b)(1)—

(A) in subparagraph (A), by striking “subparagraph (C)” and inserting “subparagraph (B)”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in section 103(a)(1), by striking “and subject to section 102(b)(1)(B)”;

(3) in section 104(d), by striking “section 102(b)(1)(C)” and inserting “section 102(b)(1)(B)”.

**SEC. 102. AVAILABILITY OF RECORDS TO NICS.**

(a) GUIDANCE.—Not later than 45 days after the date of enactment of this Act, the Attorney General shall issue guidance regarding—

(1) the identification and sharing of relevant Federal records; and

(2) submission of the relevant Federal records to NICS.

(b) PRIORITIZATION OF RECORDS.—Each agency that possesses relevant Federal records shall prioritize providing the relevant information contained in the relevant Federal records to NICS on a regular and ongoing basis in accordance with the guidance issued by the Attorney General under subsection (a).

(c) REPORTS.—Not later than 60 days after the Attorney General issues guidance under subsection (a), the head of each agency shall submit a report to the Attorney General that—

(1) advises whether the agency possesses relevant Federal records; and

(2) describes the implementation plan of the agency for making the relevant information contained in relevant Federal records available to NICS in a manner consistent with applicable law.

(d) DETERMINATION OF RELEVANCE.—The Attorney General shall resolve any dispute regarding whether—

(1) agency records are relevant Federal records; and

(2) the relevant Federal records of an agency should be made available to NICS.

**SEC. 103. DEFINITIONS RELATING TO MENTAL HEALTH.**

(a) TITLE 18 DEFINITIONS.—Chapter 44 of title 18, United States Code, is amended—

(1) in section 921(a), by adding at the end the following:

“(36)(A) Subject to subparagraph (B), the term ‘has been adjudicated mentally incompetent or has been committed to a psychiatric hospital’, with respect to a person—

“(i) means the person is the subject of an order or finding by a judicial officer, court, board, commission, or other adjudicative body—

“(I) that was issued after—

“(aa) a hearing—

“(AA) of which the person received actual notice; and

“(BB) at which the person had an opportunity to participate with counsel; or

“(bb) the person knowingly and intelligently waived the opportunity for a hearing—

“(AA) of which the person received actual notice; and

“(BB) at which the person would have had an opportunity to participate with counsel; and

“(II) that found that the person, as a result of marked subnormal intelligence, mental impairment, or mental illness—

“(aa) was a danger to himself or to others; “(bb) was guilty but mentally ill in a criminal case;

“(cc) was not guilty in a criminal case by reason of insanity or mental disease or defect;

“(dd) was incompetent to stand trial in a criminal case;

“(ee) was not guilty only by reason of lack of mental responsibility under section 850a of title 10 (article 50a of the Uniform Code of Military Justice);

“(ff) required involuntary inpatient treatment by a psychiatric hospital;

“(gg) required involuntary outpatient treatment by a psychiatric hospital based on a finding that the person is a danger to himself or to others; or

“(hh) required involuntary commitment to a psychiatric hospital for any reason, including drug use; and

“(ii) does not include—

“(I) a person who is in a psychiatric hospital for observation; or

“(II) a voluntary admission to a psychiatric hospital.

“(B) In this paragraph, the term ‘order or finding’ does not include—

“(i) an order or finding that has expired or has been set aside or expunged;

“(ii) an order or finding that is no longer applicable because a judicial officer, court, board, commission, or other adjudicative body has found that the person who is the subject of the order or finding—

“(I) does not present a danger to himself or to others;

“(II) has been restored to sanity or cured of mental disease or defect;

“(III) has been restored to competency; or

“(IV) no longer requires involuntary inpatient or outpatient treatment by, or involuntary commitment to, a psychiatric hospital; or

“(iii) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities under section 925(c) or under a program described in section 101(c)(2)(A) or 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note).

“(37) The term ‘psychiatric hospital’ includes a mental health facility, a mental hospital, a sanitarium, a psychiatric facility, and any other facility that provides diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.”; and

(2) in section 922—

(A) in subsection (d)(4)—

(i) by striking “as a mental defective” and inserting “mentally incompetent”; and

(ii) by striking “any mental institution” and inserting “a psychiatric hospital”; and

(B) in subsection (g)(4)—

(i) by striking “as a mental defective or who has” and inserting “mentally incompetent or has”; and

(ii) by striking “mental institution” and inserting “psychiatric hospital”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking “as a mental defective” each place that term appears and inserting “mentally incompetent”;

(2) by striking “mental institution” each place that term appears and inserting “psychiatric hospital”; and

(3) in section 102(c)(3)—

(A) in the paragraph heading, by striking “AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION” and inserting “MENTALLY INCOMPETENT OR COMMITTED TO A PSYCHIATRIC HOSPITAL”; and

(B) by striking “mental institutions” and inserting “psychiatric hospitals”.

**SEC. 104. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

“(F) APPLICATION TO FEDERAL COURTS.—In this paragraph—

“(i) the terms ‘department or agency of the United States’ and ‘Federal department or agency’ include a Federal court; and

“(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.”.

**SEC. 105. REPORTS AND CERTIFICATIONS TO CONGRESS.**

(a) NICS REPORTS.—Not later than October 1, 2013, and every year thereafter, the head of each agency that possesses relevant Federal records shall submit a report to Congress that includes—

(1) a description of the relevant Federal records possessed by the agency that can be shared with NICS in a manner consistent with applicable law;

(2) the number of relevant Federal records the agency submitted to NICS during the reporting period;

(3) efforts made to increase the percentage of relevant Federal records possessed by the agency that are submitted to NICS;

(4) any obstacles to increasing the percentage of relevant Federal records possessed by the agency that are submitted to NICS;

(5) measures put in place to provide notice and programs for relief from disabilities as required under the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) if the agency makes qualifying adjudications relating to the mental health of an individual;

(6) measures put in place to correct, modify, or remove records available to NICS when the basis on which the records were made available no longer applies; and

(7) additional steps that will be taken during the 1-year period after the submission of the report to improve the processes by which relevant Federal records are—

(A) identified;

(B) made available to NICS; and

(C) corrected, modified, or removed from NICS.

(b) CERTIFICATIONS.—

(1) IN GENERAL.—The annual report requirement in subsection (a) shall not apply to an agency that, as part of a report required to be submitted under subsection (a), provides certification that the agency has—

(A) made available to NICS relevant Federal records that can be shared in a manner consistent with applicable law;

(B) a plan to make any relevant Federal records available to NICS and a description of that plan; and

(C) a plan to update, modify, or remove records electronically from NICS not less than quarterly as required by the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) and a description of that plan.

(2) FREQUENCY.—Each agency that is not required to submit annual reports under paragraph (1) shall submit an annual certification to Congress attesting that the agency continues to submit relevant Federal records to NICS and has corrected, modified, or removed records available to NICS when the basis on which the records were made available no longer applies.

(c) REPORTS TO CONGRESS ON FIREARMS PROSECUTIONS.—

(1) REPORT TO CONGRESS.—Beginning February 1, 2014, and on February 1 of each year thereafter through 2023, the Attorney General shall submit to the Committees on the Judiciary and Committees on Appropriations of the Senate and the House of Representatives a report of information gathered under this subsection during the fiscal year that ended on September 30 of the preceding year.

(2) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in paragraph (1), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986.

(3) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in paragraph (2), the report submitted under paragraph (1) shall include information indicating—

(A) whether in any such case, a decision has been made not to charge an individual with a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, or any other violation of Federal criminal law;

(B) in any case described in subparagraph (A), a description of why no charge was filed under sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986;

(C) whether in any case described in paragraph (2), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(D) whether, in the case of an indictment, information, or other charge described in subparagraph (C), the charging document contains a count or counts alleging a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986;

(E) in any case described in subparagraph (D) in which the charging document contains a count or counts alleging a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, whether a plea agreement of any kind has been entered into with such charged individual;

(F) whether any plea agreement described in subparagraph (E) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986;

(G) in any case described in subparagraph (F) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, identification of the charges to which that individual did plead guilty;

(H) in the case of an indictment, information, or other charge described in subparagraph (C), in which the charging document contains a count or counts alleging a violation of sections 922 and 924, United States Code, and section 5861 of the Internal Revenue Code of 1986, the result of any trial of such charges (guilty, not guilty, mistrial);

(I) in the case of an indictment, information, or other charge described in subparagraph (C), in which the charging document did not contain a count or counts alleging a violation of sections 922 and 924, United

States Code, and section 5861 of the Internal Revenue Code of 1986, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial);

(J) the number of persons who attempted to purchase a firearm but were denied because of a background check conducted in accordance with section 922(t) of title 18, United States Code; and

(K) the number of prosecutions conducted in relation to persons described in subparagraph (J).

#### SEC. 106. INCREASING FEDERAL PROSECUTION OF GUN VIOLENCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish in jurisdictions specified in subsection (c) a program that meets the requirements of subsection (b), to be known as the “Nationwide Project Exile Expansion”.

(b) PROGRAM ELEMENTS.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the United States Attorney for prosecution of persons arrested for violations of section 922 or section 924 of title 18, United States Code, or section 5861 of the Internal Revenue Code of 1986, relating to firearms;

(3) provide for the establishment of multi-jurisdictional task forces, coordinated by the Executive Office of the United States attorneys to investigate and prosecute illegal straw purchasing rings that purchase firearms in one jurisdiction and transfer them to another;

(4) require that the United States attorney designate not less than 1 assistant United States attorney to prosecute violations of Federal firearms laws;

(5) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, Firearms, and Explosives to investigate violations of the provisions referred to in paragraph (2), United States Code, relating to firearms; and

(6) ensure that each person referred to the United States attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) COVERED JURISDICTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the jurisdictions specified in this subsection are—

(A) the 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of homicides according to the uniform crime report of the Federal Bureau of Investigation for the most recent year available;

(B) the 5 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of homicide according to the uniform crime report of the Federal Bureau of Investigation for the most recent year available; and

(C) the 3 tribal jurisdictions that have the highest homicide crime rates, as determined by the Attorney General.

(2) LIMITATION.—The 15 jurisdictions described in subparagraphs (A) and (B) shall not include any jurisdiction other than those within the 50 States.

(d) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, an annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee

on the Judiciary of the House of Representatives a report containing the following information:

(1) The number of individuals indicted for such violations of Federal firearms laws during that year by reason of the program.

(2) The increase or decrease in the number of individuals indicted for such violations of Federal firearms laws during that year by reason of the program when compared with the year preceding that year.

(3) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(4) To the extent the information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

(5) The number of multi-jurisdiction task forces established and the number of individuals arrested, indicted, convicted or acquitted of charges for violations of the specific crimes listed in subsection (b)(2).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out the program under this section \$15,000,000 for each of fiscal years 2014, 2015, and 2016, which shall be used for salaries and expenses of assistant United States attorneys and Bureau of Alcohol, Tobacco, Firearms, and Explosives agents.

(2) USE OF FUNDS.—

(A) ASSISTANT UNITED STATES ATTORNEYS.—The assistant United States attorneys hired using amounts authorized to be appropriated under paragraph (1) shall prosecute violations of Federal firearms laws in accordance with subsection (b)(2).

(B) ATF AGENTS.—The Bureau of Alcohol, Tobacco, Firearms, and Explosives agents hired using amounts authorized to be appropriated under paragraph (1) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with subsection (b)(2).

#### SEC. 107. PROSECUTION OF FELONS AND FUGITIVES WHO ATTEMPT TO ILLEGALLY PURCHASE FIREARMS.

(a) TASKFORCE.—

(1) ESTABLISHMENT.—There is established a task force within the Department of Justice, which shall be known as the Felon and Fugitive Firearm Task Force (referred to in this section as the “Task Force”), to strengthen the efforts of the Department of Justice to investigate and prosecute cases of convicted felons and fugitives from justice who illegally attempt to purchase a firearm.

(2) MEMBERSHIP.—The members of the Task Force shall be—

(A) the Deputy Attorney General, who shall serve as the Chairperson of the Task Force;

(B) the Assistant Attorney General for the Criminal Division;

(C) the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(D) the Director of the Federal Bureau of Investigation; and

(E) such other officers or employees of the Department of Justice as the Attorney General may designate.

(3) DUTIES.—The Task Force shall—

(A) provide direction for the investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm; and

(B) provide recommendations to the Attorney General relating to—

(i) the allocation and reallocation of resources of the Department of Justice for investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm;

(ii) enhancing cooperation among agencies and entities of the Federal Government in

the investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm;

(iii) enhancing cooperation among Federal, State, and local authorities responsible for the investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm; and

(iv) changes in rules, regulations, or policy to improve the effective investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm.

(4) MEETINGS.—The Task Force shall meet not less than once a year.

(5) TERMINATION.—The Task Force shall terminate on the date that is 5 years after the date of enactment of this Act.

(b) AUTHORIZATION FOR USE OF FUNDS.—Section 524(c)(1) of title 28, United States Code, is amended—

(1) in subparagraph (H), by striking “and” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting “; and”; and

(3) by inserting after subparagraph (I) the following:

“(J) the investigation and prosecution of cases of convicted felons and fugitives from justice who illegally attempt to purchase a firearm, in accordance with section 107 of the Protecting Communities and Preserving the Second Amendment Act of 2013, provided that—

“(i) not more than \$10,000,000 shall be available to the Attorney General for each of fiscal years 2014 through 2018 under this subparagraph; and

“(ii) not more than 5 percent of the amounts made available under this subparagraph may be used for the administrative costs of the task force established under section 107 of the Protecting Communities and Preserving the Second Amendment Act of 2013.”

**SEC. 108. LIMITATION ON OPERATIONS BY THE DEPARTMENT OF JUSTICE.**

The Department of Justice, and any of its law enforcement coordinate agencies, shall not conduct any operation where a Federal firearms licensee is directed, instructed, enticed, or otherwise encouraged by the Department of Justice to sell a firearm to an individual if the Department of Justice, or a coordinate agency, knows or has reasonable cause to believe that such an individual is purchasing on behalf of another for an illegal purpose unless the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division personally reviews and approves the operation, in writing, and determines that the agency has prepared an operational plan that includes sufficient safeguards to prevent firearms from being transferred to third parties without law enforcement taking reasonable steps to lawfully interdict those firearms.

**SEC. 109. STRAW PURCHASING OF FIREARMS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

**“§ 932. Straw purchasing of firearms**

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘crime of violence’ has the meaning given that term in section 924(c)(3);

“(2) the term ‘drug trafficking crime’ has the meaning given that term in section 924(c)(2); and

“(3) the term ‘Federal crime of terrorism’ has the meaning given that term in section 2332b(g).

“(b) OFFENSE.—It shall be unlawful for any person to—

“(1) purchase or otherwise obtain a firearm, which has been shipped, transported, or

received in interstate or foreign commerce, for or on behalf of any other person who the person purchasing or otherwise obtaining the firearm knows—

“(A) is prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922;

“(B) intends to use, carry, possess, or sell or otherwise dispose of the firearm in furtherance of a crime of violence, a drug trafficking crime, or a Federal crime of terrorism;

“(C) intends to engage in conduct that would constitute a crime of violence, a drug trafficking crime, or a Federal crime of terrorism if the conduct had occurred within the United States; or

“(D) is not a resident of any State and is not a citizen or lawful permanent resident of the United States; or

“(2) willfully procure another to engage in conduct described in paragraph (1).

“(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned not more than 15 years, or both.

**“§ 933. Trafficking in firearms**

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘crime of violence’ has the meaning given that term in section 924(c)(3);

“(2) the term ‘drug trafficking crime’ has the meaning given that term in section 924(c)(2); and

“(3) the term ‘Federal crime of terrorism’ has the meaning given that term in section 2332b(g).

“(b) OFFENSE.—It shall be unlawful for any person to—

“(1) ship, transport, transfer, or otherwise dispose of 2 or more firearms to another person in or otherwise affecting interstate or foreign commerce, if the transferor knows that the use, carrying, or possession of a firearm by the transferee would violate subsection (g) or (n) of section 922, or constitute a crime of violence, a drug trafficking crime, or a Federal crime of terrorism;

“(2) receive from another person 2 or more firearms in or otherwise affecting interstate or foreign commerce, if the recipient—

“(A) knows that such receipt would violate subsection (g) or (n) of section 922; or

“(B) intends to use the firearm in furtherance of a crime of violence, a drug trafficking crime, or a Federal crime of terrorism; or

“(3) attempt or conspire to commit the conduct described in paragraph (1) or (2).

“(c) PENALTIES.—

“(1) IN GENERAL.—Any person who violates subsection (b) shall be fined under this title, imprisoned not more than 15 years, or both.

“(2) ORGANIZER.—If a violation of subsection (b) is committed by a person acting in concert with other persons as an organizer, leader, supervisor, or manager, the person shall be fined under this title, imprisoned not more than 20 years, or both.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 931 the following:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.”

(c) DIRECTIVE TO THE SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and policy statements to ensure that persons convicted of an offense under section 932 or 933 of title 18, United States Code, and other offenses applicable to the straw purchases and firearms trafficking of firearms are subject to increased penalties in comparison to those cur-

rently provided by the guidelines and policy statements for such straw purchasing and firearms trafficking offenses. In its review, the Commission shall consider, in particular, an appropriate amendment to reflect the intent of Congress that straw purchasers without significant criminal histories receive sentences that are sufficient to deter participation in such activities. The Commission shall also review and amend its guidelines and policy statements to reflect the intent of Congress that a person convicted of an offense under section 932 or 933 of title 18, United States Code, who is affiliated with a gang, cartel, organized crime ring, or other such enterprise should be subject to higher penalties than an otherwise unaffiliated individual.

**SEC. 110. INCREASED PENALTIES FOR LYING AND BUYING.**

Section 924(a)(1) of title 18, United States Code, is amended in the undesignated matter following subparagraph (D) by striking “five years” and inserting the following: “5 years (or, in the case of a violation under subparagraph (A), not more than 10 years)”.

**SEC. 111. AMENDMENTS TO SECTION 924(a).**

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “(d), (g),”; and

(2) by adding at the end the following:

“(8) Whoever knowingly violates subsection (d), (g), or (n) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.”

**SEC. 112. AMENDMENTS TO SECTION 924(h).**

Section 924 of title 18, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) Whoever knowingly receives or transfers a firearm or ammunition, or attempts or conspires to do so, knowing that such firearm or ammunition will be used to commit a crime of violence (as defined in subsection (c)(3)), a drug trafficking crime (as defined in subsection (c)(2)), a Federal crime of terrorism (as defined in section 2332b(g)), or a crime under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), shall be imprisoned not more than 15 years, fined in accordance with this title, or both.”

**SEC. 113. AMENDMENTS TO SECTION 924(k).**

Section 924 of title 18, United States Code, is amended by striking subsection (k) and inserting the following:

“(k)(1) A person who, with intent to engage in or promote conduct that—

“(A) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

“(B) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802);

“(C) constitutes a crime of violence (as defined in subsection (c)(3)); or

“(D) constitutes a Federal crime of terrorism (as defined in section 2332b(g)),

smuggles or knowingly brings into the United States, a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.

“(2) A person who, with intent to engage in or to promote conduct that—

“(A) would be punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, if the conduct had occurred within the United States; or

“(B) would constitute a crime of violence (as defined in subsection (c)(3)) or a Federal crime of terrorism (as defined in section 2332b(g)) for which the person may be prosecuted in a court of the United States, if the conduct had occurred within the United States, smuggles or knowingly takes out of the United States, a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.”.

**SEC. 114. MULTIPLE SALES REPORTS FOR RIFLES AND SHOTGUNS.**

Section 923(g)(5) of title 18, United States Code, is amended by adding at the end the following:

“(C) The Attorney General may not require a licensee to submit ongoing or periodic reporting of the sale or other disposition of 2 or more rifles or shotguns during a specified period of time.”.

**SEC. 115. STUDY BY THE NATIONAL INSTITUTES OF JUSTICE AND NATIONAL ACADEMY OF SCIENCES ON THE CAUSES OF MASS SHOOTINGS.**

(a) IN GENERAL.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall instruct the Director of the National Institutes of Justice, to conduct a peer-reviewed study to examine various sources and causes of mass shootings including psychological factors, the impact of violent video games, and other factors. The Director shall enter into a contract with the National Academy of Sciences to conduct this study jointly with an independent panel of 5 experts appointed by the Academy.

(2) REPORT.—Not later than 1 year after the date on which the study required under paragraph (1) begins, the Directors shall submit to Congress a report detailing the findings of the study.

(b) ISSUES EXAMINED.—The study conducted under subsection (a)(1) shall examine—

- (1) mental illness;
- (2) the availability of mental health and other resources and strategies to help families detect and counter tendencies toward violence;
- (3) the availability of mental health and other resources at schools to help detect and counter tendencies of students towards violence;
- (4) the extent to which perpetrators of mass shootings, either alleged, convicted, deceased, or otherwise, played violent or adult-themed video games and whether the perpetrators of mass shootings discussed, planned, or used violent or adult-themed video games in preparation of or to assist in carrying out their violent actions;
- (5) familial relationships, including the level of involvement and awareness of parents;
- (6) exposure to bullying; and
- (7) the extent to which perpetrators of mass shootings were acting in a “copycat” manner based upon previous violent events.

**SEC. 116. REPORTS TO CONGRESS REGARDING AMMUNITION PURCHASES BY FEDERAL AGENCIES.**

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, shall report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Chairmen and Ranking Members of the House and Senate Committee on Appropriations and the Committee on the Judiciary, the House Committee on Homeland Security, the Senate Committee on Homeland Security and Government Affairs, and the House Committee on Government Reform and Oversight, a report including—

(1) details of all purchases of ammunition by each Federal agency;

(2) a summary of all purchases, solicitations, and expenditures on ammunition by each Federal agency;

(3) a summary of all the rounds of ammunition expended by each Federal agency and a current listing of stockpiled ammunition for each Federal agency; and

(4) an estimate of future ammunition needs and purchases for each Federal agency for the next fiscal year.

**SEC. 117. REDUCTION OF BYRNE JAG FUNDS FOR STATE FAILURE TO PROVIDE MENTAL HEALTH RECORDS TO NICS.**

Section 104(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2), as redesignated, by striking “of paragraph (2)” and inserting “of paragraph (1)”;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) REDUCTION FOR FAILURE TO PROVIDE MENTAL HEALTH RECORDS.—

“(A) IN GENERAL.—During the period beginning on the date that is 18 months after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2013 and ending on the day before the date described in subparagraph (B), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not—

“(i) provide not less than 90 percent of the records required to be provided under sections 102 and 103; or

“(ii) have in effect a statute that—

“(I) requires the State to provide the records required to be provided under sections 102 and 103; and

“(II) implements a relief from disabilities program in accordance with section 105.

“(B) FINAL IMPLEMENTATION DEADLINE.—Beginning on the date that is 5 years after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2013, the Attorney General shall withhold 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not have in effect a statute described in subparagraph (A)(ii) of this paragraph.”.

**SEC. 118. FIREARM COMMERCE MODERNIZATION.**

(a) FIREARMS DISPOSITIONS.—Section 922(b)(3) of title 18, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking “located” and inserting “located or temporarily located”; and

(2) in subparagraph (A)—

(A) by striking “rifle or shotgun” and inserting “firearm”;

(B) by striking “located” and inserting “located or temporarily located”; and

(C) by striking “both such States” and inserting “the State in which the transfer is conducted and the State of residence of the transferee”.

(b) DEALER LOCATION.—Section 923 of title 18, United States Code, is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking “, and such location is in the State which is specified on the license”; and

(B) in the last sentence—

(i) by inserting “transfer,” after “sell,”; and

(ii) by striking “Act,” and all that follows and inserting “Act.”; and

(2) by adding at the end the following:

“(m) Nothing in this chapter shall be construed to prohibit the sale, transfer, deliv-

ery, or other disposition of a firearm or ammunition—

“(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

“(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.”.

(c) RESIDENCE OF UNITED STATES OFFICERS.—Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) For purposes of this chapter:

“(1) A member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—

“(A) the State in which the member or spouse maintains legal residence;

“(B) the State in which the permanent duty station of the member is located; and

“(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.

“(2) An officer or employee of the United States (other than a member of the Armed Forces) who is stationed outside the United States for a period of more than 1 year, and a spouse of such an officer or employee, is a resident of the State in which the person maintains legal residence.”.

**SEC. 119. FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.**

(a) IN GENERAL.—Section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), is amended—

(1) by striking “Not later than” and inserting the following:

“(1) IN GENERAL.—Not later than”; and

(2) by adding at the end the following:

“(2) VOLUNTARY BACKGROUND CHECKS.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2013, the Attorney General shall promulgate regulations allowing licensees to use the national instant criminal background check system established under this section for purposes of conducting voluntary, no fee employment background checks on current or prospective employees.

“(B) NOTICE.—Before conducting an employment background check relating to an individual under subparagraph (A), a licensee shall—

“(i) provide written notice to the individual that the licensee intends to conduct the background check; and

“(ii) obtain consent to conduct the background check from the individual in writing.

“(C) EXEMPTION.—An employment background check conducted by a licensee under subparagraph (A) shall not governed by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

“(D) APPEAL.—Any individual who is the subject of an employment background check conducted by a licensee under subparagraph (A) the result of which indicates that the individual is a prohibited from possessing a firearm or ammunition pursuant to subsection (g) or (n) of section 922 of title 18, United States Code, may appeal the results of the background check in the same manner and to the same extent as if the individual had been the subject of a background check relating to the transfer of a firearm.”.

(b) ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION RECORDS AND INFORMATION.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by inserting after paragraph (4) the following:

“(5) provide a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18 with information necessary to verify whether firearms offered for sale to such licensees have been stolen.”; and

(2) in subsection (b), by inserting “, except for dissemination authorized under subsection (a)(5) of this section” before the period.

(c) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, and without regard to chapter 5 of title 5, United States Code, the Attorney General shall promulgate regulations allowing a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code, to receive access to records of stolen firearms maintained by the National Crime Information Center operated by the Federal Bureau of Investigation, solely for the purpose of voluntarily verifying whether firearms offered for sale to such licensees have been stolen.

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

(1) STATUTORY CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed—

(A) to create a cause of action against any person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code or any other person for any civil liability; or

(B) to establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding the use or non-use by a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code of the systems, information, or records made available under this section or the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

**SEC. 120. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.**

(a) IN GENERAL.—Section 926A of title 18, United States Code, is amended to read as follows:

**“§ 926A. Interstate transportation of firearms or ammunition**

“(a) DEFINITION.—In this section, the term ‘transport’ includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport.

“(b) AUTHORIZATION.—Notwithstanding any provision of any law (including a rule or regulation) of a State or any political subdivision thereof, a person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to—

“(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—

“(A) the firearm is unloaded; and

“(B)(i) if the transportation is by motor vehicle—

“(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or

“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—

“(aa) in a locked container other than the glove compartment or console; or

“(bb) secured by a secure gun storage or safety device; or

“(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and

“(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—

“(A) the ammunition is not loaded into a firearm; and

“(B)(i) if the transportation is by motor vehicle—

“(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or

“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or

“(ii) if the transportation is by other means, the ammunition is in a locked container.

“(c) STATE LAW.—

“(1) ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—

“(A) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is probable cause to believe that the transportation is not in accordance with subsection (b); or

“(B) detained for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is reasonable suspicion that the transportation is not in accordance with subsection (b).

“(2) PROSECUTION.—

“(A) BURDEN OF PROOF.—If a person asserts this section as a defense in a criminal proceeding, the government shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person was not in accordance with subsection (b).

“(B) PREVAILING DEFENDANT.—If a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant reasonable attorney’s fees.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 926A and inserting the following:

“926A. Interstate transportation of firearms or ammunition.”.

**TITLE II—MENTAL HEALTH**

**SEC. 201. REAUTHORIZATION AND ADDITIONAL AMENDMENTS TO THE MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT.**

(a) SAFE COMMUNITIES.—

(1) IN GENERAL.—Section 2991(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(a)) is amended—

(A) in paragraph (7)—

(i) in the heading, by striking “MENTAL ILLNESS” and inserting “MENTAL ILLNESS; MENTAL HEALTH DISORDER”; and

(ii) by striking “term ‘mental illness’ means” and inserting “terms ‘mental illness’ and ‘mental health disorder’ mean”; and

(B) by striking paragraph (9) and inserting the following:

“(9) PRELIMINARILY QUALIFIED OFFENDER.—

“(A) IN GENERAL.—The term ‘preliminarily qualified offender’ means an adult or juvenile accused of an offense who—

“(i)(I) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders;

“(II) manifests obvious signs of mental illness or co-occurring mental illness and sub-

stance abuse disorders during arrest or confinement or before any court; or

“(III) in the case of a veterans treatment court provided under subsection (i), has been diagnosed with, or manifests obvious signs of, mental illness or a substance abuse disorder or co-occurring mental illness and substance abuse disorder; and

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

“(I) prosecuting attorney;

“(II) defense attorney;

“(III) probation or corrections official;

“(IV) judge; and

“(V) a representative from the relevant mental health agency described in subsection (b)(5)(B)(i).

“(B) DETERMINATION.—In determining whether to designate a defendant as a preliminarily qualified offender, the relevant prosecuting attorney, defense attorney, probation or corrections official, judge, and mental health or substance abuse agency representative shall take into account—

“(i) whether the participation of the defendant in the program would pose a substantial risk of violence to the community;

“(ii) the criminal history of the defendant and the nature and severity of the offense for which the defendant is charged;

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

“(iv) the extent to which the defendant would benefit from participation in the program;

“(v) the extent to which the community would realize cost savings because of the defendant’s participation in the program; and

“(vi) whether the defendant satisfies the eligibility criteria for program participation unanimously established by the relevant prosecuting attorney, defense attorney, probation or corrections official, judge and mental health or substance abuse agency representative.”.

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

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

“(B) is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.”.

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

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

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following:

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

“(5) when appropriate, use validated assessment tools to target preliminarily qualified offenders with a moderate or high risk of recidivism and a need for treatment and services; or”.

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

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

“(F) ACADEMY TRAINING.—To provide support for academy curricula, law enforcement

officer orientation programs, continuing education training, and other programs that teach law enforcement personnel how to identify and respond to incidents involving persons with mental health disorders or co-occurring mental health and substance abuse disorders.”; and

(2) by adding at the end the following:

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

(d) ASSISTING VETERANS.—

Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended—

(A) by redesignating subsection (i) as subsection (n); and

(B) by inserting after subsection (h) the following:

“(i) ASSISTING VETERANS.—

“(1) DEFINITIONS.—In this subsection:

“(A) PEER TO PEER SERVICES OR PROGRAMS.—The term ‘peer to peer services or programs’ means services or programs that connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.

“(B) QUALIFIED VETERAN.—The term ‘qualified veteran’ means a preliminarily qualified offender who—

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

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

“(C) VETERANS TREATMENT COURT PROGRAM.—The term ‘veterans treatment court program’ means a court program involving collaboration among criminal justice, veterans, and mental health and substance abuse agencies that provides qualified veterans with—

“(i) intensive judicial supervision and case management, which may include random and frequent drug testing where appropriate;

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

“(iii) alternatives to incarceration; and

“(iv) other appropriate services, including housing, transportation, mentoring, employment, job training, education, and assistance in applying for and obtaining available benefits.

“(2) VETERANS ASSISTANCE PROGRAM.—

“(A) IN GENERAL.—The Attorney General, in consultation with the Secretary of Veterans Affairs, may award grants under this subsection to applicants to establish or expand—

“(i) veterans treatment court programs;

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

“(iii) practices that identify and provide treatment, rehabilitation, legal, transitional, and other appropriate services to qualified veterans who have been incarcerated; and

“(iv) training programs to teach criminal justice, law enforcement, corrections, mental health, and substance abuse personnel how to identify and appropriately respond to incidents involving qualified veterans.

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

“(i) demonstrate collaboration between and joint investments by criminal justice, mental health, substance abuse, and veterans service agencies;

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

“(iii) propose interventions with empirical support to improve outcomes for qualified veterans.”.

(e) CORRECTIONAL FACILITIES; HIGH UTILIZERS.—Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (i), as so added by subsection (d), the following:

“(j) CORRECTIONAL FACILITIES.—

“(1) DEFINITIONS.—

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

“(B) ELIGIBLE INMATE.—The term ‘eligible inmate’ means an individual who—

“(i) is being held, detained, or incarcerated in a correctional facility; and

“(ii) manifests obvious signs of a mental illness or has been diagnosed by a qualified mental health professional as having a mental illness.

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

“(A) to identify and screen for eligible inmates;

“(B) to plan and provide—

“(i) initial and periodic assessments of the clinical, medical, and social needs of inmates; and

“(ii) appropriate treatment and services that address the mental health and substance abuse needs of inmates;

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

“(i) post-release transition plans for eligible inmates that, in a comprehensive manner, coordinate health, housing, medical, employment, and other appropriate services and public benefits;

“(ii) the availability of mental health care services and substance abuse treatment services; and

“(iii) alternatives to solitary confinement and segregated housing and mental health screening and treatment for inmates placed in solitary confinement or segregated housing; and

“(D) to train each employee of the correctional facility to identify and appropriately respond to incidents involving inmates with mental health or co-occurring mental health and substance abuse disorders.

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

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

“(A) manifests obvious signs of mental illness or has been diagnosed by a qualified mental health professional as having a mental illness; and

“(B) consumes a significantly disproportionate quantity of public resources, such as emergency, housing, judicial, corrections, and law enforcement services.

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

“(A) IN GENERAL.—The Attorney General may award not more than 6 grants per year under this subsection to applicants for the purpose of reducing the use of public services by high utilizers.

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

“(i) to develop or support multidisciplinary teams that coordinate, implement, and administer community-based crisis responses and long-term plans for high utilizers;

“(ii) to provide training on how to respond appropriately to the unique issues involving high utilizers for public service personnel, including criminal justice, mental health, substance abuse, emergency room, healthcare, law enforcement, corrections, and housing personnel;

“(iii) to develop or support alternatives to hospital and jail admissions for high utilizers that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; or

“(iv) to develop protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to high utilizers.

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

“(i) measures the performance of the grant recipient in reducing the use of public services by high utilizers; and

“(ii) provides a model set of practices, systems, or procedures that other jurisdictions can adopt to reduce the use of public services by high utilizers.”.

(f) GRANT ACCOUNTABILITY.—Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (i), as so added by subsection (e), the following:

“(1) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Attorney General may not award a grant under this part to a section organization that holds money in off-shore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.”

“(m) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

“(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

“(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

“(B) the reason the Attorney General awarded the duplicate grants.”

(g) REAUTHORIZATION OF APPROPRIATIONS.—Section 2991(n) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as redesignated in subsection (d), is amended—

(1) in paragraph (1);

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

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

(C) by adding at the end the following:

“(D) \$40,000,000 for each of fiscal years 2015 through 2019.”; and

(2) by adding at the end the following:

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

**SEC. 202. ADDITIONAL PURPOSES FOR FEDERAL GRANTS.**

(a) MODIFICATIONS TO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.—Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is amended by adding at the end the following:

“(H) Mental health programs and operations by law enforcement or corrections.”

(b) MODIFICATIONS TO THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (16), by striking “and” at the end;

(2) by redesignating paragraph (17) as paragraph (19);

(3) by inserting after paragraph (16) the following:

“(17) to provide specialized training to law enforcement officers (including village public safety officers (as defined in section 247 of the Indian Arts and Crafts Amendments Act of 2010 (42 U.S.C. 3796dd note))) to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness and to establish programs that enhance the ability of law enforcement agencies to address the mental health, behavioral, and substance abuse problems of individuals encountered in the line of duty;

“(18) to provide specialized training to corrections officers to recognize individuals who have mental illness and to enhance the ability of corrections officers to address the mental health or individuals under the care and custody of jails and prisons; and”;

(4) in paragraph (19), as redesignated, by striking “through (16)” and inserting “through (18)”.

**SEC. 203. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.**

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following:

**“§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes**

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent,

or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 55 of title 38, United States Code, is amended by adding at the end the following:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”

**TITLE III—SCHOOL SAFETY**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “School Safety Enhancements Act of 2013”.

**SEC. 302. GRANT PROGRAM FOR SCHOOL SECURITY.**

Section 2701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Placement” and inserting “Installation”; and

(ii) by inserting “surveillance equipment,” after “detectors.”;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.”; and

(2) by adding at the end the following:

“(g) INTERAGENCY TASK FORCE.—

“(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the School Safety Enhancements Act of 2013, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines.

“(2) PUBLICATION OF GUIDELINES.—Not later than 1 year after the date of enactment of the School Safety Enhancements Act of 2013, the advisory school safety guidelines promulgated by the interagency task force shall be published in the Federal Register.

“(3) REQUIRED CONSULTATION.—In developing the final advisory school safety guidelines under this subsection, the interagency task force shall consult with stakeholders and interested parties, including parents, teachers, and agencies.”

**SEC. 303. APPLICATIONS.**

Section 2702(a)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is amended to read as follows:

“(2) be accompanied by a report—

“(A) signed by the heads of each law enforcement agency and school district with jurisdiction over the schools where the safety improvements will be implemented; and

“(B) demonstrating that each proposed use of the grant funds will be—

“(i) an effective means for improving the safety of 1 or more schools;

“(ii) consistent with a comprehensive approach to preventing school violence; and

“(iii) individualized to the needs of each school at which those improvements are to be made.”

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

Section 2705 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking “2001 through 2009” and inserting “2014 through 2023”.



**SEC. 305. ACCOUNTABILITY.**

Section 2701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a), as amended by section 202 of this title, is amended by adding at the end the following:

“(h) ACCOUNTABILITY.—All grants awarded by the Attorney General under this part shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this part to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this part that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this part during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this part.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this part during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this part and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this part may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this part, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.”.

**SEC. 306. PREVENTING DUPLICATIVE GRANTS.**

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by adding at the end the following:

“(1) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this part, the Attorney General shall compare potential grant awards with grants awarded under parts A or T to determine if duplicate grant awards are awarded for the same purpose.

“(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

“(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

“(B) the reason the Attorney General awarded the duplicate grants.”.

**SA 726.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 208. APPOINTMENT OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE FIREARMS OFFENSES.**

(a) IN GENERAL.—The Attorney General shall—

(1) appoint 50 individuals to a position as an assistant United States attorney, which shall be in addition to the number of such positions on the date of enactment of this Act;

(2) assign each individual serving in a position described in paragraph (1) responsibility for prosecuting offenses under chapter 44 of title 18, United States Code, and any other offense under Federal law involving firearms or ammunition; and

(3) require each individual serving in a position described in paragraph (1) to give priority in the prosecution of offenses described in paragraph (2) to—

(A) crimes of violence (as defined in section 16 of title 18, United States Code) committed by individuals who have previously been convicted of such a crime;

(B) offenses by individuals who have previously been convicted of a crime punishable by imprisonment for more than 1 year; and

(C) offenses committed with the intent to transfer a firearm across an international border of the United States.

(b) ASSIGNMENT TO JUDICIAL DISTRICTS.—In determining in which judicial districts to appoint individuals to positions as assistant United States attorneys under subsection (a), the Attorney General shall give priority to judicial districts with the highest incidence of crimes and offenses described in subparagraphs (A), (B), and (C) of subsection (a)(3).

(c) AUTHORIZATION FOR USE OF FUNDS.—Section 524(c)(1) of title 28, United States Code, is amended—

(1) in subparagraph (H), by striking “and” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting “; and”; and

(3) by inserting after subparagraph (I) the following:

“(J) carrying out section 208 of the Safe Communities, Safe Schools Act of 2013, provided that not more than \$12,500,000 shall be available to the Attorney General for each of fiscal years 2014 through 2017 under this subparagraph.”.

**SA 727.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Gun Rights and Safety Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Rule of construction.

**TITLE I—CONSOLIDATING FEDERAL PROGRAMS AND ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM**

Sec. 101. Reauthorization of the National Criminal History Records Improvement Program.

- Sec. 102. Improvement of metrics and incentives.
- Sec. 103. Grants to states for improvement of coordination and automation of nics record reporting.
- Sec. 104. Relief from disabilities program.
- Sec. 105. Protecting the Second Amendment rights of veterans.
- Sec. 106. Clarification that federal court information is to be made available to the national instant criminal background check system.
- Sec. 107. Publication of NICS Index Statistics.
- Sec. 108. Effective date.

**TITLE II—EXPANDING NICS CHECKS FOR THE SAFE TRANSFER OF FIREARMS**

- Sec. 201. Purpose.
- Sec. 202. Firearms transfers.
- Sec. 203. Prohibition on national gun registry; limitation on authorization to seize, copy, or reproduce records and documents.
- Sec. 204. Authority to conduct interstate firearms transactions.
- Sec. 205. Consolidating unnecessary duplicative and overlapping DOJ programs.
- Sec. 206. Inspector General Report.
- Sec. 207. Amendment to section 923(g)(5).
- Sec. 208. Effective date.

**SEC. 2. FINDINGS.**

Congress finds the following:

- (1) Congress supports and respects the right to bear arms guaranteed by the Second Amendment to the Constitution of the United States.
- (2) Congress supports the privacy rights of gun owners in the United States, including the existing prohibition on a national firearms registry.
- (3) Congress supports longstanding Federal law that prohibits convicted felons and those with dangerous mental illnesses from purchasing or possessing a firearm, along with the national instant criminal background check system to help prevent these persons from procuring firearms in the primary market.
- (4) Congress recognizes an inconsistency in Federal law, where a prohibited purchaser is prohibited from accessing firearms at a gun store, but can easily procure a firearm at a gun show, flea market, or through an Internet advertisement.
- (5) Congress and the citizens of the United States agree that in order to promote safe and responsible gun ownership, violent criminals and the dangerously mentally ill should be prohibited from possessing firearms and therefore, it should be incumbent upon Congress to empower law abiding citizens to prevent the transfer of weapons to such people.
- (6) There are deficits in the background check system in existence prior to the date of enactment of this Act and the Department of Justice should make it a top priority to work with States to swiftly input missing records, including mental health records.

**SEC. 3. RULE OF CONSTRUCTION.**

- Nothing in this Act, or any amendment made by this Act, shall be construed to—
- (1) expand in any way the enforcement authority or jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (2) allow the establishment, directly or indirectly, of a Federal firearms registry; or
- (3) infringe on the right of law-abiding citizens to keep and bear arms as explicitly guaranteed by the Second Amendment to the Constitution of the United States, which every Member of Congress has taken an oath to support and defend.

**TITLE I—CONSOLIDATING FEDERAL PROGRAMS AND ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM**

**SEC. 101. REAUTHORIZATION OF THE NATIONAL CRIMINAL HISTORY RECORDS IMPROVEMENT PROGRAM.**

Section 106(b)(2) of Public Law 103-159 (18 U.S.C. 922 note) is amended by striking “a total of \$200,000,000 for fiscal year 1994 and all fiscal years thereafter” and inserting “\$25,000,000 for each of fiscal years 2014 through 2017”.

**SEC. 102. IMPROVEMENT OF METRICS AND INCENTIVES.**

(a) IN GENERAL.—Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:

“(b) IMPLEMENTATION PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Gun Rights and Safety Act of 2013, States and Indian tribal government, in coordination with the Attorney General, may establish for each State or Indian tribal government desiring a grant under section 103 a 4-year implementation plan to ensure maximum coordination and automation of the reporting of records or making records available to the National Instant Criminal Background Check System.

“(2) BENCHMARK REQUIREMENTS.—Each 4-year plan established under paragraph (1) shall include annual benchmarks, including both qualitative goals and quantitative measures, to assess implementation of the 4-year plan.

“(3) PENALTIES FOR NON-COMPLIANCE.—

“(A) IN GENERAL.—During the 4-year period covered by a 4-year plan established under paragraph (1), the Attorney General shall withhold—

“(i) 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the first year in the 4-year period;

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

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

“(iv) 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the fourth year in the 4-year period.

“(B) FAILURE TO ESTABLISH A PLAN.—If a State fails to establish a plan under paragraph (1)—

“(i) the Attorney General shall withhold 15 percent of the amount that would otherwise be allocated to the State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755); and

“(ii) the State shall be ineligible to receive any grant funds under section 106(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) or under section 103 of this Act.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 106(b)(1) of Public Law 103-

159 (18 U.S.C. 922 note) is amended by inserting “that has established an implementation plan under section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note)” after “each State”.

**SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.**

(a) IN GENERAL.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking section 103 and inserting the following:

**“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.**

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General shall make grants to States, Indian Tribal governments, and State court systems, in a manner consistent with the National Criminal History Improvement Program and consistent with State plans for integration, automation, and accessibility of criminal history records, for use by the State, or units of local government of the State, Indian Tribal government, or State court system to improve the automation and transmittal of mental health records and criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments to Federal and State record repositories in accordance with section 102 and the National Criminal History Improvement Program.

“(2) LIMITATION ON ELIGIBILITY.—A State may not be awarded a grant under paragraph (1) unless the State establishes an implementation plan under section 102(b).

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

“(1) carry out, as necessary, assessments of the capabilities of the courts of the State or Indian Tribal government for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories;

“(2) implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories;

“(3) create electronic systems that provide accurate and up-to-do information which is directly related to checks under the National Instant Criminal Background Check System, including court disposition and corrections records;

“(4) assist States or Indian Tribal governments in establishing or enhancing their own capacities to perform background checks using the National Instant Criminal Background Check System; and

“(5) develop and maintain the relief from disabilities program in accordance with section 105.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible for a grant under this section, a State, Indian Tribal government, or State court system shall certify, to the satisfaction of the Attorney General, that the State, Indian Tribal government, or State court system—

“(A) is not prohibited by State law or court order to submit mental health records to the National Instant Criminal Background Check System; and

“(B) subject to paragraph (2), has implemented a relief from disabilities program in accordance with section 105.

“(2) RELIEF FROM DISABILITIES PROGRAM.—For purposes of obtaining a grant under this section, a State, Indian Tribal government, or State court system shall not be required to meet the eligibility requirement described in paragraph (1)(B) until the date that is 2 years after the date of enactment of the Gun Rights and Safety Act of 2013.

“(d) FEDERAL SHARE.—

“(1) STUDIES, ASSESSMENTS, NON-MATERIAL ACTIVITIES.—The Federal share of a study, assessment, creation of a task force, or other non-material activity, as determined by the Attorney General, carried out with a grant under this section shall be not more than 25 percent.

“(2) INFRASTRUCTURE OR SYSTEM DEVELOPMENT.—The Federal share of an activity involving infrastructure or system development, including labor-related costs, for the purpose of improving State or Indian Tribal government record reporting to the National Instant Criminal Background Check System carried out with a grant under this section may amount to 100 percent of the cost of the activity.

“(e) GRANTS TO INDIAN TRIBES.—Up to 2 percent of the grant funding available under this section may be reserved for reservation-based Indian tribal governments for use by Indian tribal judicial systems.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2014 through 2017.”;

(2) by striking title III; and

(3) in section 401(b), by inserting after “of this Act” the following: “and 18 months after the date of enactment of the Gun Rights and Safety Act of 2013”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking the item relating to section 103 and inserting the following:

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

#### SEC. 104. RELIEF FROM DISABILITIES PROGRAM.

Section 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by adding at the end the following:

“(c) PENALTIES FOR NON-COMPLIANCE.—

“(1) 10 PERCENT REDUCTION.—During the 1-year period beginning 1 year after the date of enactment of the Gun Rights and Safety Act of 2013, the Attorney General shall withhold 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

“(2) 11 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (1), the Attorney General shall withhold 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

“(3) 13 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (2), the Attorney General shall withhold 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

“(4) 15 PERCENT REDUCTION.—After the expiration of the 1-year period described in para-

graph (3), the Attorney General shall withhold 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.”.

#### SEC. 105. PROTECTING THE SECOND AMENDMENT RIGHTS OF VETERANS.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

“§5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

“(a) IN GENERAL.—In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is determined by the Secretary to be mentally incompetent shall not be considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18, until—

“(1) in the case in which the person does not request a review as described in subsection (c)(1), the end of the 30-day period beginning on the date on which the person receives notice submitted under subsection (b); or

“(2) in the case in which the person requests a review as described in paragraph (1) of subsection (c), upon an assessment by the board designated or established under paragraph (2) of such subsection or court of competent jurisdiction that a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

“(b) NOTICE.—Notice submitted under this subsection to a person described in subsection (a) is notice submitted by the Secretary that notifies the person of the following:

“(1) The determination made by the Secretary.

“(2) A description of the implications of being considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18.

“(3) The person’s right to request a review under subsection (c)(1).

“(c) ADMINISTRATIVE REVIEW.—(1) Not later than 30 days after the date on which a person described in subsection (a) receives notice submitted under subsection (b), such person may request a review by the board designated or established under paragraph (2) or a court of competent jurisdiction to assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency. In such assessment, the board may consider the person’s honorable discharge or decoration.

“(2) Not later than 180 days after the date of enactment of the Gun Rights and Safety Act of 2013, the Secretary shall designate or establish a board that shall, upon request of a person under paragraph (1), assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

“(d) JUDICIAL REVIEW.—A person may file a petition with a Federal court of competent jurisdiction for judicial review of an assessment of the person under subsection (c) by the board designated or established under paragraph (2).

“(e) PROTECTING RIGHTS OF VETERANS WITH EXISTING RECORDS.—Not later than 90 days after the date of enactment of the Gun Rights and Safety Act of 2013, the Secretary shall provide written notice of the opportunity for administrative review and appeal under subsection (c) to all persons who, on the date of enactment of the Gun Rights and Safety Act of 2013, are considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 as a result of having

been found by the Department of Veterans Affairs to be mentally incompetent.

“(f) FUTURE DETERMINATIONS.—

“(1) IN GENERAL.—Not later than 180 days after the enactment of the Gun Rights and Safety Act of 2013, the Secretary shall review the policies and procedures by which individuals are determined to be mentally incompetent, and shall revise such policies and procedures as necessary to ensure that any individual who is competent to manage his own financial affairs, including his receipt of Federal benefits, but who voluntarily turns over the management thereof to a fiduciary is not considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18.

“(2) REPORT.—Not later than 30 days after the Secretary has made the review and changes required under paragraph (1), the Secretary shall submit to Congress a report detailing the results of the review and any resulting policy and procedural changes.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs, on or after the date of the enactment of this Act, to be mentally incompetent, except that those persons who are provided notice pursuant to section 5511(e) of such title shall be entitled to use the administrative review under section 5511(c) of such title and, as necessary, the subsequent judicial review under section 5511(d) of such title.

#### SEC. 106. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), is amended by adding at the end the following:

“(F) APPLICATION TO FEDERAL COURTS.—In this subsection—

“(i) the terms ‘department or agency of the United States’ and ‘Federal department or agency’ include a Federal court; and

“(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.”.

#### SEC. 107. PUBLICATION OF NICS INDEX STATISTICS.

Not later than 180 days after the date of enactment of this Act, and biannually thereafter, the Attorney General shall make the National Instant Criminal Background Check System index statistics available on a publicly accessible Internet website.

#### SEC. 108. EFFECTIVE DATE.

The amendments made by this title shall take effect 180 days after the date of enactment of this Act.

### TITLE II—EXPANDING NICS CHECKS FOR THE SAFE TRANSFER OF FIREARMS

#### SEC. 201. PURPOSE.

The purpose of this title is to extend check procedures under the National Instant Criminal Background Check System to promote the safe transfer of firearms in the secondary market.

#### SEC. 202. FIREARMS TRANSFERS.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended—

(1) by repealing subsection (s);

(2) by redesignating subsection (t) as subsection (s);

(3) in subsection (s), as redesignated—  
 (A) in paragraph (3)(C)(ii), by striking “(as defined in subsection (s)(8))”; and  
 (B) by adding at the end the following:

“(7) In this subsection, the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

“(8) The Federal Bureau of Investigation shall not charge a user fee for a background check conducted pursuant to this subsection.”; and

(4) by inserting after subsection (s), as redesignated, the following:

“(t)(1) In this subsection, the term ‘covered transfer’—

“(A) means a transfer that the transferor, the transferee, or both intends to be permanent, including a transfer by sale, pledge, trade, gift, or consignment; and

“(B) does not include—

“(i) a transfer between spouses, between parents or spouses of parents and their children or spouses of their children, between siblings or spouses of siblings, or between grandparents or spouses of grandparents and their grandchildren or spouses of their grandchildren, or between aunts or uncles or their spouses and their nieces or nephews or their spouses, or between first cousins, if the transferor does not know or have reasonable cause to believe that the transferee is prohibited from receiving or possessing a firearm under Federal, State, or local law;

“(ii) a transfer made from a decedent’s estate by bequest, intestate succession, or by operation of law; or

“(iii) a temporary transfer of a firearm, unless the transferor knows or has reason to believe that the transferee is prohibited from receiving or possessing a firearm under Federal, State, or local law.

“(2) Beginning on the date that is 18 months after the date of enactment of the Gun Rights and Safety Act of 2013 or 30 days after the date on which the consumer portal established under paragraph (3) is operational, whichever is later, it shall be unlawful for any person who is not licensed under this chapter to make a covered transfer of a firearm to any other person who is not licensed under this chapter, unless—

“(A) the covered transfer is made after a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s), if upon taking possession of the firearm, the licensee complies with all requirements of this chapter as if the licensee were transferring the firearm from the licensee’s business inventory to the unlicensed transferee;

“(B) the covered transfer is made in accordance with regulations promulgated by the Attorney General under paragraph (3) and after the unlicensed transferee has undergone a background check;

“(C) the covered transfer is made—

“(i) after the transferee has presented to the transferor a permit for transfer of a firearm that—

“(I) allows the transferee to possess, acquire, or carry a firearm; and

“(II) was issued not more than 5 years earlier by the State, or political subdivision thereof, in which the transfer is to take place; and

“(ii) in a State in which the law of the State allows the transferee to possess, acquire, or carry a firearm, if the law of the State, or political subdivision of a State, that issued the permit requires that such permit is issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by the

unlicensed transferee would be in violation of Federal, State, or local law; or

“(D) if the State in which the covered transfer takes place has enacted legislation that requires an unlicensed transferor to comply with subsection (s) before the transfer takes place to assure the unlicensed transferee is not prohibited from receiving or possessing a firearm—

“(i) the covered transfer is made between an unlicensed transferor and an unlicensed transferee who reside in the same State, and takes place in such State; or

“(ii) if the unlicensed transferor and the unlicensed transferee reside in different States and the States have entered into a reciprocal agreement, the covered transfer takes place in either of such States.

“(3)(A) Not later than 2 years after the date of enactment of the Gun Rights and Safety Act of 2013, the Attorney General shall, using competitive bidding practices, authorize the establishment of an Internet-based, consumer portal that will allow a person who is not licensed under this chapter to run a self-background check using the National Instant Criminal Background Check System for the purpose of conducting a covered transfer under this subsection.

“(B) In authorizing the establishment of the consumer portal required under subparagraph (A), the Attorney General shall ensure that—

“(i) the consumer portal may be accessed through an Internet website, mobile application, or other means determined appropriate by the Attorney General;

“(ii) an unlicensed transferee who completes a background check using the consumer portal and would not be in violation of subsection (g) or (n) of section 922 or of State law by receiving a firearm shall be provided a temporary permit, valid for a 30-day period beginning on the date on which the background check is completed, that—

“(I) signifies that the unlicensed transferee is not prohibited from legally purchasing or possessing a firearm; and

“(II) may be used, during the 30-day period, by the unlicensed transferee for a covered transfer of a firearm under this subsection, in compliance with any applicable State or Federal law;

“(iii) the temporary permit described in clause (ii) shall—

“(I) be made available to the unlicensed transferee as an electronic printable document and be accessible through an Internet website, mobile application, or other means determined appropriate by the Attorney General; and

“(II) contain—

“(aa) the name of the unlicensed transferee;

“(bb) the date of expiration of the permit;

“(cc) a unique pin number that can be used to verify the validity of the permit by the unlicensed transferor of a firearm; and

“(dd) any other protections necessary to prevent fraud;

“(iv) the consumer portal be designed in a manner that allows for maximum privacy and security protections so that a user of the consumer portal may only run a self-background check and not run a background check on any other person;

“(v) any personally identifiable information obtained by the consumer portal from an individual, including names, physical locations, mailing addresses, Internet protocol addresses, and other unique identifiers, shall be destroyed within 24 hours from the time at which the information was obtained, except for—

“(I) information required for the unlicensed transferor to verify the validity of the permit, including—

“(aa) the unique serial number assigned to a temporary permit; and

“(bb) the date of birth associated with the unique serial number; and

“(II) any record of a person who—

“(aa) attempts to complete a background check; and

“(bb) would be in violation of subsection (g) or (n) of section 922 if the person received or possessed a firearm; and

“(vi) any information described in clause (v)(I) shall be destroyed at the end of the 30-day period described in clause (ii).

“(4)(A) Notwithstanding any other provision of this chapter, except for section 923(m), the Attorney General may implement this subsection with regulations.

“(B) Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (2)(A).

“(C) Regulations promulgated under this paragraph may not include any provision requiring persons not licensed under this chapter to keep records of background checks or firearms transfers.

“(D) Regulations promulgated under this paragraph may not include any provision placing a cap on the fee licensees may charge to facilitate transfers in accordance with paragraphs (2)(A).

“(5) No department, agency, officer, or employee of the United States may—

“(A) require that any record or portion thereof generated by a consumer portal be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

“(B) use a consumer portal to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons, prohibited by section 922 (g) or (n) of title 18, United States Code or State law, from receiving a firearm.

“(6) The Attorney General shall establish, and make available to the public, a sample form, which may be used, on a voluntary basis, by a transferor to document information relating to each firearm transfer conducted by the transferor, for the purpose of assisting law enforcement officers during a criminal investigation.

“(7)(A) If the consumer portal established under this subsection is shut down for a period of more than 7 days, this subsection shall have no force or effect during the period for which the consumer portal is non-operational.

“(B) If the consumer portal established under this subsection is ever permanently shut down or defunded, this subsection shall have no force or effect beginning on the date on which the consumer portal is non-operational.

“(8)(A) Subject to subparagraph (B), paragraph (2) shall not apply to a covered transfer described in subparagraph (D) in a State that has enacted legislation that—

“(i) establishes requirements for background checks for covered transfers described in subparagraph (D) that are similar to the requirements described in this subsection; and

“(ii) allows for the State to have primary enforcement authority of covered transfers described in subparagraph (D) occurring within the State.

“(B) If the Attorney General determines that legislation enacted by a State does not establish requirements for background checks for covered transfers described in subparagraph (D) that are similar to the requirements described in this subsection—

“(i) the Attorney General shall notify the State of the determination; and

“(i) beginning on the date that is 1 year after the date on which the Attorney General notifies the State under clause (i), paragraph (2) shall apply to a covered transfer in the State unless the State has enacted legislation that establishes requirements for background checks for covered transfers that are, in the determination of the Attorney General, similar to the requirements described in this subsection.

“(C) In establishing requirements that are similar to the requirements under this subsection, a State—

“(i) may allow for geographical or technological exemptions for rural areas within the State that are remote and lack the technological capabilities needed to access the consumer portal; and

“(ii) may impose penalties for violations of the requirements established by the State that are stronger than the penalties imposed under this chapter for violations of the requirements under this subsection.

“(D) A covered transfer described in this subparagraph is a covered transfer between an unlicensed transferor and an unlicensed transferee that occurs—

“(i) at any venue where firearms transactions take place or where firearms transferors or transferees are brought together, including at a gun show or event, or on the curtilage thereof; or

“(ii) pursuant to an advertisement, posting, display, or other public listing on the Internet, in a publication, at a forum, or in any manner accessible to the general public by the transferor of his intent to transfer, or the transferee of his intent to acquire, the firearm.”.

**(b) ACCOUNTABILITY.—**

**(1) IN GENERAL.—**

**(A) AUDITS OF BACKGROUND CHECKS CONDUCTED FOR LICENSEE SALES.—**Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the date on which the Inspector General of the Department of Justice begins conducting audits under subparagraph (B), the Inspector General of the Department of Justice shall conduct an audit of the process of background checks conducted for the purposes of a transfer of a firearm under subsection (s) of section 922 of title 18, United States Code, as redesignated by subsection (a)(2) of this section, to—

(i) prevent waste, fraud, and abuse of the background check system; and

(ii) ensure compliance with the requirement to destroy certain information within 24 hours under section 511 of title V of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 922 note).

**(B) AUDITS OF ALL BACKGROUND CHECKS.—**Not later than 90 days after the date on which the prohibition under subsection (t)(2) of section 922 of title 18, United States Code, (as added by subsection (a)(4) of this section) takes effect, and every 90 days thereafter, the Inspector General of the Department of Justice shall conduct an audit of the process of background checks conducted for the purposes of a transfer of a firearm under subsection (s) or (t) of section 922 of title 18, United States Code, as amended by subsection (a) of this section, to—

(i) prevent waste, fraud, and abuse of the background check system; and

(ii) ensure compliance with the requirement to destroy certain information within 24 hours under—

(I) section 922(t)(3)(B)(v) of title 18, United States Code; and

(II) section 511 of title V of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 922 note).

**(2) REPORT TO CONGRESS.—**The Inspector General of the Department of Justice shall—

(A) submit a report describing the results of each audit conducted under this paragraph to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

(B) publish each report submitted under subparagraph (A) on the homepage of the official public website of the Department of Justice.

**(c) PENALTIES.—**Section 924(a)(5) of title 18, United States Code, is amended—

(1) by inserting “(A)” after “(5)”;

(2) by striking “or (t)”;

(3) by adding at the end the following:

“(B) Whoever knowingly violates subsection (t) of section 922—

“(i) shall be fined not more than \$1,000; and

“(ii) in the case of a second or subsequent violation, shall be fined under this title, imprisoned not more than 3 years, or both.

“(C) Whoever knowingly uses the consumer portal established under paragraph (3) of section 922(t) for any purpose other than the purpose described in subparagraph (B)(iv) of such paragraph shall be fined under this title, imprisoned not more than 1 year, or both.”.

**(d) TECHNICAL AND CONFORMING AMENDMENT.—**

**(1) SECTION 922.—**Section 922(y)(2) of title 18, United States Code, is amended, in the matter preceding subparagraph (A), by striking “, (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

**(2) CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012.—**Section 511 of title V of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 922 note) is amended by striking “subsection 922(t)” and inserting “section 922(s)” each place it appears.

**(e) SUNSET.—**Effective on the date that is 5 years after the effective date of the amendments made by this section—

(1) this section is repealed;

(2) each provision of law amended by this section is amended to read as such provision read on the day before the effective date of the amendments made by this section; and

(3) section 923(m) of title 18, United States Code, as added by section 203(a) of this Act, is amended to read as follows:

“(m) The Attorney General and any department or agency of the United States may not consolidate or centralize the records of the—

“(1) acquisition or disposition of firearms, or any portion thereof, maintained by a person licensed under this chapter; or

“(2) possession or ownership of a firearm, maintained by any medical or health insurance entity.”.

**SEC. 203. PROHIBITION ON NATIONAL GUN REGISTRY; LIMITATION ON AUTHORIZATION TO SEIZE, COPY, OR REPRODUCE RECORDS AND DOCUMENTS.**

**(a) PROHIBITION OF NATIONAL GUN REGISTRY.—**Section 923 of title 18, United States Code, is amended by adding at the end the following:

“(m) The Attorney General and any department or agency of the United States may not consolidate or centralize the records of the—

“(1) acquisition or disposition of firearms, or any portion thereof, maintained by—

“(A) a person licensed under this chapter;

“(B) an unlicensed transferor under section 922(t); or

“(2) possession or ownership of a firearm, maintained by any medical or health insurance entity.”.

**(b) PENALTY.—**Section 924 of title 18, United States Code, as amended by section 202(c) of this Act, is amended by adding at the end the following:

“(q) **IMPROPER USE OF STORAGE OF RECORDS.—**Any person who knowingly vio-

lates section 923(m) shall be fined under this title, imprisoned not more than 15 years, or both.”.

**(c) LIMITATION ON AUTHORIZATION TO SEIZE, COPY, OR REPRODUCE RECORDS AND DOCUMENTS.—**Section 923 of title 18, United States Code, as amended by section 202(b) of this Act, is amended by adding at the end the following:

“(n)(1) An officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may only seize, copy, or reproduce a record or document of a person licensed under this chapter, an unlicensed transferor of a firearm, or an unlicensed transferee of a firearm if the record or document—

“(A) constitutes material evidence of a violation of law; or

“(B) is necessary in the conduct of a bona fide criminal investigation.

“(2) If any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives violates paragraph (1), the Attorney General—

“(A) shall impose a civil penalty of \$1,000 on the officer for a first violation; and

“(B) shall terminate the officer for a second violation.

“(3)(A) It shall be unlawful for any person who is an officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to violate paragraph (1).

“(B) Any person who violates subparagraph (A)—

“(i) for a first offense, shall be fined \$1,000; and

“(ii) for a subsequent offense, shall be fined under this title, imprisoned for not less than 1 year, or both.”.

**SEC. 204. AUTHORITY TO CONDUCT INTERSTATE FIREARMS TRANSACTIONS.**

**(a) FIREARMS DISPOSITIONS.—**Section 922(b)(3) of title 18, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking “located” and inserting “located or temporarily located”; and

(2) in subparagraph (A)—

(A) by striking “rifle or shotgun” and inserting “firearm”;

(B) by striking “located” and inserting “located or temporarily located”; and

(C) by striking “both such States” and inserting “the State in which the transfer is conducted and the State of residence of the transferee”.

**(b) DEALER LOCATION.—**Section 923 of title 18, United States code, as amended by section 203(a) of this Act, is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking “, and such location is in the State which is specified on the license”; and

(B) in the last sentence—

(i) by inserting “transfer,” after “sell,”; and

(ii) by striking all that follows “Act” and inserting a period; and

(2) by adding at the end the following:

“(o) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition—

“(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

“(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.”.

**(c) RESIDENCE OF UNITED STATES OFFICERS.—**Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) For purposes of this chapter:

“(1) A member of the Armed Forces on active duty, or a spouse of such member, is a resident of—

“(A) the State in which the person maintains legal residence;

“(B) the State in which the permanent duty station of the member is located; and

“(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station.

“(2) An officer or employee of the United States (other than a member of the Armed Forces) stationed outside the United States for a period exceeding one year is a resident of the State in which the officer or employee maintains legal residence.”.

**SEC. 205. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING DOJ PROGRAMS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget and the Attorney General shall coordinate with the heads of the relevant offices of the Department of Justice to—

(1) use available administrative authority to eliminate, consolidate, or streamline the more than 250 grant programs with duplicative and overlapping missions identified in the July 2012 Government Accountability Office report to Congress entitled “Justice Grant Programs: DOJ Should Do More to Reduce the Risk of Unnecessary Duplication and Enhance Program Assessment” (GAO-12-517); and

(2) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1).

(b) REPORT.—Notwithstanding any other provision of law, not later than 200 days after the date of enactment of this Act, the Director of the Office of Management and Budget and the Attorney General shall coordinate with the heads of the relevant offices of the Department of Justice, and submit a report to the Congress detailing—

(1) any actions taken under subsection (a)(1); and

(2) the findings determined under subsection (a)(2).

(c) RESCISSION OF FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, \$200,000,000 is hereby rescinded from discretionary unobligated balances within the Department of Justice that are not designated as emergency or overseas contingency operations. The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission shall apply and the amount of such rescission that shall apply to each such account.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Congress of the accounts and amounts determined and identified for rescission under paragraph (1).

**SEC. 206. INSPECTOR GENERAL REPORT.**

(a) INITIAL REPORT.—Not later than 1 year after the date on which the consumer portal established under section 922(t)(3) of title 18, United States Code, as amended by section 202 of this Act, becomes operational, the Inspector General for the Department of Justice shall submit to Congress a report on the effectiveness of the consumer portal, which shall—

(1) take into account feedback from transmitters, transferees, and government officials; and

(2) include recommendations to improve—  
(A) the effectiveness of the consumer portal; and

(B) the ease of using the consumer portal.

(b) UPDATED REPORT.—Not later than 1 year after the date on which the Inspector

General of the Department of Justice submits the report required under subsection (a), the Inspector General shall submit to Congress an updated version of the report required in subsection (a), including any additional analysis or recommendations.

**SEC. 207. AMENDMENT TO SECTION 923(g)(5).**

Section 923(g)(5) of title 18, United States Code, is amended by adding at the end the following:

“(C) The Attorney General may not issue a letter pursuant to this paragraph unless the letter is issued—

“(i) during the course of a bona fide criminal investigation of a person other than the licensee;

“(ii) to determine the disposition of 1 or more particular firearms during the course of a bona fide criminal investigation; or

“(iii) to request the total number of rifles, shotguns, pistols, revolvers, and other firearms manufactured in, or exported from, the United States by the licensee.”.

**SEC. 208. EFFECTIVE DATE.**

The amendments made by this title shall take effect 180 days after the date of enactment of this Act.

**SA 728.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIMITATION AND USE OF FUNDS BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.**

The Secretary of Health and Human Services—

(1) shall not use Federal funds to collect information on lawful gun owners for purposes of maintaining such information in any data base;

(2) shall not use Federal funds to conduct research on the demographic profile of lawful gun owners;

(3) shall not require vendors of the Department of Health and Human Services or health care providers to include in any electronic records maintained under the HITECH Act (Public Law 111-5), or any amendment made by that Act, data concerning whether a patient lawfully or safely owns or stores a gun or ammunition at home; and

(4) shall, not less than annually, publicly disclose to Congress to what degree any Federal funds may be used for data collection and analysis regarding the mental health characteristics of individuals guilty of the unlawful ownership, possession, or use of a firearm or ammunition.

**SA 729.** Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE IV—ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY BY MENTAL HEALTH PROVIDERS**

**SECTION 401. SHORT TITLE.**

This title may be cited as the “Integrating Mental Health Through Technology Act of 2013”.

**SEC. 402. MEDICARE AND MEDICAID PILOT PROGRAMS FOR THE ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.**

(a) DEFINITIONS.—In this section:

(1) CERTIFIED EHR TECHNOLOGY.—The term “certified EHR technology” has the meaning given that term in section 1848(o)(4) of the Social Security Act (42 U.S.C. 1395w-4(o)(4)).

(2) HIT POLICY COMMITTEE.—The term “HIT Policy Committee” means such Committee established under section 3002(a) of the Public Health Service Act (42 U.S.C. 300jj-12(a)).

(3) NATIONAL COORDINATOR.—The term “National Coordinator” means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a) of the Public Health Service Act (42 U.S.C. 300jj-11(a)).

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(b) MEDICARE PILOT PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a pilot program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) under which incentive payments are made to eligible professionals and eligible hospitals for the adoption and meaningful use of certified EHR technology.

(B) DEFINITION OF ELIGIBLE HOSPITAL AND ELIGIBLE PROFESSIONAL.—In this subsection:

(i) ELIGIBLE HOSPITAL.—The term “eligible hospital” means a psychiatric hospital (as defined in section 1861(f) of the Social Security Act (42 U.S.C. 1395x(f))) that furnishes inpatient hospital services.

(ii) ELIGIBLE PROFESSIONAL.—The term “eligible professional” means a clinical psychologist providing qualified psychologist services (as defined in section 1861(ii) of such Act (42 U.S.C. 1395x(ii))).

(2) DURATION.—The pilot program under this subsection shall be conducted for a period of 3 years.

(3) REQUIREMENTS.—

(A) ADOPTION AND MEANINGFUL USE.—For purposes of making incentive payments to eligible professionals and eligible hospitals under the pilot program under this subsection, the Secretary shall establish standards for determining adoption and meaningful use that are comparable to the requirements under sections 1848(o)(2) and 1886(n)(3) of the Social Security Act (42 U.S.C. 1395w-4(o)(2), 1395ww(n)(3)).

(B) INCENTIVE PAYMENTS.—Any incentive payments made to eligible professionals and eligible hospitals under the pilot program under this subsection shall be comparable to payment amounts provided under sections 1848(o)(1) and 1886(n)(2) of the Social Security Act (42 U.S.C. 1395w-4(o)(1), 1395ww(n)(2)).

(4) IDENTIFYING PILOT PROGRAM PARTICIPANTS.—For purposes of selecting participants for the pilot program, the Secretary shall give priority to areas of the United States in which the Secretary determines eligible professionals under section 1848(o) of the Social Security Act (42 U.S.C. 1395w-4(o)) and eligible hospitals under section 1886(n) of such Act (42 U.S.C. 1395ww(n)) have already demonstrated high rates of adoption and meaningful use of certified EHR technology.

(5) NON-APPLICATION OF PAYMENT ADJUSTMENT.—For purposes of section 1848(a)(7) of the Social Security Act (42 U.S.C. 1395w-4(a)(7)), no payment adjustment may be made under such section in the case of any eligible professional or eligible hospital that receives an incentive payment under this subsection.

(6) WAIVER.—The Secretary may waive such provisions of titles XI and XVIII of the Social Security Act as may be necessary to

carry out the pilot program under this subsection.

(7) REPORT.—Not later than 6 months after conclusion of the pilot program, the National Coordinator shall submit to the Secretary, the HIT Policy Committee, and the relevant committees of Congress a report that includes—

(A) an evaluation of the effectiveness of the pilot program;

(B) a description of best practices for the adoption and meaningful use of certified EHR technology by participating professionals and hospitals;

(C) recommendations regarding whether the pilot program should be expanded; and

(D) recommendations for such legislation and administrative action as the National Coordinator determines appropriate.

(8) AUTHORIZATION.—There are authorized to be appropriated \$40,000,000 for the period of fiscal years 2014 through 2016 to carry out the pilot program under this subsection, to remain available for the duration of the pilot program.

(C) MEDICAID PILOT PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a pilot program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) under which incentive payments are made to eligible Medicaid providers in participating States for the adoption and meaningful use of certified EHR technology.

(B) DEFINITION OF ELIGIBLE MEDICAID PROVIDER.—In this subsection, the term “eligible Medicaid provider” means any of the following:

(i) A clinical psychologist providing qualified psychologist services (as defined in section 1861(ii) of the Social Security Act (42 U.S.C. 1395x(ii)), if such clinical psychologist is practicing in an outpatient setting that—

(I) is not otherwise receiving payment under paragraph (1) of section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) as a Medicaid provider described in paragraph (2)(B) of such section; and

(II) is described in clause (i), (ii), or (iii) of paragraph (2)(A) of such section.

(ii) A public hospital that is principally a psychiatric hospital (as defined in section 1861(f) of the Social Security Act).

(iii) A private hospital that is principally a psychiatric hospital (as defined in such section) and that has at least 10 percent of its patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals receiving medical assistance under title XIX of such Act.

(iv) A community mental health center (as defined in section 1913(b)(2) of the Public Health Service Act (42 U.S.C. 300x-2(b)(2))).

(2) DURATION.—The pilot program under this subsection shall be conducted for a period of 3 years.

(3) REQUIREMENTS.—

(A) ADOPTION AND MEANINGFUL USE.—The Secretary shall establish standards for determining adoption and meaningful use for purposes of making incentive payments to eligible Medicaid providers under the pilot program under this subsection that are comparable to the standards for adoption and use of certified EHR technology under section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)).

(B) INCENTIVE PAYMENTS.—Any incentive payments made to eligible Medicaid providers under the pilot program under this subsection shall be comparable to payment amounts provided under section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)).

(4) IDENTIFYING PILOT PROGRAM PARTICIPANTS.—For purposes of selecting participants for the pilot program, the Secretary shall give priority to States in which the

Secretary determines Medicaid providers under section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) have already demonstrated high rates of adoption and meaningful use of certified EHR technology.

(5) WAIVER.—The Secretary may waive such provisions of titles XI and XIX of the Social Security Act as may be necessary to carry out the pilot program under this subsection.

(6) REPORT.—Not later than 6 months after conclusion of the pilot program, the National Coordinator shall submit to the Secretary, the HIT Policy Committee, and the relevant committees of Congress a report that includes—

(A) an evaluation of the effectiveness of the pilot program;

(B) a description of best practices for the adoption and meaningful use of certified EHR technology by participating professionals and hospitals;

(C) recommendations regarding whether the pilot program should be expanded; and

(D) recommendations for such legislation and administrative action as the National Coordinator determines appropriate.

(7) AUTHORIZATION.—There are authorized to be appropriated \$40,000,000 for the period of fiscal years 2014 through 2016 to carry out the pilot program under this subsection, to remain available for the duration of the pilot program.

**SA 730. Mr. HARKIN (for himself, Mr. ALEXANDER, Mr. FRANKEN, Ms. MURKOWSKI, Mr. BENNET, Mr. ROBERTS, Ms. BALDWIN, Ms. AYOTTE, Mrs. HAGAN, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. JOHANNY) proposed an amendment to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; as follows:**

At the appropriate place, insert the following:

**TITLE —MENTAL HEALTH AND  
SUBSTANCE USE DISORDERS**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Mental Health Awareness and Improvement Act of 2013”.

**Subtitle A—Education Programs**

**SEC. 11. SHORT TITLE.**

This subtitle may be cited as the “Achievement Through Prevention Act”.

**SEC. 12. PURPOSE.**

The purpose of this subtitle is to expand the use of positive behavioral interventions and supports and early intervening services in schools in order to improve student academic achievement, reduce overidentification of individuals with disabilities, and reduce disciplinary problems in schools.

**SEC. 13. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**

(a) TITLE I STATE PLANS.—Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended by adding at the end the following:

“(11) POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.—In the case of a State that proposes to use funds under this part to support positive behavioral interventions and supports, the State plan shall describe how the State educational agency will—

“(A) assist local educational agencies in implementing positive behavioral interventions and supports in schools served by the local educational agency on a whole-school basis;

“(B) provide technical assistance and training to local educational agencies to improve and support the development, implementation, and coordination of comprehensive positive behavioral interventions and supports carried out under this Act with activities carried out under the Individuals with Disabilities Education Act; and

“(C) evaluate the effects of providing positive behavioral interventions and supports for all students, including improvement of the learning environment, academic achievement, disciplinary problems such as incidents of suspensions, expulsions, referrals to law enforcement, and other actions that remove students from instruction, and any other effects the State chooses to evaluate.

“(12) EARLY INTERVENING SERVICES.—In the case of a State that proposes to use funds under this part to support early intervening services, the State plan shall describe how the State educational agency will—

“(A) assist local educational agencies in implementing early intervening services in schools served by the local educational agency to reduce the need to label children as children with disabilities in order to address the learning and behavioral needs of such children;

“(B) provide technical assistance and training to local educational agencies to improve coordination of early intervening services provided under this Act with early intervening services carried out under the Individuals with Disabilities Education Act; and

“(C) evaluate the effects of providing early intervening services.

“(13) CRISIS MANAGEMENT PLANS.—In the case of a State that proposes to use funds under this part to assist local educational agencies in the State in periodically updating the crisis management plans, as described in section 4114(d)(7)(D), of such local educational agencies, the State plan shall describe how the State educational agency will assist local educational agencies in updating such crisis management plans.”

(b) TITLE I STATE REPORTS.—Section 1111(h)(1)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)) is amended—

(1) in clause (vii), by striking “and” after the semicolon;

(2) in clause (viii), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(ix) the number of local educational agencies in the State that implement positive behavioral interventions and supports;

“(x) the number of students—

“(I) who are served through the use of early intervening services; and

“(II) who, in the preceding 2-year period, received early intervening services and who, after receiving such services, have been identified as eligible for, and receive, special education and related services under part B of the Individuals with Disabilities Education Act; and

“(xi) the number of local educational agencies in the State that implement school-based mental health programs.”

(c) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 1112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended—

(1) in subparagraph (P), by striking “and” after the semicolon;

(2) in subparagraph (Q), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(R) if the local educational agency proposes to use subgrant funds under this part for positive behavioral interventions and supports, a description of the actions the local educational agency will take to provide positive behavioral interventions and supports and coordinate those activities with

activities carried out under the Individuals with Disabilities Education Act;

“(S) if the local educational agency proposes to use subgrant funds under this part for early intervening services, a description of the actions the local educational agency will take to provide early intervening services and coordinate those services with early intervening services carried out under the Individuals with Disabilities Education Act;

“(T) if the local educational agency proposes to use subgrant funds under this part for school-based mental health programs, a description of the actions the local educational agency will take to provide school-based mental health programs and coordinate those activities with activities carried out under the Individuals with Disabilities Education Act; and

“(U) if the local educational agency proposes to use subgrant funds under this part for periodically updating the crisis management plan of the local educational agency, as described in section 4114(d)(7)(D), a description of the actions the local educational agency will take to develop and implement an updated crisis management plan.”.

(d) TITLE I SCHOOLWIDE PROGRAMS.—

(1) SCHOOLWIDE PROGRAMS.—Section 1114(b)(1)(B)(iii)(I) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(b)(1)(B)(iii)(I)) is amended—

(A) in item (aa), by striking “and mentoring services” and inserting “mentoring services, and school-based mental health programs”;

(B) by redesignating items (bb) and (cc) as items (dd) and (ee), respectively; and

(C) by inserting after item (aa) the following:

“(bb) implementation of schoolwide positive behavioral interventions and supports, including through coordination with activities carried out under the Individuals with Disabilities Education Act, in order to improve academic outcomes for students and reduce the need for suspensions, expulsions, and other actions that remove students from instruction;

“(cc) implementation of early intervening services, including through coordination with early intervening services carried out under the Individuals with Disabilities Education Act.”.

(2) TECHNICAL ASSISTANCE.—Section 1116(b)(4)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(4)(B)) is amended—

(A) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

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

“(iii) shall include assistance in the implementation of schoolwide positive behavioral interventions and supports, school-based mental health programs, and other approaches with evidence of effectiveness for improving the learning environment in the school and reducing the need for suspensions, expulsions, and other actions that remove students from instruction, including effective strategies for improving coordination of community resources.”.

(e) TITLE I ASSESSMENTS AND SCHOOL IMPROVEMENT.—

(1) SCHOOL IMPROVEMENT PLAN.—Section 1116(b)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(3)(A)) is amended—

(A) in clause (ix), by striking “and” after the semicolon;

(B) in clause (x), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(xi) specify whether the local educational agency or the school will adopt and implement policies or practices to implement or improve positive behavioral interventions

and supports and enhance coordination with activities carried out under the Individuals with Disabilities Education Act;

“(xii) specify whether the local educational agency or the school will adopt and implement policies or practices to implement or improve early intervening services and coordinate with early intervening services carried out under such Act; and

“(xiii) specify whether the local educational agency or school will adopt and implement school-based mental health programs and coordinate with programs carried out under such Act.”.

(2) LOCAL EDUCATIONAL AGENCY IMPROVEMENT PLANS.—Section 1116(c)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(c)(10)) is amended—

(A) in subparagraph (B), by striking “subparagraph (E)” and inserting “subparagraph (F)”;

(B) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(C) by inserting after subparagraph (C) the following:

“(D) ADDITIONAL ACTIVITIES.—In addition to carrying out 1 or more of the corrective actions required under subparagraph (C) for a local educational agency, the State educational agency may also carry out 1 or more of the following activities:

“(i) Improving or expanding positive behavioral interventions and supports and enhancing coordination with activities under the Individuals with Disabilities Education Act.

“(ii) Improving or expanding early intervening services and coordinating such services with early intervening services carried out under the Individuals with Disabilities Education Act.”.

(f) TITLE I SCHOOL SUPPORT AND RECOGNITION.—

(1) REGIONAL CENTERS.—Section 1117(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6317(a)(3)) is amended—

(A) by striking “of 2002 and comprehensive” and inserting “of 2002, comprehensive”;

(B) by striking “and the comprehensive” and inserting “, the comprehensive”;

(C) by inserting “and any technical assistance center on schoolwide positive behavioral interventions and supports funded under section 665(b) of the Individuals with Disabilities Education Act,” after “2002”.

(2) STATEWIDE SYSTEMS FOR SUPPORT.—Section 1117(a)(5)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6317(a)(5)(B)) is amended—

(A) in clause (i), by striking the semicolon at the end and inserting the following: “, including by improving or expanding the use of positive behavioral interventions and supports aligned with activities carried out under the Individuals with Disabilities Education Act.”;

(B) in clause (iii), by striking “and” after the semicolon;

(C) in clause (iv), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

“(v) review and analyze the school’s efforts to identify and assist students with poor academic achievement and students who are children with disabilities, and assist the school in developing or improving early intervening services that are coordinated with activities carried out under the Individuals with Disabilities Education Act;

“(vi) review and analyze the school’s efforts to address behavioral or disciplinary problems, and assist the school in developing or improving schoolwide positive behavioral interventions and supports that are coordinated with activities carried out under the Individuals with Disabilities Education Act;

“(vii) review the number of discipline incidents in the school and use that information to assist the school to implement schoolwide positive behavioral interventions and supports or other early intervening services, or both; and

“(viii) review and analyze the school’s efforts to address mental health needs among students and assist the school in developing or improving school-based mental health programs that are coordinated with activities carried out under the Individuals with Disabilities Education Act.”.

(g) TITLE I PARENTAL INVOLVEMENT.—Section 1118(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6318(e)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) shall provide information to school personnel, students, and parents about the school’s use of positive behavioral interventions and supports, school-based mental health programs, and the expectations of school personnel, students, and parents in supporting a safe learning environment for all students”.

(h) PREVENTION AND INTERVENTION PROGRAMS.—Section 1414(c)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by inserting “, including coordinating the use of positive behavioral interventions and supports, early intervening services, and school-based mental health programs to improve academic achievement and reduce disciplinary actions” before the semicolon at the end.

(i) TECHNICAL ASSISTANCE.—Section 1419 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6439) is amended—

(1) in paragraph (1), by striking “and” after the semicolon;

(2) in paragraph (2), by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(3) to provide technical assistance in implementing positive behavioral interventions and supports, early intervening services, and school-based mental health programs in order to improve academic achievement and reduce disciplinary actions.”.

(j) TITLE II MENTAL HEALTH PROFESSIONAL DEVELOPMENT.—Section 2123 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623) is amended—

(1) in subsection (a), by inserting after paragraph (8) the following:

“(9) Carrying out in-service training for school personnel in—

“(A) the techniques and supports needed to identify children with trauma histories, and children with, or at risk of, mental illness, early;

“(B) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community where appropriate; and

“(C) forming partnerships between school-based mental health programs and public or private mental health organizations.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) LIABILITY PROTECTION FOR SCHOOL PERSONNEL.—Section 2366 shall apply to school personnel who received in-service training under subsection (a)(9), and who are carrying out activities related to such training, in the same manner as such section applies to teachers.”.

(k) SCHOOL-BASED MENTAL HEALTH SERVICES PARTNERSHIP PROGRAMS.—Section 4121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131) is amended—



(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, health (including mental health),” after “promote safety”;

(B) by redesignating paragraphs (3) through (8) and (9) as paragraphs (4) through (9) and (11), respectively;

(C) by inserting after paragraph (2) the following:

“(3) the development and implementation of school-based mental health services partnership programs under subsection (c);”;

(D) by striking paragraph (7), as redesignated by subparagraph (B), and inserting the following:

“(7) assistance to school systems that have particularly severe drug and violence problems or assistance to support appropriate response efforts to crisis situations, including—

“(A) hiring drug prevention and school safety coordinators; and

“(B) making available to students mental health services, conflict resolution programs, and other school-based violence prevention strategies;”;

(E) in paragraph (9), as redesignated by subparagraph (B), by striking “and” after the semicolon; and

(F) by inserting after such paragraph (9) the following:

“(10) assistance to States to help local educational agencies develop and implement comprehensive emergency management plans; and”;

(2) by adding at the end the following:

“(c) SCHOOL-BASED MENTAL HEALTH SERVICES PARTNERSHIP PROGRAMS.—

“(1) IN GENERAL.—Each grant, contract, or cooperative agreement awarded or entered into under subsection (a)(3) shall meet the requirements of this subsection.

“(2) ELIGIBILITY.—

“(A) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, a local educational agency shall enter into a school-based mental health partnership that—

“(i) shall include a public or private mental health entity or health care entity; and

“(ii) may include a child welfare agency, family-based mental health entity, family organization, trauma network, or other community-based entity.

“(B) FLEXIBILITY FOR CERTAIN LOCAL EDUCATIONAL AGENCIES.—Notwithstanding subparagraph (A), a local educational agency that is eligible for services under subpart 1 or 2 of part B of title VI, as determined by the Secretary, and that is unable to partner with a public or private mental health entity or health care entity shall be eligible for a grant under this subsection if the local educational agency can demonstrate to the Secretary, in its application for a grant under this subsection, that the local educational agency can otherwise build the capacity to carry out the requirements of this subsection.

“(3) APPLICATION.—A local educational agency that desires a grant, contract, or cooperative agreement under this subsection shall include, in the application required by the Secretary, a description of how the local educational agency will—

“(A) assist schools served by the local educational agency to provide, through the school-based mental health services partnership program, comprehensive school-based mental health services and supports and comprehensive staff development for school and community service personnel working in the school;

“(B) provide technical assistance and training to improve and support the development, implementation, and coordination of school-based mental health programs and ensure such programs are coordinated with ac-

tivities carried out under the Individuals with Disabilities Education Act; and

“(C) evaluate the effects of providing school-based mental health programs.

“(4) USE OF FUNDS.—A local educational agency receiving a grant, contract, or cooperative agreement under this subsection shall use funds provided under such grant, contract, or cooperative agreement to provide school-based mental health services and supports that—

“(A) may include—

“(i) the early identification of social, emotional, or behavioral problems, or substance use disorders, and the provision of early intervening services;

“(ii) notwithstanding section 4154, the treatment or referral for treatment of students with social, emotional, or behavioral health problems, or substance use disorders;

“(iii) the development and implementation of programs to assist children in dealing with trauma and violence; and

“(iv) the development of mechanisms, based on best practices, for children to report incidents of violence or plans by other children or adults to commit violence;

“(B) are based on trauma-informed and evidence-based practices;

“(C) are coordinated, where appropriate, with early intervening services carried out under the Individuals with Disabilities Education Act; and

“(D) are provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise.

“(5) GENERAL REQUIREMENTS.—

“(A) PARENTAL CONSENT.—

“(i) IN GENERAL.—Each local educational agency receiving a grant, contract, or cooperative agreement under this subsection shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any assessment service, program, activity, or treatment that is—

“(I) funded under this subsection; and

“(II) conducted in connection with an elementary school or secondary school under the grant, contract, or cooperative agreement.

“(ii) EXCEPTION.—Notwithstanding clause (i), the written, informed consent described in such clause shall not be required in—

“(I) an emergency, where it is necessary to protect the immediate health and safety of the student, other students, or school personnel; or

“(II) other instances where parental consent cannot reasonably be obtained, as defined by the Secretary.

“(B) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of receiving an evaluation under this subsection, receiving services under this subsection, or attending a school receiving assistance under this subsection.

“(C) PRIVACY.—Each local educational agency receiving a grant, contract, or cooperative agreement under this subsection shall ensure that student mental health records are accorded the privacy protections provided under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2033) and section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ‘Family Educational Rights and Privacy Act of 1974’).

“(6) LIABILITY PROTECTION FOR SCHOOL PERSONNEL.—Section 2366 shall apply to school personnel providing services under a grant, contract, or cooperative agreement under

this subsection in the same manner as such section applies to teachers.

“(7) PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL OR FEDERAL REGULATION.—In addition to the prohibition of Federal Government control of a State, local educational agency, or school’s curriculum or program of instruction that is provided under section 9527(a), nothing in this subsection shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s specific instructional content or academic achievement standards and assessments.”

(1) DEFINITION.—Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by redesignating paragraphs (17) through (43) as paragraphs (18) through (44), respectively; and

(2) by inserting after paragraph (16) the following:

“(17) EARLY INTERVENING SERVICES.—The term ‘early intervening services’ means early intervening services described in section 613(f)(1) of the Individuals with Disabilities Education Act.”

#### SEC. 14. CONFORMING AMENDMENTS.

(a) AMERICA COMPETES REAUTHORIZATION ACT OF 2010.—Section 553(d)(6) of the America COMPETES Reauthorization Act of 2010 (20 U.S.C. 9903(d)(6)) is amended by striking “section 9101(23)” and inserting “section 9101(24)”.

(b) HIGHER EDUCATION ACT OF 1965.—Section 255(k) of the Higher Education Act of 1965 is amended—

(1) in paragraph (1), by striking “section 9101(23)(B)(ii)” and inserting “section 9101(24)(B)(ii)”;

(2) in paragraph (3), by striking “section 9101(23)” and inserting “section 9101(24)”.

(c) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)) is amended—

(1) in subparagraph (C)(ii), by striking “section 9101(23)” and inserting “section 9101(24)”;

(2) in each of clauses (ii) and (iii) of subparagraph (D), by striking “section 9101(23)(C)(ii)” and inserting “section 9101(24)(C)(ii)”.

#### Subtitle B—Health Programs

#### SEC. 21. GARRETT LEE SMITH MEMORIAL ACT REAUTHORIZATION.

(a) SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb-34) is amended—

(1) in the section heading, by striking the section heading and inserting “SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.”;

(2) in subsection (a), by striking “and in consultation with” and all that follows through the period at the end of paragraph (2) and inserting “shall establish a research, training, and technical assistance resource center to provide appropriate information, training, and technical assistance to States, political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations regarding the prevention of suicide among all ages, particularly among groups that are at high risk for suicide.”;

(3) by striking subsections (b) and (c);

(4) by redesignating subsection (d) as subsection (b);

(5) in subsection (b), as so redesignated—

(A) by striking the subsection heading and inserting “RESPONSIBILITIES OF THE CENTER.”;

(B) in the matter preceding paragraph (1), by striking “The additional research” and

all that follows through “nonprofit organizations for” and inserting “The center established under subsection (a) shall conduct activities for the purpose of”;

(C) by striking “youth suicide” each place such term appears and inserting “suicide”;

(D) in paragraph (1)—

(i) by striking “the development or continuation of” and inserting “developing and continuing”; and

(ii) by inserting “for all ages, particularly among groups that are at high risk for suicide” before the semicolon at the end;

(E) in paragraph (2), by inserting “for all ages, particularly among groups that are at high risk for suicide” before the semicolon at the end;

(F) in paragraph (3), by inserting “and tribal” after “statewide”;

(G) in paragraph (5), by inserting “and prevention” after “intervention”;

(H) in paragraph (8), by striking “in youth”;

(I) in paragraph (9), by striking “and behavioral health” and inserting “health and substance use disorder”;

(J) in paragraph (10), by inserting “conducting” before “other”;

(6) by striking subsection (e) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$4,948,000 for each of fiscal years 2014 through 2018.”.

(b) YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.—Section 520E of the Public Health Service Act (42 U.S.C. 290bb-36) is amended—

(1) in paragraph (1) of subsection (a) and in subsection (c), by striking “substance abuse” each place such term appears and inserting “substance use disorder”;

(2) in subsection (b)(2)—

(A) by striking “each State is awarded only 1 grant or cooperative agreement under this section” and inserting “a State does not receive more than 1 grant or cooperative agreement under this section at any 1 time”; and

(B) by striking “been awarded” and inserting “received”; and

(3) by striking subsection (m) and inserting the following:

“(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$29,682,000 for each of fiscal years 2014 through 2018.”.

(c) MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES.—Section 520E-2 of the Public Health Service Act (42 U.S.C. 290bb-36b) is amended—

(1) in the section heading, by striking “AND BEHAVIORAL HEALTH” and inserting “HEALTH AND SUBSTANCE USE DISORDER SERVICES”;

(2) in subsection (a)—

(A) by striking “Services,” and inserting “Services and”;

(B) by striking “and behavioral health problems” and inserting “health or substance use disorders”;

(C) by striking “substance abuse” and inserting “substance use disorders”;

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “for—” and inserting “for one or more of the following”; and

(B) by striking paragraphs (1) through (6) and inserting the following:

“(1) Educating students, families, faculty, and staff to increase awareness of mental health and substance use disorders.

“(2) The operation of hotlines.

“(3) Preparing informational material.

“(4) Providing outreach services to notify students about available mental health and substance use disorder services.

“(5) Administering voluntary mental health and substance use disorder screenings and assessments.

“(6) Supporting the training of students, faculty, and staff to respond effectively to students with mental health and substance use disorders.

“(7) Creating a network infrastructure to link colleges and universities with health care providers who treat mental health and substance use disorders.”;

(4) in subsection (c)(5), by striking “substance abuse” and inserting “substance use disorder”;

(5) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “An institution of higher education desiring a grant under this section” and inserting “To be eligible to receive a grant under this section, an institution of higher education”;

(B) in paragraph (1)—

(i) by striking “and behavioral health” and inserting “health and substance use disorder”;

(ii) by inserting “, including veterans whenever possible and appropriate,” after “students”;

(C) in paragraph (2), by inserting “, which may include, as appropriate and in accordance with subsection (b)(7), a plan to seek input from relevant stakeholders in the community, including appropriate public and private entities, in order to carry out the program under the grant” before the period at the end;

(6) in subsection (e)(1), by striking “and behavioral health problems” and inserting “health and substance use disorders”;

(7) in subsection (f)(2)—

(A) by striking “and behavioral health” and inserting “health and substance use disorder”;

(B) by striking “suicide and substance abuse” and inserting “suicide and substance use disorders”;

(8) in subsection (h), by striking “\$5,000,000 for fiscal year 2005” and all that follows through the period at the end and inserting “\$4,858,000 for each of fiscal years 2014 through 2018.”.

**SEC. 22. MENTAL HEALTH AWARENESS TRAINING GRANTS.**

Section 520J of the Public Health Service Act (42 U.S.C. 290bb-41) is amended—

(1) in the section heading, by inserting “**MENTAL HEALTH AWARENESS**” before “**TRAINING**”; and

(2) in subsection (b)—

(A) in the subsection heading, by striking “**ILLNESS**” and inserting “**HEALTH**”;

(B) in paragraph (1), by inserting “and other categories of individuals, as determined by the Secretary,” after “emergency services personnel”;

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “to” and inserting “for evidence-based programs for the purpose of”; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

“(A) recognizing the signs and symptoms of mental illness; and

“(B)(i) providing education to personnel regarding resources available in the community for individuals with a mental illness and other relevant resources; or

“(ii) the safe de-escalation of crisis situations involving individuals with a mental illness.”;

(D) in paragraph (7), by striking “, \$25,000,000” and all that follows through the period at the end and inserting “\$20,000,000 for each of fiscal years 2014 through 2018”.

**SEC. 23. CHILDREN'S RECOVERY FROM TRAUMA.**

Section 582 of the Public Health Service Act (42 U.S.C. 290hh-1) is amended—

(1) in subsection (a), by striking “developing programs” and all that follows and inserting “developing and maintaining programs that provide for—

“(1) the continued operation of the National Child Traumatic Stress Initiative (referred to in this section as the ‘NCTSI’), which includes a coordinating center, that focuses on the mental, behavioral, and biological aspects of psychological trauma response; and

“(2) the development of knowledge with regard to evidence-based practices for identifying and treating mental, behavioral, and biological disorders of children and youth resulting from witnessing or experiencing a traumatic event.”;

(2) in subsection (b)—

(A) by striking “subsection (a) related” and inserting “subsection (a)(2) (related)”;

(B) by striking “treating disorders associated with psychological trauma” and inserting “treating mental, behavioral, and biological disorders associated with psychological trauma”;

(C) by striking “mental health agencies and programs that have established clinical and basic research” and inserting “universities, hospitals, mental health agencies, and other programs that have established clinical expertise and research”;

(3) by redesignating subsections (c) through (g) as subsections (g) through (k), respectively;

(4) by inserting after subsection (b), the following:

“(c) CHILD OUTCOME DATA.—The NCTSI coordinating center shall collect, analyze, and report NCTSI-wide child treatment process and outcome data regarding the early identification and delivery of evidence-based treatment and services for children and families served by the NCTSI grantees.

“(d) TRAINING.—The NCTSI coordinating center shall facilitate the coordination of training initiatives in evidence-based and trauma-informed treatments, interventions, and practices offered to NCTSI grantees, providers, and partners.

“(e) DISSEMINATION.—The NCTSI coordinating center shall, as appropriate, collaborate with the Secretary in the dissemination of evidence-based and trauma-informed interventions, treatments, products and other resources to appropriate stakeholders.

“(f) REVIEW.—The Secretary shall, consistent with the peer review process, ensure that NCTSI applications are reviewed by appropriate experts in the field as part of a consensus review process. The Secretary shall include review criteria related to expertise and experience in child trauma and evidence-based practices.”;

(5) in subsection (g) (as so redesignated), by striking “with respect to centers of excellence are distributed equitably among the regions of the country” and inserting “are distributed equitably among the regions of the United States”;

(6) in subsection (i) (as so redesignated), by striking “recipient may not exceed 5 years” and inserting “recipient shall not be less than 4 years, but shall not exceed 5 years”;

(7) in subsection (j) (as so redesignated), by striking “\$50,000,000” and all that follows through “2006” and inserting “\$45,713,000 for each of fiscal years 2014 through 2018”.

**SEC. 24. ASSESSING BARRIERS TO BEHAVIORAL HEALTH INTEGRATION.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on

Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives concerning Federal requirements that impact access to treatment of mental health and substance use disorders related to integration with primary care, administrative and regulatory issues, quality measurement and accountability, and data sharing.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) An evaluation of the administrative or regulatory burden on behavioral healthcare providers.

(2) The identification of outcome and quality measures relevant to integrated health care, evaluation of the data collection burden on behavioral healthcare providers, and any alternative methods for evaluation.

(3) An analysis of the degree to which electronic data standards, including interoperability and meaningful use includes behavioral health measures, and an analysis of strategies to address barriers to health information exchange posed by part 2 of title 42, Code of Federal Regulations.

(4) An analysis of the degree to which Federal rules and regulations for behavioral and physical health care are aligned, including recommendations to address any identified barriers.

**SEC. 25. INCREASING EDUCATION AND AWARENESS OF TREATMENTS FOR OPIOID USE DISORDERS.**

(a) IN GENERAL.—In order to improve the quality of care delivery and treatment outcomes among patients with opioid use disorders, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Administrator for the Substance Abuse and Mental Health Services Administration, may advance, through existing programs as appropriate, the education and awareness of providers, patients, and other appropriate stakeholders regarding all products approved by the Food and Drug Administration to treat opioid use disorders.

(b) ACTIVITIES.—The activities described in subsection (a) may include—

(1) disseminating evidence-based practices for the treatment of opioid use disorders;

(2) facilitating continuing education programs for health professionals involved in treating opioid use disorders;

(3) increasing awareness among relevant stakeholders of the treatment of opioid use disorders;

(4) assessing current barriers to the treatment of opioid use disorders for patients and providers and development and implementation of strategies to mitigate such barriers; and

(5) continuing innovative approaches to the treatment of opioid use disorders in various treatment settings, such as prisons, community mental health centers, primary care, and hospitals.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, if the Secretary carries out the activities under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that examines—

(1) the activities the Substance Abuse and Mental Health Services Administration conducts under this section, including any potential impacts on health care costs associated with such activities;

(2) the role of adherence in the treatment of opioid use disorders and methods to reduce opioid use disorders; and

(3) recommendations on priorities and strategies to address co-occurring substance use disorders and mental illnesses.

**SEC. 26. EXAMINING MENTAL HEALTH CARE FOR CHILDREN.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the utilization of mental health services for children, including the usage of psychotropic medications.

(b) CONTENT.—The report submitted under subsection (a) shall review and assess—

(1) the ways in which children access mental health care, including information on whether children are treated by primary care or specialty providers, what types of referrals for additional care are recommended, and any barriers to accessing this care;

(2) the extent to which children are prescribed psychotropic medications in the United States including the frequency of concurrent medication usage; and

(3) the tools, assessments, and medications that are available and used to diagnose and treat children with mental health disorders.

**SEC. 27. EVIDENCE BASED PRACTICES FOR OLDER ADULTS.**

Section 520A(e) of the Public Health Service Act (42 U.S.C. 290bb-32(e)) is amended by adding at the end the following:

“(3) GERIATRIC MENTAL HEALTH DISORDERS.—The Secretary shall, as appropriate, provide technical assistance to grantees regarding evidence-based practices for the prevention and treatment of geriatric mental health disorders and co-occurring mental health and substance use disorders among geriatric populations, as well as disseminate information about such evidence-based practices to States and nongrantees throughout the United States.”.

**SEC. 28. NATIONAL VIOLENT DEATH REPORTING SYSTEM.**

The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, is encouraged to improve, particularly through the inclusion of additional States, the National Violent Death Reporting System as authorized by title III of the Public Health Service Act. Participation in the system by the States shall be voluntary.

**SEC. 29. GAO STUDY ON VIRGINIA TECH RECOMMENDATIONS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report concerning the status of implementation of recommendations made in the report to the President, On Issues Raised by the Virginia Tech Tragedy, by the Secretaries of Health and Human Services and Education and the Attorney General of the United States, submitted to the President on June 13, 2007.

(b) CONTENT.—The report submitted to the committees of Congress under subsection (a) shall review and assess—

(1) the extent to which the recommendations in the report that include participation by the Department of Health and Human Services were implemented;

(2) whether there are any barriers to implementation of such recommendations; and

(3) identification of any additional actions the Federal government can take to support States and local communities and ensure that the Federal government and Federal law are not obstacles to addressing at the community level—

- (A) school violence; and
- (B) mental illness.

**SA 731.** Ms. KLOBUCHAR (for herself and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ADDITION OF DATING PARTNERS AND INDIVIDUALS SUBJECT TO RESTRAINING ORDERS.**

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended—

(1) by striking paragraph (32) and inserting the following:

“(32) The term ‘intimate partner’—

“(A) means with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person; and

“(B) includes—

“(i) a dating partner (as defined in section 2266); and

“(ii) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.”; and

(2) in paragraph (33)(A)(ii)—

(A) by inserting “intimate partner,” after “former spouse.”; and

(B) by inserting “intimate partner,” after “a spouse,” each place it appears.

(b) ADDITION OF STALKING.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8)(ii), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) has been convicted in any court of a misdemeanor crime of stalking.”; and

(2) in subsection (g)—

(A) in paragraph (8)(C)(ii), by striking “or” at the end;

(B) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) has been convicted in any court of a misdemeanor crime of stalking.”.

**SA 732.** Mr. GRAHAM (for himself, Mr. BEGICH, Mr. FLAKE, Mr. PRYOR, Mr. HELLER, Mr. CORNYN, Mr. CHAMBLISS, Mr. PORTMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

Strike titles I and II and insert the following:

**TITLE I—NICS REPORTING IMPROVEMENT ACT**

**SEC. 101. SHORT TITLE.**

This title may be cited as the “NICS Reporting Improvement Act of 2013”.

**SEC. 102. DEFINITIONS RELATING TO MENTAL HEALTH.**

(a) TITLE 18 DEFINITIONS.—Chapter 44 of title 18, United States Code, is amended—

(1) in section 921(a), by adding at the end the following:

“(36)(A) Subject to subparagraph (B), the term ‘has been adjudicated mentally incompetent or has been committed to a psychiatric hospital’, with respect to a person—

“(i) means the person is the subject of an order or finding by a judicial officer, court, board, commission, or other adjudicative body—

“(I) that was issued after—

“(aa) a hearing—

“(AA) of which the person received actual notice; and

“(BB) at which the person had an opportunity to participate with counsel; or

“(bb) the person knowingly and intelligently waived the opportunity for a hearing—

“(AA) of which the person received actual notice; and

“(BB) at which the person would have had an opportunity to participate with counsel; and

“(II) that found that the person, as a result of marked subnormal intelligence, mental impairment, or mental illness—

“(aa) was a danger to himself or to others;”

“(bb) was guilty but mentally ill in a criminal case;”

“(cc) was not guilty in a criminal case by reason of insanity or mental disease or defect;”

“(dd) was incompetent to stand trial in a criminal case;”

“(ee) was not guilty only by reason of lack of mental responsibility under section 850a of title 10 (article 50a of the Uniform Code of Military Justice);”

“(ff) required involuntary inpatient treatment by a psychiatric hospital;”

“(gg) required involuntary outpatient treatment by a psychiatric hospital based on a finding that the person is a danger to himself or to others; or

“(hh) required involuntary commitment to a psychiatric hospital for any reason, including drug use; and

“(ii) does not include—

“(I) a person who is in a psychiatric hospital for observation; or

“(II) a voluntary admission to a psychiatric hospital.

“(B) In this paragraph, the term ‘order or finding’ does not include—

“(i) an order or finding that has expired or has been set aside or expunged;”

“(ii) an order or finding that is no longer applicable because a judicial officer, court, board, commission, or other adjudicative body has found that the person who is the subject of the order or finding—

“(I) does not present a danger to himself or to others;”

“(II) has been restored to sanity or cured of mental disease or defect;”

“(III) has been restored to competency; or

“(IV) no longer requires involuntary inpatient or outpatient treatment by, or involuntary commitment to, a psychiatric hospital; or

“(iii) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities under section 925(c) or under a program described in section 101(c)(2)(A) or 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note).

“(37) The term ‘psychiatric hospital’ includes a mental health facility, a mental hospital, a sanitarium, a psychiatric facility, and any other facility that provides diagnoses by licensed professionals of mental re-

tardation or mental illness, including a psychiatric ward in a general hospital.”; and

(2) in section 922—

(A) in subsection (d)(4)—

(i) by striking “as a mental defective” and inserting “mentally incompetent”; and

(ii) by striking “any mental institution” and inserting “a psychiatric hospital”; and

(B) in subsection (g)(4)—

(i) by striking “as a mental defective or who has” and inserting “mentally incompetent or has”; and

(ii) by striking “mental institution” and inserting “psychiatric hospital”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking “as a mental defective” each place that term appears and inserting “mentally incompetent”;

(2) by striking “mental institution” each place that term appears and inserting “psychiatric hospital”; and

(3) in section 102(c)(3)—

(A) in the paragraph heading, by striking “AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION” and inserting “MENTALLY INCOMPETENT OR COMMITTED TO A PSYCHIATRIC HOSPITAL”; and

(B) by striking “mental institutions” and inserting “psychiatric hospitals”.

**SEC. 103. REDUCTION OF BYRNE JAG FUNDS FOR STATE FAILURE TO PROVIDE MENTAL HEALTH RECORDS TO NICS.**

Section 104(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2), as redesignated, by striking “of paragraph (2)” and inserting “of paragraph (1)”;

(4) by inserting before paragraph (2), as redesignated, the following:

“(1) REDUCTION FOR FAILURE TO PROVIDE MENTAL HEALTH RECORDS.—

“(A) IN GENERAL.—During the period beginning on the date that is 18 months after the date of enactment of the NICS Reporting Improvement Act of 2013 and ending on the day before the date described in subparagraph (B), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not—

“(i) provide not less than 90 percent of the records required to be provided under sections 102 and 103; or

“(ii) have in effect a statute that—

“(I) requires the State to provide the records required to be provided under sections 102 and 103; and

“(II) implements a relief from disabilities program in accordance with section 105.

“(B) FINAL IMPLEMENTATION DEADLINE.—Beginning on the date that is 5 years after the date of enactment of the NICS Reporting Improvement Act of 2013, the Attorney General shall withhold 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not have in effect a statute described in subparagraph (A)(ii) of this paragraph.”.

**SA 733.** Ms. STABENOW (for herself, Mr. BLUNT, Mr. REED, Mr. RUBIO, Ms. COLLINS, Mr. BLUMENTHAL, Mr. UDALL of New Mexico, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 649, to ensure that all individuals who should be prohibited from buying a firearm are

listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —MENTAL HEALTH CARE**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Excellence in Mental Health Act”.

**SEC. 02. ESTABLISHING CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS.**

(a) IN GENERAL.—Section 1913 of the Public Health Service Act (42 U.S.C. 300x-2) is amended—

(1) in subsection (a)(2)(A), by striking “community mental health services” and inserting “behavioral health services (of the type offered by certified community behavioral health clinics consistent with subsection (c)(3))”; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) services under the plan will be provided only through appropriate, qualified community programs (which may include certified community behavioral health clinics, child mental health programs, psychosocial rehabilitation programs, mental health peer-support programs, outpatient addiction treatment programs, acute detoxification services, and mental health primary consumer-directed programs); and”;

(B) in paragraph (2), by striking “community mental health centers” and inserting “certified community behavioral health clinics”; and

(3) by striking subsection (c) and inserting the following:

“(c) CRITERIA FOR CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS.—

“(1) IN GENERAL.—The Administrator shall certify, and recertify at least every 5 years, certified community behavioral health clinics as meeting the criteria specified in this subsection.

“(2) REGULATIONS.—Not later than 18 months after the date of the enactment of the Excellence in Mental Health Act—

“(A) the Administrator, in consultation with State Mental Health and Substance Abuse Authorities, shall issue final regulations for certifying non-profit and local government behavioral health authorities and Indian Health Service tribal facilities as clinics under paragraph (1); and

“(B) the Secretary, in determining eligible non-profit entities under this subsection, shall promulgate regulations specifying that an entity receiving payment under section 1902(bb) of the Social Security Act may not be owned, controlled, or operated by another entity.

“(3) CRITERIA.—The criteria referred to in subsection (b)(2) are that the clinic performs each of the following:

“(A) Provide services in locations that ensure services will be available and accessible promptly and in a manner which preserves human dignity and assures continuity of care.

“(B) Provide services in a mode of service delivery appropriate for the target population.

“(C) Provide individuals with a choice of service options, including developmentally appropriate evidence based interventions, where there is more than one efficacious treatment.

“(D) Employ a core clinical staff that is trained to provide evidence-based practices and is multidisciplinary and culturally and linguistically competent, including the availability of translation or similar services

and arrangements if the clinic is located in a geographic area of limited English-speaking ability.

“(E) Establish an emergency plan to support continuity of services for individuals during an emergency or disaster.

“(F) Demonstrate the capacity to comply with behavioral health and related health care quality measures promulgated by such entities as the National Quality Forum, the National Committee for Quality Assurance, or other nationally recognized accrediting bodies.

“(G) Provide services to any individual residing or employed in the service area of the clinic and ensure that no patient or consumer will be denied mental health or other health care services due to an individual's inability to pay for such services.

“(H) Ensure that any fees or payments required by the clinic for such services will be reduced or waived to enable the clinic to comply with subparagraph (G), including preparing a schedule of fees or payments for the provision of services that is consistent with locally prevailing rates or charges designed to cover the reasonable costs to the clinic of operation along with a corresponding schedule of discounts to be applied to the payment of such fees or payments, such discounts to be adjusted on the basis of the patient's ability to pay.

“(I) Provide, directly or through contract, to the extent covered for adults in the State Medicaid plan under title XIX of the Social Security Act and for children in accordance with section 1905(r) of such Act regarding early and periodic screening, diagnosis, and treatment, each of the following services:

“(i) Screening, assessment, and diagnosis, including risk assessment.

“(ii) Person-centered treatment planning or similar processes, including risk assessment and crisis planning.

“(iii) Outpatient mental health and substance use services, including screening, assessment, diagnosis, psychotherapy, cognitive behavioral therapy, applied behavioral analysis, medication management, and integrated treatment for trauma, mental illness, and substance abuse which shall be evidence-based (including cognitive behavioral therapy, long acting injectable medications, and other such therapies which are evidence-based).

“(iv) Outpatient clinic primary care screening and monitoring of key health indicators and health risk (including screening for diabetes, hypertension, and cardiovascular disease and monitoring of weight, height, body mass index (BMI), blood pressure, blood glucose or HbA1C, and lipid profile).

“(v) Crisis mental health services, including 24-hour mobile crisis teams, emergency crisis intervention services, and crisis stabilization.

“(vi) Targeted case management (services to assist individuals gaining access to needed medical, social, educational, and other services and applying for income security and other benefits to which they may be entitled).

“(vii) Psychiatric rehabilitation services including skills training, assertive community treatment, family psychoeducation, disability self-management, supported employment, supported housing services, therapeutic foster care services, and such other evidence-based practices as the Secretary may require.

“(viii) Peer support and counselor services and family supports.

“(J) Maintain linkages, and where possible enter into formal contracts, agreements, or partnerships with at least one federally qualified health center, unless there is no such center serving the service area, in order

to ensure that the delivery of behavioral health care is integrated with primary and preventive care services, so long as such linkages, contract, agreement, or partnership meets requirements as prescribed by the Secretary;

“(K) Maintain additional linkages and where possible enter into formal contracts with the following:

“(i) Inpatient psychiatric facilities and substance use detoxification, post-detoxification step-down services, and residential programs.

“(ii) Adult and youth peer support and counselor services.

“(iii) Family support services for families of children with serious mental or substance use disorders.

“(iv) Other community or regional services, supports, and providers, including schools, child welfare agencies, juvenile and criminal justice agencies and facilities, Indian Health Service youth regional treatment centers, housing agencies and programs, employers, and other social and human services.

“(v) Onsite or offsite access to primary care services.

“(vi) Enabling services, including outreach, transportation, and translation.

“(vii) Health and wellness services, including services for tobacco cessation.

“(viii) Department of Veterans Affairs medical centers, independent outpatient clinics, drop-in centers, and other facilities of the Department as defined in section 1801 of title 38, United States Code.

“(L) Where feasible, provide outreach and engagement to encourage individuals who could benefit from mental health care to freely participate in receiving the administrative services described in this subsection.

“(M) Where feasible, provide intensive, community-based mental health care for members of the armed forces and veterans, particularly those members and veterans located in rural areas, such care to be consistent with minimum clinical mental health guidelines promulgated by the Veterans Health Administration including clinical guidelines contained in the Uniform Mental Health Services Handbook of such Administration.

“(N) Where feasible, require certified community behavioral health clinics to provide valid and reliable trauma screening and functional or developmental assessment to determine need, match services to needs, and to measure progress over time.

“(4) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) shall be construed as prohibiting States receiving funds appropriated through the Community Mental Health Services Block Grant under subpart I of part B of this title from financing qualified community programs (whether such programs meet the definition of eligible programs prior to or after the date of enactment of this subsection).

“(5) **LIMITATION.**—

“(A) **IN GENERAL.**—For purposes of providing assistance under this section and reimbursement under section 1902(bb) of the Social Security Act—

“(i) for each of fiscal years 2016 through 2024, the Secretary shall certify 10 percent of the total number of entities who apply and are eligible to become certified community behavioral health clinics in each such fiscal year, in addition to the clinics certified in the previous fiscal years; and

“(ii) for fiscal year 2025, and each subsequent fiscal year, the Secretary shall certify all such community behavioral health clinics.

“(B) **REQUIREMENTS.**—In implementing this paragraph, the Secretary shall—

“(i) ensure the geographic diversity of such clinics;

“(ii) ensure that applications from clinics located in rural areas, as defined by the Secretary, and other mental health professional shortage areas are fairly and appropriately considered with the objective of facilitating access to mental health services in such areas; and

“(iii) take into account the ability of such clinics to provide required services, and the ability of such clinics to report required data as required under this title.

“(6) **EXEMPTION.**—Certified community behavioral health clinics receiving payments under section 1902(bb) of the Social Security Act which are located in rural areas, as defined by the Secretary, shall be exempt from the requirements contained in subparagraphs (A) and (I)(v) of paragraph (3).”.

(b) **CONFORMING AMENDMENTS TO MEDICARE DEFINITION OF COMMUNITY MENTAL HEALTH CENTER.**—Section 1861(ff)(3)(B) of the Social Security Act (42 U.S.C. 1395x(ff)(3)(B)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting “(as in effect on the day before the date of the enactment of the Excellence in Mental Health Act)” after “Service Act”; and

(B) in subclause (II), by inserting “(as so in effect)” after “of such section”; and

(2) in clause (iv)(III), by striking “1931(c)(1) of the Public Health Service Act” and inserting “1913(c)(1) of the Public Health Service Act (as so in effect)”.

**SEC. 03. MEDICAID COVERAGE AND PAYMENT FOR COMMUNITY BEHAVIORAL HEALTH CLINIC SERVICES.**

(a) **PAYMENT FOR SERVICES PROVIDED BY CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS.**—Section 1902(bb) of the Social Security Act (42 U.S.C. 1396a(bb)) is amended—

(1) in the heading, by striking “AND RURAL HEALTH CLINICS” and inserting “, CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS, AND RURAL HEALTH CLINICS”;

(2) in paragraph (1), by inserting “(and beginning with fiscal year 2016 with respect to services furnished on or after January 1, 2016, and each succeeding fiscal year, for services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic)” after “by a rural health clinic”;

(3) in paragraph (2)—

(A) by striking the heading and inserting “INITIAL FISCAL YEAR”;

(B) by inserting “(or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic, for services furnished on and after January 1, 2016, during fiscal year 2016)” after “January 1, 2001, during fiscal year 2001”;

(C) by inserting “(or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic, during fiscal years 2014 and 2015)” after “1999 and 2000”; and

(D) by inserting “(or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic, during fiscal year 2016)” before the period;

(4) in paragraph (3)—

(A) in the heading, by striking “FISCAL YEAR 2002 AND SUCCEEDING” and inserting “SUCCEEDING”; and

(B) by inserting “(or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic, for services furnished during fiscal year 2017 or a succeeding fiscal year)” after “2002 or a succeeding fiscal year”;

(5) in paragraph (4)—

(A) by inserting “(or as a certified community behavioral health clinic after fiscal year

2015” after “or rural health clinic after fiscal year 2000”;

(B) by striking “furnished by the center or” and inserting “furnished by the federally qualified health clinic, services described in section 1905(a)(2)(D) furnished by the certified community behavioral health clinic, or”;

(C) in the second sentence, by striking “or rural health clinic” and inserting “, certified community behavioral health clinic, or rural health clinic”;

(6) in paragraph (5), in each of subparagraphs (A) and (B), by striking “or rural health clinic” and inserting “, certified community behavioral health clinic, or rural health clinic”;

(7) in paragraph (6), by striking “or to a rural health clinic” and inserting “, to a certified community behavioral health clinic for services described in section 1905(a)(2)(D), or to a rural health clinic”.

(b) INCLUSION OF COMMUNITY BEHAVIORAL HEALTH CLINIC SERVICES IN THE TERM MEDICAL ASSISTANCE.—Section 1905(a)(2) of the Social Security Act (42 U.S.C. 1396d(a)(2)) is amended—

(1) by striking “and” before “(C)”;

(2) by inserting before the semicolon at the end the following: “, and (D) certified community behavioral health clinic services (as defined in subsection (1)(4))”.

(c) DEFINITION OF CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC SERVICES.—Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)) is amended by adding at the end the following paragraph:

“(4)(A) The term ‘community behavioral health clinic services’ means services of the type described in subparagraphs (I), (L), (M), and (N) of section 1913(c)(3) of the Public Health Service Act furnished to an individual at a certified community behavioral health clinic (as defined by subparagraph (B)).

“(B) The term ‘certified community behavioral health clinic’ means an entity that is certified under section 1913(c) of the Public Health Service Act as meeting the criteria described in paragraph (3) of such section.”.

(d) EXCLUSION.—Section 1902(bb) of the Social Security Act (42 U.S.C. 1396a(bb)) is amended by adding at the end the following:

“(7) EXCLUSIONS.—

“(A) IN GENERAL.—Payments made to certified community behavioral health clinics under this subsection shall be limited to ambulatory behavioral health services of the type described in subparagraphs (I), (L), (M), and (N) of section 1913(c)(3) of the Public Health Service Act and shall specifically exclude reimbursement for inpatient care, residential treatment, room and board expenses, or any other non-ambulatory services, as determined by the Secretary.

“(B) EXISTING FACILITIES.—Payments under this subsection may not be made to satellite facilities of certified community behavioral health clinics if such facilities are established after the date of enactment of this paragraph.”.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2016.

**SEC. 04. MEDICAID DSH.**

(a) REBASING OF ALLOTMENTS FOR FIRST, SECOND, AND THIRD QUARTERS OF FISCAL YEAR 2023.—Section 1923(f)(8) of the Social Security Act (42 U.S.C. 1396r-4(f)(8)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) FIRST 3 QUARTERS OF FISCAL YEAR 2023.—Only with respect to the period that begins on October 1, 2022, and ends on June 30, 2023, the DSH allotment for a State, in lieu of the amount determined under paragraph

(3) for the State for that year, shall be equal to ¾ of the DSH allotment for the State for fiscal year 2022, as determined under subparagraph (B), increased, subject to subparagraphs (B) and (C) of paragraph (3), and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average), for fiscal year 2022.”; and

(3) in subparagraph (D) (as redesignated by paragraph (1) of this section), by striking “after fiscal year 2022” and all that follows through the period and inserting “(and portions of fiscal years) after June 30, 2023, shall be calculated under paragraph (3) without regard to this paragraph and paragraph (7), except that the amount of the DSH allotment available for a State for the fourth quarter of fiscal year 2023 (after such calculation) shall be equal to the sum of ¼ of the amount calculated under paragraph (3) for the State for fiscal year 2023.”.

(b) ELIMINATION OF REDUCTION FOR FISCAL YEAR 2014.—Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r-4(f)(7)(A)) is amended—

(1) in clause (i), by striking “2014” and inserting “2015”;

(2) in clause (ii)—

(A) by striking subclause (I); and

(B) by redesignating subclauses (II) through (VII) as subclauses (I) through (VI), respectively.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to hold a meeting during the session of the Senate on April 17, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 17, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled “The Future of Passenger Rail: What’s Next for the Northeast Corridor?”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 17, 2013, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The President’s Budget for Fiscal Year 2014.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 17, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 17, 2013, at 10 a.m. in room 432 Russell Senate Office building to conduct a hearing entitled “The Proposed FY2014 Small Business Administration Budget.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on April 17, 2013, at 10 a.m. to conduct a hearing entitled “Helping Homeowners Harmed by Foreclosures: Ensuring Accountability and Transparency in Foreclosure Reviews, Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON PERSONNEL**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on April 17, 2013, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON STRATEGIC FORCES**

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 17, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Mike Lotus, Paul Casey, and Stephen Sewell, detailees on my Judiciary Committee staff, have floor privileges during the remainder of the 113th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

**POSTHUMOUS PARDON FOR JOHN ARTHUR “JACK” JOHNSON**

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 5, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows: A concurrent resolution (S. Con. Res. 5) expressing the sense of Congress that John Arthur “Jack” Johnson should receive a posthumous pardon for the racially motivated