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 3,965 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, career, 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) strengthens 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. ROBETS, Mr. WICKER, Mr. JOHNSON of Wisconsin, Mr. INHOFE, Mr. RISCH, Mr. RUBIO, Mr. MURkowski, Mr. BOOZMAN, Mr. JOHANNs, Mr. PORTMAN, Mr. McCONEll, Mr. BLUNT, Mr. VITTER, Mr. COCHRAN, and 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 732. Mr. MCCONNELL, Mr. CORNYN, Mr. BACH, Mr. LOUDERBACK, Mr. AXELROD, Mr. FRANKEN, Ms. MURKOWSKI, Mr. BENNET, Mr. ROBERTs, Ms. BALDWIN, Ms. AYOTTE, Mrs. HAGAN, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. JOHANNs) proposed an amendment to the bill S. 649, supra.

SA 731. Mr. KLOOGLAND (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him 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. PYOR, Mr. HELIER, 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. Reid, Mr. RUBIO, Ms. COLLINS, Mr. BLUMENTHAL, Mr. Udall of New Mexico, and Mr. Tester) submitted an amendment intended to be proposed by him 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. ROBETS, Mr. WICKER, Mr. JOHNSON of Wisconsin, Mr. INHOFE, Mr. RISCH, Mr. RUBIO, Mr. MURkowski, Mr. BOOZMAN, Mr. JOHANNs, Mr. PORTMAN, Mr. McCONEll, 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 “Preventing Future and Present Violence & Protecting Our Communities 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.

Sec. 302. Grant program for school security.

Sec. 303. Additional purposes for Federal funding privately;

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 in the term in section 551 of title 5, United States Code;

(2) the term “NICS” means the National Instant Criminal Background Check System;

(3) the term “NICS background check” means a background check performed by the Attorney General under this Act or section (f) and amending such subsection to affect background checks performed by law enforcement agencies.

TITLe II—MENTAl HEALTH

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


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. 911. Multiple sales reports for rifles and shotguns.

There are authorized to be appropriated to pay the costs of carrying out this Act for fiscal years 2013 through 2017.

TITLe II—COMBATING GUN CRIME, NICS REAUTHORIZATION, AND NICS IMPROVEMENT

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:

“(e) Authorization of Appropriations.—

There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2013 through 2017.”

(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’ 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) Audit.—An audit 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 audit the audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by

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

Sec. 115. Study by the National Institutes of Health and the 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. Interstate transportation of firearms or ammunition.

TITLe II—MENTAL HEALTH

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


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

(PP) 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 RECORDS.—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 no later 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.—

(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 3050a 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 others; or

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

(i) does not include—

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

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

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

(A) did not present a danger to himself or others;

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

(C) has been restored to competency; or

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

(iv) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities as required under the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) and a description of that plan.

(II) by striking ‘‘as a mental defective’’ and inserting ‘‘mentally incompetent’’;

(iii) by striking ‘‘as a mental defective or mental defective or mental 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 3050a 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 others; or

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

(i) does not include—

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

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

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

(A) did not present a danger to himself or others;

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

(C) has been restored to competency; or

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

(iv) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities as required under the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) and a description of that plan.

(II) by striking ‘‘as a mental defective’’ and inserting ‘‘mentally incompetent’’;

(iii) by striking ‘‘as a mental defective or mental defective or mental 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 3050a 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 others; or

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

(i) does not include—

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

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

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

(A) did not present a danger to himself or others;

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

(C) has been restored to competency; or

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

(iv) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities as required under the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) and a description of that plan.

(II) by striking ‘‘as a mental defective’’ and inserting ‘‘mentally incompetent’’;

(iii) by striking ‘‘as a mental defective or mental defective or mental 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 3050a 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 others; or

(hh) required involuntary commitment to a psychiatric hospital for any reason, including drug use;
(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 of the Senate and the House of Representatives a report of information gathered under this subsection during the fiscal year that ended on 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 submit to the Department of Justice, including each United States Attorney’s Office, to furnish for the purposes of the report submitted under 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 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) in each such case, the 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), any charge that was not pursued 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) 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, 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); 

(F) 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 

(G) the number of convictions in relation to persons described in subparagraph (F), to be known as the “Nationwide Project Exile Expansion”. 

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

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

(B) 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 Federal offenses that arise from a violation 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; 

(C) provide for the establishment of multi-jurisdictional task forces, coordinated by the Executive Office of the United States attorneys to investigate and prosecute illegal firearm purchases; 

(D) provide for the hiring of agents to investigate violations of Federal firearms laws in accordance with subsection (b)(2). 

(5) USE OF FUNDS.—(A) ASSISTANT UNITED STATES ATTORNEYS.—The Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives agents 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).

(3) PROCEDURE FOR INVESTIGATION AND PROSECUTION OF CASES OF CONVICTED FELONS AND FUGITIVES WHO ATTEMPT TO ILLEGALLY PURCHASE FIREARMS.

(1) TASKFORCE.—

(A) TASKFORCE.—There is established a task force within the Department of Justice, which shall be known as the “Task Force on the Investigation and Prosecution of Cases of Convicted Felons and Fugitives who Illegally Attempt to Purchase a Firearm.” 

(B) PROVIDE RECOMMENDATIONS TO THE ATTORNEY GENERAL.—The Director of the Task Force shall—

(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; and 

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

on the Judiciary of the Senate and the Committee for 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 by reason of the program.

(3) the number of multi-jurisdictional 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).

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated for the program under this section $25,000,000 for each of fiscal years 2015, 2016, and 2017, which shall be used for salaries and expenses of assistant United States attorneys and Bureau of Alcohol, Tobacco, Firearms, and Explosives agents.

(B) USE OF FUNDS.—The Bureau of Alcohol, Tobacco, Firearms, and Explosives agents hired using amounts authorized to be appropriated under this section shall—

(1) in general, subject to paragraph (2) and subsections (a)(1) and (b), to be known as the “Task Force”;

(2) 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.

(3) MEMBERSHIP.—The members of the Task Force—

(A) the Deputy Assistant 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.

(4) 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; and 

(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 526(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 187 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 187 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, in the opinion of Justice, 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 interfere with those arms.

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 16 of title 18, United States Code, as amended by section 123 of the United States Sentencing Commission’s amendment to the Sentencing Guidelines in effect on the date of enactment of this Act; 

"(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 any commerce or trade, in or affecting interstate or foreign commerce, if the transferee knows that the use, carrying, or possession of a firearm by the transferee would violate section (b) 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, carry, or otherwise dispose of 2 or more firearms to another person to—

"(i) use, carry, or otherwise dispose of 2 or more firearms to another person to—

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

"(B) 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, carry, or otherwise dispose of 2 or more firearms to another person to—

"(i) use, carry, or otherwise dispose of 2 or more firearms to another person to—

"(A) ship, transport, transfer, or otherwise dispose of 2 or more firearms to another person in any commerce or trade, in or affecting interstate or foreign commerce, if the transferee knows that the use, carrying, or possession of a firearm by the transferee would violate section (b) of section 922 or constitute 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 not more than $25,000, 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) 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 the Sentencing 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 firearms trafficking offenses under such section, who are convicted of an offense under section 924(b)(4) 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 922(a)(1) of title 18, United States Code, is amended by substituting the following paragraph (A) for the paragraph (A) of subsection (a) of such section:

"(A) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h)) or a Federal crime of terrorism;

"(B) constitutes a crime of violence (as defined in section 16(b) of title 18)

"(C) constitutes a crime of violence (as defined in section 16(b) of title 18)

"(D) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(E) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(F) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(G) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(H) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(I) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(J) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(K) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(L) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(M) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(N) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(O) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(P) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(Q) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(R) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(S) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(T) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(U) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(V) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(W) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(X) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(Y) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

"(Z) constitutes a Federal crime of terrorism (as defined in section 2332b(g) and (h));

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CONGRESSIONAL RECORD — SENATE

S2755

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SEC. 114. MAJOR SECURITY REPORTS FOR RIFLES AND SHOTGUNS.

Section 329(g)(b) of title 18, United States Code, is amended by adding at the end the following:

"(1) "The Attorney General is authorized to make a major security report to Congress consisting of a study of the major security risks posed by rifles and shotguns, which may include a review of the following:

(A) the effect of theMagnuson-Moss Act, as amended by the Protection of Law Enforcement Act of 1984 (28 U.S.C. 420 note), and the reduction in the number of firearms issued to Federal agencies;

(B) the use of rifles and shotguns by Federal agencies and the impact of such use on the public safety;

(C) the effect of the National Defense Stockpile on the availability of rifles and shotguns;

(D) the effect of the President's Commission on Law Enforcement and Administration of Justice on the use of rifles and shotguns by law enforcement agencies; and


SEC. 115. STUDY REGARDING THE NATIONAL INSTITUTE 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 direct the Director of the National Institute of Justice, in consultation with the National Academy of Sciences, to conduct a peer-reviewed study to examine various factors, 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 Director shall submit to Congress a report detailing the findings of the study.

(b) USES 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, including 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 of Representatives and the Senate Committee on Appropriations and the Committee on the Judiciary, the Office of Homeland Security, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committees on the Judiciary and Oversight and Government Reform, 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 purchased 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 by each Federal agency for the next fiscal year.

SEC. 117. REDUCTION OF BYRNE JAG FUNDS FOR STATE NONSUBMISSION TO PROVIDE MENTAL HEALTH RECORDS.

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); and

(2) by redesigning paragraph (3) as paragraph (2) and redesigning paragraph (2) as paragraph (3);

(3) by inserting before paragraph (1), as so 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 this Act, the Attorney General shall withhold not more than 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—

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

(2) 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 this Act, 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; and

(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.

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 "firearm or shotgun" and inserting "firearm";

(B) by striking "located" and inserting "located or temporarily located"; and

(C) by striking paragraph (2) and inserting "the State in which the firearm is transferred to an individual under subsection (a)(1), 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; and

(b) ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION RECORDS AND INFORMATION.—Section 922 of title 18, United States Code, is amended by adding subsection (d) and inserting the following:

"(d) ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION RECORDS AND INFORMATION.—Not later than 3 years after the date of enactment of this Act, 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.

"(e) NOTICE.—Before conducting an employment background check relating to an individual under paragraph (2), 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; and

"(f) APPEAL.—Any individual who is the subject of an employment background check conducted by a licensee under paragraph (2) may appeal the results of the check to the Secretary of the State in which the individual is a prohibited from possessing a firearm or ammunition pursuant to sub-section (2) or (4) 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 conducted by the Attorney General pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755)."
(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

(4) 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, 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 to—

(A) 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 on account of the license, 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 to an importer, manufacturer, or dealer of firearms under chapter 44 of title 18, United States Code, shall be admissible as evidence in any proceeding of any court, agency, board, or other entity.

SEC. 129. 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 to any other such place if, during the transportation—

(1) a person who is transporting a firearm or ammunition may not—

(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 reasonable suspicion 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) TECNICAL 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.—In subsection (a) of section 2961(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(a)) is amended—

(1) in paragraph (1), by striking ''MENTAL ILLNESS and inserting "MENTAL ILLNESS; MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT."

(b) TECNICAL 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.—In subsection (a) of section 2961(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(a)) is amended—

(1) in paragraph (1), by striking "or" at the end; (2) by redesignating paragraph (4) as paragraph (5); 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.—In section 2961(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(c)) 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:

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

(2) VETERANS ASISTANCE PROGRAM.—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:

"(i) 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 mentoring 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, substance abuse services, medical services, and services to address trauma;

(iii) alternatives to incarceration; and

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

(2) 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) identification of high utilizers that provide treatment, stabilization, 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;

(D) USE OF GRANTS.—A recipient of a grant awarded under this subsection may use the amount so awarded to—

(i) to develop or support multi-disciplinary teams that coordinate, implement, and administer by criminal justice, mental health, healthcare, law enforcement, corrections, and housing personnel;

(ii) to develop or support alternative to housing and jail programs for high utilizers that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; or

(iii) to develop programs 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:

"(A) IN GENERAL.—The Attorney General shall conduct audits of grantees under this section to prevent waste, fraud, and abuse of funds by—

(i) providing for an authorized expenditure or otherwise unlawful cost that is not closed or resolved within 12 months from the date when the final audit report is issued; and

(ii) beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, conduct an audit of the Inspector General of the Department of Justice that the Inspector General shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by—

(i) ensuring that the Inspector General conducts an audit of the Inspector General of the Department of Justice that the Inspector General shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by—

(ii) beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, conduct an audit of the Inspector General of the Department of Justice that the Inspector General shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by—

(iii) the Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of a grant 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 to high utilizers that do not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

(E) REMUNERATION.—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 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 improperly awarded funds;

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—
Congressional Record — Senate

May 17, 2013

“(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 designate, provides prior written approval of the Attorney General under paragraph (1) have been made; and

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees shall provide 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 may make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) by inserting the following:

(B) PROHIBITION.—The Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations, an annual report that includes—

(1) in paragraph (1),

(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 for purposes described in subsection (i) (relating to veterans).

SEC. 202. ADDITIONAL Purposes FOR FEDERAL MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.

(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:

(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. 3769d(b)) is amended—

(1) in paragraph (16), by striking ‘‘and’’ and inserting ‘‘and’’;

(2) by redesigning 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. 3769d note))) to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness; and provide training for programs and initiatives that enable the enhancement 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

(19) by redesigning, by striking ‘‘Prosecution’’ and inserting ‘‘through 196’’.

SEC. 203. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED CRIMINALS INAPPROPRIATE FOR CERTAIN PURPOSES.

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

SEC. 301. SHORT TITLE.

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

SEC. 202. 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. 3757a) is amended—

(1) in subsection (b),

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

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

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

(6) by adding at the end the following:

(2) INTERAGENCY TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the 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.

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

SEC. 303. APPLICATIONS.

Section 2702(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757b(a)(2)) is amended to read as follows:

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

In any case arising out of the administration of the provisions of section 5512 of title 18 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.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

SEC. 305. ACCOUNTABILITY.

Section 2701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 2979b(a), as amended by section 262 of this Act) is amended by adding at the end the following:

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

'(1) AUDIT REQUIREMENT.—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.

'(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 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 of the Department of Justice 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 periods beginning after the end of the 12-month period described in subparagraph (A), 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) to the extent that 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) PRIORITY.—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 shall disclose in the regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees as defined in section 551(a) of the Internal Revenue Code of 1986.

'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. 2979d) is amended by adding at the end the following:

'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).

(c) AUTHORIZATION FOR USE OF FUNDS.—Section 524(c) 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 extend the prohibition on 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:

'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:
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. REALAUTHORIZATION 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 $230,000,000 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, the Attorney General shall establish a plan to ensure maximum coordination and automation of the recording 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 NONCOMPLIANCE.—"

"(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;

"(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;

"(5) Congress finds the following:

"(1) Congress supports and respects the Constitution of the United States, which is 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 to the importance of promoting safe and responsible gun ownership, vibrant communities, 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 receive the transfer of weapons to such people.

"(6) Congress finds that 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. 2. FINDINGS.

Nothing in this Act, or any amendment made by this Act, shall be construed to—

(1) expand the enforcement authority or jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(2) affect the establishment, directly or indirectly, of a Federal firearms registry:

(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.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, shall be construed to—

(1) expand the enforcement authority or jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(2) affect the establishment, directly or indirectly, of a Federal firearms registry:

(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.
“(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 requirements established 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) Fiscal Year.—

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

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this title $225,000,000 for each of fiscal years 2014 through 2017:

“(1) by striking title III; and

“(2) 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 AMENDMENTS.—

“(1) in section 104(a)(1), by inserting at the end the following: 

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

(a) In General.—In any case arising out of the administrative determination of the Secretary of Justice or Labor that a person is mentally unable to possess, carry, or use a firearm 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 administrative determination of the Secretary of Justice or Labor that a person is mentally unable to possess, carry, or use a firearm 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.’’. 

(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), applies 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, as necessary, the subsequent judicial review under section 5511(d) of such title.

SEC. 106. CLARIFICATION THAT FEDERAL COURT JURISDICTION TO BE AVAILABLE TO THE NATIONAL INSTITUTIONAL CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(3)(e) 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 publically 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) The Federal Bureau of Investigation shall not charge a user fee for a background check requested 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 transferee, the transferor or the Attorney General under paragraph (3) determined appropriate by the Attorney General, requires licensees to facilitate transfers in accordance with paragraphs (2)(A). ‘‘(B) If the consumer portal established under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraphs (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 requiring a registered importer, licensed manufacturer, or licensed dealer to record, and be accessible through an Internet website, any information determined appropriate by the Attorney General under paragraph (3) of section 922(a)(1). ‘‘(E) If the consumer portal established under this paragraph 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. ‘‘(F)(i) The consumer portal established under this subsection is shut down for a period that is more than 7 days, this subsection shall have no force or effect during the period for which the consumer portal is non-operational. ‘‘(ii) 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. ‘‘(B) Subject to subparagraph (B), paragraph (2) shall not apply to a covered transfer described in subparagraph (D) of section 922(a)(1) of the Gun Rights and Safety Act of 2013; and (C) the Attorney General shall notify the Chief Law Enforcement Authority of the States and the States have entered into a reciprocal agreement, the covered transfer under this subsection. ‘‘(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, establish requirements for background checks for covered transfers described in subparagraph (D) that are similar to the requirements described in this subsection; and (B) if the Attorney General determines that— (i) the Attorney General shall notify the Chief Law Enforcement Authority of the States and within the State; and (ii) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (C) if the Attorney General determines that— (i) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (D) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (E) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (F) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (G) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (H) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (I) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (J) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (K) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (L) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (M) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (N) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (O) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (P) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (Q) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (R) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (S) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (T) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (U) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (V) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (W) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (X) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (Y) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (Z) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (AA) the Attorney General shall notify the Chief Law Enforcement Authority of the States and (BB) the date of birth associated with the unique serial number; and (CC) the record of the person who— (DD) attempts to complete a background check; and (EE) 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 the requirement of this section on a State-by-State basis, and (B) Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (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 an enforcement 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) The consumer portal established under this subsection is shut down for a period that is 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. “(aa) the unique serial number assigned to a temporary permit; and “(bb) the date of birth associated with the unique serial number; and “(cc) a unique pin number that can be used to verify the validity of the permit by the unlicensed transferee of a firearm; and “(dd) any other protections necessary to prevent fraud; “(ee) the consumer portal may 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; “(ff) any personally identifiable information obtained by the consumer portal from an individual, including names, physical locations, mailing addresses, Internet protocol addresses, and other personally identifiable information of the consumer, shall be destroyed within 24 hours from the time at which the information was obtained, except for— “(gg) information required for the unlicensed transferee to verify the validity of the permit, including—
"(ii) 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 that 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—

"(i) may allow for geographic or technological exemptions for rural areas within the State 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) In the event that a person who violates paragraph (a)(5) of section 922 of title 18, United States Code, is convicted of a violation of subsection (t) of section 922—

"(1) 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.

"(E) 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.

"(F) 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 APPLICATIONS.—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(t)` each place it appears.

"(G) 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;

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

SEC. 202. PROHIBITION ON NATIONAL GUN REGISTRY; LIMITATION ON AUTHORIZATION TO SEIZE, COPY, OR REPRODUCE RECORDS AND DOCUMENTS.—

(a) PROHIBITION ON 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 transferee under section 922(t); 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 ON 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 transferee under section 922(t); or

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

SEC. 206. IMPROPER USE OF STORAGE OF RECORDS.—Any person who knowingly violates 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:

"(m) 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 transferee 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 TRANSACTIONS.—Section 922(b)(3) of title 18, United States Code, is amended—

"(1) in the matter preceding subparagraph (A), by striking `located or temporarily located'; and

"(2) in subparagraph (A)—

"(A) by striking `rifles or shotguns' 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 the first sentence, by striking `residences', and adding `residences or such location is in the State which is specified on the license'; and

"(2) in the last sentence—

"(i) by inserting `transfer', after `sell'; and

"(ii) by striking all that follows `Act' and inserting a period; and

"(b) by adding at the end the following:

"(c) Nothing in this chapter shall be construed to—

"(1) prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition—

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

"(B) 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 OFFICER.—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—
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(n)(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 transferors, 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) and any additional analysis or recommendations.

SEC. 207. AMENDMENT TO SECTION 922(g)(5).

Section 922(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; or
"(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."

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

SA 728. Mr. COBURG submitted an amendment intended to be proposed by him to the bill S. 649, to ensure that all individuals who are 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. 208. 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 HITTECH Act (42 U.S.C. 1395w–4(a)(9)) of the Secretary of the Health and Human Services Act (42 U.S.C. 300jj–12(a)) such provisions of titles XI and XVIII of the Social Security Act as may be necessary to establish a pilot program under title XVIII of the Social Security Act (42 U.S.C. 1395w–4(o)(2), 1395ww(n)(3)).

SEC. 209. NON-APPLICATION OF PAYMENT ADJUSTMENTS.

(1) N O N-APPLICATION OF PAYMENT ADJUSTMENTS TO ELIGIBLE PROFESSIONALS.—In this subsection:
(A) ELIGIBLE PROFESSIONAL.—The term "eligible professional" means a clinical psychologist providing qualified psychologist services (as defined in section 1861(f)(1) of such Act (42 U.S.C. 1395x(v)(1))).
(B) DURATION.—The pilot program under this subsection shall be conducted for a period of 3 years.

(2) REQUIREMENTS.—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 1844(o)(2) and 1886(n) of title XVIII 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 such Act and such regulations for the purposes of making incentive payments for adoption and meaningful use of certified EHR technology under such 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 institutions in the United States in which the Secretary determines eligible professionals under section 1846(o)(2) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)) and eligible hospitals under section 1866(n) of such Act (42 U.S.C. 1395ww(n)(3)).

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" means the technology containing such data which that the Secretary determines under section 1846(o)(4) of the Social Security Act (42 U.S.C. 1395w–4(o)(4)).
(2) HHS PILOT COMMITTEE.—The term "HHS Pilot Committee" means the committee established under section 3002(a) of the Public Health Service Act (42 U.S.C. 300j–2(a)).
(3) NATIONAL COORDINATOR.—The term "National Coordinator" means the Office of the National Coordinator for Health Information Technology established under section 300(a) of the Public Health Service Act (42 U.S.C. 300j–1(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) MEDICAID 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 providers 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 the eligible hospital" means a psychiatric hospital (as defined in section 1861(f)(1) of such Act (42 U.S.C. 1395x(v)(1))).
(ii) ELIGIBLE PROFESSIONAL.—The term eligible professional" means a clinical psychologist providing qualified psychologist services (as defined in section 1861(f)(1) of such Act (42 U.S.C. 1395x(v)(1))).

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

(d) REQUIREMENTS.—For purposes of making incentive payments to eligible providers 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 1844(o)(2) and 1886(n) of title XVIII of the Social Security Act (42 U.S.C. 1395w–4(o)(2), 1395ww(n)(3)).

(e) INCENTIVE PAYMENTS.—Any incentive payments made to eligible providers and eligible hospitals under such Act and such regulations for the purposes of making incentive payments for adoption and meaningful use of certified EHR technology under such Act (42 U.S.C. 1395w–4(o)(1), 1395ww(n)(2)).

(f) IDENTIFYING PILOT PROGRAM PARTICIPANTS.—For purposes of selecting participants for the pilot program, the Secretary shall give priority to institutions in the United States in which the Secretary determines eligible professionals under section 1846(o)(2) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)) and eligible hospitals under section 1866(n) of such Act (42 U.S.C. 1395ww(n)(3)).

(g) NON-APPLICATION OF PAYMENT ADJUSTMENTS.—For purposes of sections 1844(a)(7) of the Social Security Act (42 U.S.C. 1395w–4(a)(6)), no payment adjustment may be made under such section for any eligible professional or eligible hospital that receives an incentive payment under this subsection.

(h) 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) PILOT PROGRAM.—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.) to foster the adoption and meaningful use of certified EHR technology by 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:

(1) a clinical psychologist providing qualified psychologist services (as defined in section 1861(f) of the Social Security Act). (2) an eligible Medicaid provider under paragraph (2)(A) of such section.

(3) a provider of services (as defined in section 1861(ii) of the Social Security Act (42 U.S.C. 1396b(t)) that provides such services 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. MURKOWSKI, Mr. BENTZ, Mr. ROGERS, Ms. BALDWIN, Ms. AYOTTE, Mrs. HAGAN, Mr. MURPHY, Mr. BLUMENTHAL, and Mr. JOHNSON) proposed an amendment to the bill S. 649, to ensure that all individuals who are being checked for a 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. 1. 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 to improve academic achievement, reduce overidentification of individuals with disabilities, and reduce disciplinary problems in schools.

SEC. 13. ELIGIBILITIES TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) TITLE I STATE PLANS.—Section 111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) is amended by—

(1) in paragraph (P), by striking and before the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.

(b) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—Section 112(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amended by—

(1) in clause (vii), by striking and after the semicolon.
activities carried out under the Individuals with Disabilities Education Act;

“(ii) 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;

“(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;”.

“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 redesigning 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 students, school personnel, and parents about the school’s use of positive behavioral interventions and supports, early intervening services, and school-based mental health programs in order to improve academic achievement and reduce disciplinary actions.”.

“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 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.”.

“Title III Regional Centers.—Section 1117(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6317(a)(3)) is amended—

(1) by striking “of 2002, comprehensive’’;

(2) by inserting after paragraph (5) the following:

“(6) shall provide information to school personnel who received 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 redesigning subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) Liability Protection for School Personnel.—Section 422 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6318) is amended—

(1) shall provide information 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.—Section 4212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7313) is amended—

(1) by redesigning 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 students, school personnel, and parents about the school’s use of positive behavioral interventions and supports, early intervening services, and school-based mental health programs in order to improve academic achievement and reduce disciplinary actions.”.
In subsection (a)—
(A) in the matter preceding paragraph (1), by inserting ‘‘, health (including mental health),’’ after ‘‘promote safety’’;
(B) by redesigning 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 (e)(7), as redesignated by subparagraph (B), and inserting the following:
‘‘(7) assistance to schools 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-related programs and services, and other school-based violence prevention strategies’’;
(E) in paragraph (9), as redesignated by subparagraph (A), by inserting ‘‘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;’’;
(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.
‘‘(A) in general.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, a local educational agency shall meet 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 agency.
‘‘(B) FLEXIBILITY FOR CERTAIN LOCAL EDUCATIONAL AGENCIES.—Notwithstanding subparagraph (A), a local educational agency that already provides 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, and coordination of, school-based mental health programs and ensure such programs are coordinated with activities 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) not withstanding 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 provided, 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 provide immediate health and safety of the student, other students, or school personnel;
‘‘(ii) other instances where parental consent for participation in such assessment, service, program, activity, or treatment may 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 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. 2303) and section 444 of the General Education Provisions Act (20 U.S.C. 1221d), and as defined by the ‘Family Educational Rights and Privacy Act of 1974’.
‘‘(D) LIABILITY PROTECTION FOR SCHOOL PERSONNEL.—Notwithstanding subsection (a)(3), 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 OF FEDERAL GOVERNMENT.—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 613(b)(4), nothing in this subsection shall be construed to authorize an employee or officer of the Federal Government to mandate, direct, or control a local educational agency, or school’s specific instructional content or academic achievement standards and assessments.
‘‘(8) DEFINITION.—The term ‘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:
‘‘(E) IN EARLY INTERVENING SERVICES.—The term ‘early intervening services’ means early intervening services described in section 618(f)(1) of the Individuals with Disabilities Education Act.''

SEC. 14. CONFORMING AMENDMENTS.

(a) AMERICA COMPETES REAUTHORIZATION ACT OF 2010.—Section 202 of 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)(i)” and inserting “section 9101(24)(B)(i)”;

(2) in paragraph (3), by striking “section 9101(23)” and inserting “section 9101(24)”;

(c) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 612(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1410(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 age groups, particularly among groups that are at high risk for suicide.”;

(3) by striking subsections (b) and (c);

(4) by redesignating subsection (d) as subsection (c);

(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”;

(3) striking “treatment for 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;

(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”; and

(j) in paragraph (10), by inserting “contacting” before “other”;

and

(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 $1,948,000 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–36a) 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)—

(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 $28,682,000 for each of fiscal years 2014 through 2018.”

(c) MENTAL HEALTH AND SUBSTANCE USE DISORDERS 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”; and

(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 to treat mental health and substance use disorders.”;

(4) in subsection (c), 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”;

and

(ii) by inserting “, including veterans whenever possible and appropriate” after “students”;

and

(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 the 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)—

(A) by striking “and behavioral health” and inserting “health and substance use disorder”; and

(B) by striking “suicide and substance abuse” and inserting “suicide and substance use disorders”;

and

(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 528J of the Public Health Service Act (42 U.S.C. 290hh–1) is amended—

(1) in the section heading, by inserting “MENTAL HEALTH AWARENESS” before “TRAINING”;

and

(2) in subsection (b)—

(A) in the section 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 paragraphs (A) through (C) and inserting the following:

“(A) recognizing the signs and symptoms of mental illness; and

(B) in providing education to personnel regarding resources available in the community for individuals with a mental illness and other relevant resources; or

(C) the safe de-escalation of crisis situations involving individuals with a mental illness.”;

and

(D) in paragraph (7), by striking “$25,000,000 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”; and

(C) by striking “mental health agencies and programs that have established basic research and training grants, and programs that have established clinical expertise and research” and inserting “NCTSI-funded activities”;

(3) in subsection (c)—

(A) by striking “$15,000,000 for each of fiscal years 2011 through 2013” and all that follows through the period at the end and inserting “$4,858,000 for each of fiscal years 2014 through 2018.”

(4) in subsection (d)—

(A) by striking “$4,858,000 for each of fiscal years 2014 through 2018.” and all that follows through the period at the end and inserting “$50,000,000 for each of fiscal years 2014 through 2018.”

(5) in subsection (g) as so redesignated, by striking “with respect to centers of excellence and other programs that have established evidence-based treatment and services for children and families served by the NCTSI grantees” and inserting “with respect to centers of excellence and other programs that have established evidence-based treatment and services for children and families served by the NCTSI grantees”;

(6) in subsection (i), by striking “with respect to centers of excellence and other programs that have established evidence-based treatment and services for children and families served by the NCTSI grantees” and inserting “with respect to centers of excellence and other programs that have established evidence-based treatment and services for children and families served by the NCTSI grantees”;

(7) by inserting “and “suicide prevention and intervention” after “TREATMENT”;

and

(8) by striking paragraphs (1) through (6) and inserting the following:

“(A) the development of knowledge with regard to evidence-based practices to prevent, respond to, and treat mental, behavioral, and biological disorders of children and youth resulting from witnessing or experiencing a traumatic event; and

(B) 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.”;

(9) in subsection (j), by striking “$41,500,000 for fiscal year 2006” and all that follows through the period at the end and inserting “$20,000,000 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 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 include 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 and rules and regulations for behavioral and physical health measures, and an analysis of 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) training 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

(5) addressing gaps in information and evidence-based practices for mental health and substance use disorders. The activities described in 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, electronic data standards, and any alternative methods for evaluation.

(3) An analysis of the degree to which electronic data standards, including interoperability and meaningful use include 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 and rules and regulations for behavioral and physical health measures, and an analysis of stakeholders regarding all products approved by the Food and Drug Administration to treat opioid use disorders.

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 Administration for Children and Families, the Substance Abuse and Mental Health Services Administration, may advance, through existing programs as appropriate, the education and awareness of providers, including 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) training 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

(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) Service commence not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) data-sharing arrangements and mental Health Services Administration conduct under this section, including any potential impacts on health care costs associated with such arrangements;

(2) the role of adherence in the treatment of opioid use disorders and methods to reduce opioid use disorders; and

(3) 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 use of psychotropic medications.

(b) Content.—The report submitted under subsection (a) shall review and assess—

(1) the extent to 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 such care;

(2) whether there are any barriers to the treatment of children or youth suffering from mental health disorders and co-occurring substance use disorders among pediatric populations, as well as disseminate information about such evidence-based practices to States and nongrantees throughout the United States; and

(3) An analysis of the degree to which evidence-based practices for mental health disorders and co-occurring substance use disorders are aligned, including recommendations to address any identified barriers.

SEC. 27. EVIDENCE BASED PRACTICES FOR OLDER ADULTS.

Section 520A(e) of the Public Health Service Act (42 U.S.C. 200b-32(e)) is amended by adding at the end the following:

“(3) GERIATRIC MENTAL HEALTH DISORDERS.—The Secretary shall, as appropriate, provide technical assistance and training 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 established in section 358 of the Public Health Service Act. Participation in the system by the States shall be voluntary.

SEC. 29. GAO STUDY ON VIRGINIA TECH RE-ENS变速箱.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall implement 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 Education, Health and Human Services 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) on priorities and strategies to address co-occurring substance use disorders and mental illnesses.

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:

At the appropriate place, insert the following:

SEC. 101. SHORT TITLE.

This title may be cited as the “NICS Reporting Improvement Act of 2013”.

TITLE I—NICS REPORTING IMPROVEMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “NICS Reporting Improvement Act of 2013”.

Mr. ORTIZ, and Mr. MCCAIN) submitted the following:

(1) in subsection (d)—

(A) in paragraph (8)(h)(1), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”;

(3) when a victim resides;”;

(4) in paragraph (9), by striking the period at the end and inserting “; or”;

(5) when a victim resides; and

(6) in paragraph (9), by striking the period at the end and inserting “; or”;

(7) when a victim resides; and

(8) in paragraph (9), by striking the period at the end and inserting “; or”;

(9) when a victim resides; and

(10) when a victim resides.”

Mr. GRAHAM (for himself, Mr. BEGICH, Mr. FLAKE, Mr. PRIOR, Mr. HESTON, Mr. CUBIN, Mr. GRAMLING, 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:

Mr. GRAHAM (for himself, Mr. BEGICH, Mr. FLAKE, Mr. PRIOR, Mr. HESTON, Mr. CUBIN, Mr. GRAMLING, 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:

Mr. GRAHAM (for himself, Mr. BEGICH, Mr. FLAKE, Mr. PRIOR, Mr. HESTON, Mr. CUBIN, Mr. GRAMLING, 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:
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 striking at the end the following:

"(36) A term 'psychiatric hospital' means a hospital, an institution, or other facility that provides diagnosis, treatment by a psychiatric hospital based on a finding that the person is a danger to himself or to others; or

(37) The term 'psychiatric hospital' in—

(A) in subsection (a), by inserting before the end the following:

"(37) The term 'psychiatric hospital' includes a mental health facility, a mental hospital, a psychiatric facility, and any other facility that provides diagnosis by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital."; and

(b) by striking "as a mental defective or committed to a psychiatric institution''; and

(c) by striking "an order or finding that is no longer required involuntary inpatient treatment by a psychiatric hospital based on a finding that the person is a danger to himself or to others; or

(d) by striking "as a mental defective or committed to a psychiatric hospital''; and

(2) in section 922—

(A) by striking paragraph (2) and inserting "(2) a voluntary admission to a psychiatric hospital; and

(B) by striking paragraph (3) and inserting "(3) by striking subparagraph (B) of section 463(b) of title 37 (18 U.S.C. 922 note) if the State does not have in effect a Substance Abuse Control and Safe Streets Act of 1968 (42 U.S.C. 3355) if the State does not have in effect a

(3) by striking subparagraph (B) of section 463(b) of title 37 (18 U.S.C. 922 note) if the State does not have in effect a

(4) by striking subparagraph (A) of section 463(b) of title 37 (18 U.S.C. 922 note) if the State does not have in effect a

(5) by striking subparagraph (B) of section 463(b) of title 37 (18 U.S.C. 922 note) if the State does not have in effect a

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:

CONGRESSional Record — Senate

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 section (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 centers, community mental health clinics, child mental health programs, psycho-social rehabilitation programs, mental health peer-support programs, outpatient diabetes treatment programs, acute detoxification services, and mental health primary consumer-directed programs); and "; and

(B) in paragraph (2), by striking "community mental health centers" and inserting "certified community behavioral health clinics"; and

(C) 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 Secretary, in consultation with State Mental Health and Substance Abuse Authorities, shall issue final regulations for certifying non-profit entities under this subsection, which shall promulgate regulations specifying that an entity receiving payment under section 1902(b)(2) of the Social Security Act may not be owned, controlled, or operated by another entity.

(B) the Secretary, in determining eligible nonprofit entities under this subsection, shall promulgate regulations specifying that an entity receiving payment under section 1902(b)(2) of the Social Security Act may not be owned, controlled, or operated by another entity.

(C) Provide services in a mode of service delivery appropriate for the target population.

(D) Provide services with a choice of service options, including developmentally appropriate evidence-based interventions, that there is more than one efficacious treatment.

(E) Employ a core clinical staff that is trained to provide evidence-based practices and is 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.

(2) Demonstrate the capacity to comply with behavioral health and related health care services promulgated by such entities as the National Quality Forum, the National Committee for Quality Assurance, or other nationally recognized accrediting bodies.

(3) Provide services to any individual residing or employed in the service area of the clinic, or to any individual who is a consumer will be denied mental health or other health care services due to an individual's inability to pay for such services.

(4) Indicate 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 providing 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, 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 consumer's ability to pay.

(5) Provide, directly or through contract, to the extent covered for adults in the State Medicaid plan under title XIX of the Social Security Act, children in accordance with section 1905(r) of such Act regarding early and periodic screening, diagnosis, and treatment, each of the following services:

(1) Screening, assessment, and diagnosis, including risk assessment.

(2) Person-centered treatment planning or similar activities, including risk assessment and crisis planning.

(3) 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).

(4) Outpatient primary care screening and monitoring of key health indicators (including an evaluation for diabetes, hypertension, and cardiovascular disease and monitoring of weight, height, body mass index (BMI), blood pressure, blood glucose or HbA1C, and lipid profile).

(5) Crisis mental health services, including 24-hour mobile crisis teams, emergency crisis intervention services, and crisis stabilization.

(6) 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).

(7) 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.

(8) Peer support and counselor services and family supports.

(9) Maintain linkages, and where possible enter into formal contracts, agreements, or partnerships with at least one 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.

(10) Inpatient psychiatric facilities and substance use detoxification, post-detoxification step-down services, and residential programs.

(11) Adult and youth peer support and counselor services.

(iii) Family support services for families of children with serious mental or substance use disorders.

(12) 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.

(iv) 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) 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.

(1) 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 standards 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 for the purposes of this subparagraph, trauma screening means a procedure to determine need, match services to needs, and to measure progress over time.

(4) RULE OF CONSTRUCTION.—Nothing in paragraph (3) shall be construed as prohibiting States receiving funds appropriated through the Community Mental Health Services Block Grant under subpart I of part B of title XX of the Social Security Act to provide mental health services to such community mental health services, including services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".

(5) in paragraph (4)—

(A) in the heading, by striking "and rural health clinic" and inserting "and rural health clinics";

(B) by inserting "or, in the case of services described in section 1905(a)(2)(D) furnished by a certified community behavioral health clinic after "by a rural health clinic":".
Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to hold a hearing 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 NATIONAL SECURITY, 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.

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:

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.

COMMITTEE 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.

COMMITTEE ON COMMERCİE, SCİENCE, 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 BANKING, HOUSING, AND
URBAN AFFAIRS

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 “The Proposed FY2014 Small Business Administration Budget.”

The clerk will report the resolution by title.

The legislative clerk read as follows:

The clerk will report the resolution by title.