

SA 2896. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2897. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2898. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2899. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2900. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2901. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2902. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2903. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2904. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2905. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2906. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2907. Mr. BENNET (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2908. Mr. MANCHIN (for himself, Mr. TOOMEY, and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2909. Mr. MARKEY (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2910. Mrs. FEINSTEIN (for herself, Mr. WHITEHOUSE, Mr. REED, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. DURBIN, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mr. MENENDEZ, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Ms. HIRONO, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. WARNER, Mr. KAINE, Mr. KING, Ms. MIKULSKI, Mrs. MCCASKILL, Mr. BROWN, Mr. CASEY, Mr. SANDERS, Mrs. MURRAY, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2911. Mr. COONS (for himself, Ms. HIRONO, Mrs. MURRAY, Mr. MERKLEY, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra; which was ordered to lie on the table.

SA 2912. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2913. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2914. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2915. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2916. Mr. MCCONNELL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2917. Mr. REID submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2918. Mr. MURPHY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

SA 2919. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, supra.

TEXT OF AMENDMENTS

SA 2891. Mrs. SHAHEEN (for herself, Mr. WYDEN, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . MENTAL HEALTH AND SUBSTANCE USE PREVENTION AND TREATMENT.

(a) **APPLICABILITY OF MENTAL HEALTH PARITY AND ADDICTION EQUITY.**—Section 1311(j) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(j)) is amended to read as follows:

“(j) **APPLICABILITY OF MENTAL HEALTH PARITY AND ADDICTION EQUITY.**—

“(1) **IN GENERAL.**—Section 2726 of the Public Health Service Act shall apply to qualified health plans in the same manner and to the same extent as such section applies to health insurance issuers and group health plans.

“(2) **TRANSPARENCY OF CLAIMS DENIAL.**—

“(A) **IN GENERAL.**—The Secretary shall require an Exchange to collect data on the percentage of health insurance claims denied for mental health benefits and the percentage of such claims denied for substance use disorder benefits. Such Exchange shall maintain an Internet website for the publication of claims denial rates for all qualified health plans offering coverage on the exchange.

“(B) **GRANTS TO SUPPORT TRANSPARENCY.**—For purposes of implementing this paragraph, there is authorized to be appropriated, and there is appropriated, \$5,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities or Exchanges.

“(3) **IMPROVING MENTAL HEALTH AND ADDICTION EQUITY AWARENESS.**—

“(A) **IN GENERAL.**—The Secretary shall award grants, contracts, or cooperative agreements to appropriate entities or Exchanges for the establishment of public education programs to raise awareness about the availability of mental health and substance use disorder benefits within qualified health plans.

“(B) **GRANTS TO SUPPORT PUBLIC EDUCATION.**—For purposes of implementing this paragraph, there is authorized to be appropriated, and there is appropriated, \$30,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities or Exchanges.

“(4) **ACCESS TO MEDICATION ASSISTED THERAPY.**—

“(A) **REQUIREMENT.**—A qualified health plan shall provide coverage for more than one Food and Drug Administration-approved drug that is used in the medication-assisted treatment of addiction.

“(B) **NO LIFETIME LIMITS.**—A qualified health plan shall not establish a lifetime limit on the coverage of Food and Drug Administration-approved drugs used in the medication-assisted treatment of addiction.

“(C) **MEDICAL JUSTIFICATION FOR TREATMENT LIMITATIONS.**—Upon the request of an Exchange, a qualified health plan shall provide the medical justification for any treatment limitation on the coverage of drugs for medication-assisted treatment of addiction. If a qualified health plan requires prior authorization as a treatment limitation on the coverage of drugs for medication-assisted treatment of addiction, such plans shall utilize an automated, electronic means of obtaining prior authorization.

“(D) **GRANTS.**—The Secretary shall award grants, contracts, or cooperative agreements to support the establishment of a standardized system for electronic prior authorization for coverage of drugs for medication assisted treatment of addiction. For purposes of implementing this subparagraph, there is authorized to be appropriated, and there is appropriated, \$5,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities.”

(b) **FULL REPEAL OF IMD EXCLUSION IN MEDICAID EXPANSION STATES.**—

(1) **IN GENERAL.**—The first sentence of section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)(29), by inserting “and subsection (ee)”;

(B) by adding at the end the following:

“(ee) **NONAPPLICATION OF IMD EXCLUSION IN MEDICAID EXPANSION STATES.**—Beginning January 1, 2016, in the case of a State that makes medical assistance available pursuant to section 1902(a)(10)(A)(i)(VIII) to individuals described in such section—

“(1) the payments exclusion in subsection (a)(29)(B) shall not apply to the State; and

“(2) the following provisions shall be applied to the State as if ‘65 years of age or older’ and ‘65 years of age or over’ were struck from such provisions each place such phrases appear:

“(A) Paragraphs (20) and (21) of section 1902(a).

“(B) Subsection(a)(14).

“(C) Section 1919(d)(7)(B)(i)(I).”

(c) **IMPROVING ACCESS TO ASSERTIVE COMMUNITY TREATMENT PROGRAMS FOR MEDICAID BENEFICIARIES.**—Effective January 1, 2016, section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396a(a)(3)) is amended by inserting after subparagraph (F) the following:

“(G)(i) 90 percent of so much of the sums expended during such quarter as are attributable to payments made for items and services provided to individuals who are eligible for medical assistance under the State plan by Assertive Community Treatment (ACT) programs that provide integrated, evidence-

based treatment, rehabilitation, case management, and support services for individuals with serious mental illness; and”.

(d) IMPROVING ACCESS TO MEDICATION ASSISTED TREATMENT FOR MEDICAID BENEFICIARIES.—Effective January 1, 2016, section 1903(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)), as added by section 3, is amended by adding at the end the following:

“(ii) 90 percent of so much of the sums expended during such quarter as are attributable to payments made for items and services provided to individuals who are eligible for medical assistance under the State plan by person-centered health homes that are focused on the treatment of substance use disorders, offer access to evidence-based behavioral health therapies and medication assistance treatment, and offer screening and management of co-occurring physical health issues and screening and management of co-occurring mental health issues; and”.

(e) SUPPORTING STATE STERILE SYRINGE EXCHANGE PROGRAMS.—Effective January 1, 2016, section 1903(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)), as added by section 3 and amended by section 4, is amended by adding at the end the following:

“(iii) 90 percent of so much of the sums expended during such quarter as are attributable to payments for sterile syringe exchange programs (without regard to whether a recipient of items and services under such a program is eligible for medical assistance under the State plan or otherwise has health insurance coverage); plus”.

(f) IMPROVING THE PUBLIC HEALTH RESPONSE TO THE SUBSTANCE USE DISORDER EPIDEMIC.—

(1) PURPOSE.—It is the purpose of this subsection to establish a new Substance Use and Mental Health Capacity Expansion Fund (referred to in this subsection as the “Fund”), to be administered through the Department of Health and Human Services, to provide for an expanded and sustained national investment in the prevention and treatment of individuals with substance use disorders and mental illnesses.

(2) FUNDING.—There is authorized to be appropriated, and there is appropriated, to the Fund, out of any monies in the Treasury not otherwise appropriated—

- (A) for fiscal year 2016, \$500,000,000;
- (B) for fiscal year 2017, \$750,000,000;
- (C) for fiscal year 2018, \$1,000,000,000;
- (D) for fiscal year 2019, \$1,250,000,000;
- (E) for fiscal year 2020, \$1,500,000,000; and
- (F) for fiscal year 2021 and each fiscal year thereafter, \$2,500,000,000.

(3) USE OF FUND.—The Secretary of Health and Human Services shall transfer amounts in the Fund to accounts serving the Block Grants for Prevention and Treatment of Substance Abuse program under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) and the Block Grants for Community Mental Health Services program under subpart I of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.). The Fund shall be used to supplement, not supplant, funding that is otherwise allocated to such programs.

(4) STERILE SYRINGE EXCHANGE PROGRAMS.—With respect to fiscal year 2016, and each subsequent fiscal year, in the case of a State that operates a sterile syringe exchange program, the Secretary shall use the funds appropriated in this section to increase such State’s allotment under subpart II of part B of title XIX of the Public Health Service Act for such fiscal year, by 5 percent.

SEC. ____ FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is

amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) GENERAL RULE.—

“(1) IMPOSITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar

year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. ____ MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (E) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (D) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term ‘publicly held corporation’ means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

“(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 78l), or

“(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).”.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking “covered employee” each place it appears in paragraphs (1) and (4) and inserting “covered individual”, and

(B) by striking “such employee” each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting “such individual”.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

“(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term ‘covered individual’ means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.”.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.”.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. ____ . MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

“(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

“(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting ‘80 percent’ for ‘60 percent’, or

“(B) such corporation is an inverted domestic corporation.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes after May 8, 2014, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

“(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on May 8, 2014, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” and inserting “after March 4, 2003, and before May 9, 2014.”.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B).

(B) in paragraph (3), by inserting “or (b)(2)(B), as the case may be,” after “(a)(2)(B)(ii)”.

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 8, 2014.

SA 2892. Mrs. SHAHEEN (for herself, Mr. WYDEN, Mrs. MURRAY, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

SEC. ____ . MENTAL HEALTH AND SUBSTANCE USE PREVENTION AND TREATMENT.

(a) APPLICABILITY OF MENTAL HEALTH PARITY AND ADDICTION EQUITY.—Section 1311(j) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(j)) is amended to read as follows:

“(j) APPLICABILITY OF MENTAL HEALTH PARITY AND ADDICTION EQUITY.—

“(1) IN GENERAL.—Section 2726 of the Public Health Service Act shall apply to qualified health plans in the same manner and to the same extent as such section applies to health insurance issuers and group health plans.

“(2) TRANSPARENCY OF CLAIMS DENIAL.—

“(A) IN GENERAL.—The Secretary shall require an Exchange to collect data on the percentage of health insurance claims denied for mental health benefits and the percentage of such claims denied for substance use disorder benefits. Such Exchange shall maintain an Internet website for the publication of claims denial rates for all qualified health plans offering coverage on the exchange.

“(B) GRANTS TO SUPPORT TRANSPARENCY.—For purposes of implementing this paragraph, there is authorized to be appropriated, and there is appropriated, \$5,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities or Exchanges.

“(3) IMPROVING MENTAL HEALTH AND ADDICTION EQUITY AWARENESS.—

“(A) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to appropriate entities or Exchanges for the establishment of public education programs to raise awareness about the availability of mental health and substance use disorder benefits within qualified health plans.

“(B) GRANTS TO SUPPORT PUBLIC EDUCATION.—For purposes of implementing this paragraph, there is authorized to be appropriated, and there is appropriated, \$30,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities or Exchanges.

“(4) ACCESS TO MEDICATION ASSISTED THERAPY.—

“(A) REQUIREMENT.—A qualified health plan shall provide coverage for more than one Food and Drug Administration-approved drug that is used in the medication-assisted treatment of addiction.

“(B) NO LIFETIME LIMITS.—A qualified health plan shall not establish a lifetime limit on the coverage of Food and Drug Administration-approved drugs used in the medication-assisted treatment of addiction.

“(C) MEDICAL JUSTIFICATION FOR TREATMENT LIMITATIONS.—Upon the request of an Exchange, a qualified health plan shall provide the medical justification for any treatment limitation on the coverage of drugs for medication-assisted treatment of addiction. If a qualified health plan requires prior authorization as a treatment limitation on the coverage of drugs for medication-assisted treatment of addiction, such plans shall utilize an automated, electronic means of obtaining prior authorization.

“(D) GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements to support the establishment of a standardized system for electronic prior authorization for coverage of drugs for medication assisted treatment of addiction. For purposes of implementing this subparagraph, there is authorized to be appropriated, and there is appropriated, \$5,000,000 to enable the Secretary to award grants, contracts, or cooperative agreements to appropriate entities.”.

(b) FULL REPEAL OF IMD EXCLUSION IN MEDICAID EXPANSION STATES.—

(1) IN GENERAL.—The first sentence of section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)(29), by inserting “and subsection (ee)”;

(B) by adding at the end the following:

“(ee) NONAPPLICATION OF IMD EXCLUSION IN MEDICAID EXPANSION STATES.—Beginning January 1, 2016, in the case of a State that makes medical assistance available pursuant to section 1902(a)(10)(A)(i)(VIII) to individuals described in such section—

“(1) the payments exclusion in subsection (a)(29)(B) shall not apply to the State; and

“(2) the following provisions shall be applied to the State as if ‘65 years of age or older’ and ‘65 years of age or over’ were

struck from such provisions each place such phrases appear:

“(A) Paragraphs (20) and (21) of section 1902(a).

“(B) Subsection(a)(14).

“(C) Section 1919(d)(7)(B)(i)(I).”

(C) IMPROVING ACCESS TO ASSERTIVE COMMUNITY TREATMENT PROGRAMS FOR MEDICAID BENEFICIARIES.—Effective January 1, 2016, section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396a(a)(3)) is amended by inserting after subparagraph (F) the following:

“(G)(i) 90 percent of so much of the sums expended during such quarter as are attributable to payments made for items and services provided to individuals who are eligible for medical assistance under the State plan by Assertive Community Treatment (ACT) programs that provide integrated, evidence-based treatment, rehabilitation, case management, and support services for individuals with serious mental illness; and”.

(D) IMPROVING ACCESS TO MEDICATION ASSISTED TREATMENT FOR MEDICAID BENEFICIARIES.—Effective January 1, 2016, section 1903(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)), as added by section 3, is amended by adding at the end the following:

“(ii) 90 percent of so much of the sums expended during such quarter as are attributable to payments made for items and services provided to individuals who are eligible for medical assistance under the State plan by person-centered health homes that are focused on the treatment of substance use disorders, offer access to evidence-based behavioral health therapies and medication assistance treatment, and offer screening and management of co-occurring physical health issues and screening and management of co-occurring mental health issues; and”.

(E) SUPPORTING STATE STERILE SYRINGE EXCHANGE PROGRAMS.—Effective January 1, 2016, section 1903(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)), as added by section 3 and amended by section 4, is amended by adding at the end the following:

“(iii) 90 percent of so much of the sums expended during such quarter as are attributable to payments for sterile syringe exchange programs (without regard to whether a recipient of items and services under such a program is eligible for medical assistance under the State plan or otherwise has health insurance coverage); plus”.

(F) IMPROVING THE PUBLIC HEALTH RESPONSE TO THE SUBSTANCE USE DISORDER EPIDEMIC.—

(1) PURPOSE.—It is the purpose of this subsection to establish a new Substance Use and Mental Health Capacity Expansion Fund (referred to in this subsection as the “Fund”), to be administered through the Department of Health and Human Services, to provide for an expanded and sustained national investment in the prevention and treatment of individuals with substance use disorders and mental illnesses.

(2) FUNDING.—There is authorized to be appropriated, and there is appropriated, to the Fund, out of any monies in the Treasury not otherwise appropriated—

(A) for fiscal year 2016, \$500,000,000;

(B) for fiscal year 2017, \$750,000,000;

(C) for fiscal year 2018, \$1,000,000,000;

(D) for fiscal year 2019, \$1,250,000,000;

(E) for fiscal year 2020, \$1,500,000,000; and

(F) for fiscal year 2021 and each fiscal year thereafter, \$2,500,000,000.

(3) USE OF FUND.—The Secretary of Health and Human Services shall transfer amounts in the Fund to accounts serving the Block Grants for Prevention and Treatment of Substance Abuse program under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) and the Block Grants for Community Mental Health

Services program under subpart I of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.). The Fund shall be used to supplement, not supplant, funding that is otherwise allocated to such programs.

(4) STERILE SYRINGE EXCHANGE PROGRAMS.—With respect to fiscal year 2016, and each subsequent fiscal year, in the case of a State that operates a sterile syringe exchange program, the Secretary shall use the funds appropriated in this section to increase such State’s allotment under subpart II of part B of title XIX of the Public Health Service Act for such fiscal year, by 5 percent.

SEC. 59A. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) GENERAL RULE.—

“(1) IMPOSITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 59B. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (E) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (D) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term ‘publicly held corporation’ means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

“(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 78l), or

“(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).”

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking “covered employee” each place it appears in paragraphs (1) and (4) and inserting “covered individual”, and

(B) by striking “such employee” each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting “such individual”.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

“(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term ‘covered individual’ means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.”

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.”

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.”

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. ____ . MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

“(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

“(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting ‘80 percent’ for ‘60 percent’, or

“(B) such corporation is an inverted domestic corporation.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes after Nov. 30, 2015, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

“(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on Nov. 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.”

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” and inserting “after March 4, 2003, and before Dec. 1, 2015.”

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B).

(B) in paragraph (3), by inserting “or (b)(2)(B), as the case may be,” after “(a)(2)(B)(ii)”.

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after Nov. 30, 2015.

SA 2893. Mr. CASEY (for himself, Ms. BALDWIN, Mrs. MURRAY, and Mr. REED) proposed an amendment to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

SEC. ____ . CREDIT FOR DUAL-EARNER FAMILIES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section: “**SEC. 25E. DUAL-EARNER FAMILIES.**

“(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 7 percent of the lesser of—

“(1) \$10,000, or

“(2) the earned income of the spouse with the lower amount of earned income for such taxable year.

“(b) LIMITATION.—The amount of the credit allowable under subsection (a) shall be reduced (but not below zero) by an amount which bears the same ratio to the amount determined under subsection (a) (as determined without regard to this subsection) as the amount of the taxpayer’s excess adjusted gross income bears to \$20,000.

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

“(1) EARNED INCOME.—The term ‘earned income’ has the same meaning given such term in section 32(c)(2).

“(2) ELIGIBLE TAXPAYER.—

“(A) IN GENERAL.—The term ‘eligible taxpayer’ means a taxpayer who—

“(i) files a joint return for the taxable year under section 6013, and

“(ii) has at least 1 qualifying child (as defined in section 152(c)) who has not attained 12 years of age before the close of the taxable year.

“(3) EXCESS ADJUSTED GROSS INCOME.—The term ‘excess adjusted gross income’ means so much of the eligible taxpayer’s adjusted gross income for the taxable year as exceeds \$110,000.

“(d) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2016, each of the dollar amounts in subsections (a)(1) and (c)(3) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any dollar amount in subsection (a)(1) or (c)(3), after being increased under paragraph (1), is not a multiple of \$1,000, such dollar amount shall be rounded to the nearest multiple of \$1,000.

“(e) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

“(1) INDIVIDUAL CLAIMING BENEFITS UNDER SECTION 911.—No credit shall be allowed under this section if an individual (or the individual’s spouse) claims the benefits of section 911 for the taxable year.

“(2) NON-RESIDENT ALIENS.—No credit shall be allowed under this section if an individual (or the individual’s spouse) is a nonresident alien individual for any portion of the taxable year unless such individual is treated for such taxable year as a resident of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

“(3) IDENTIFICATION NUMBER REQUIREMENT.—No credit shall be allowed under this section if the eligible taxpayer does not include on the joint return of tax for the taxable year—

“(A) the taxpayer identification number of the individual and the individual’s spouse, and

“(B) the name, age, and taxpayer identification number of any qualifying children.

“(f) TAXABLE YEAR MUST BE FULL TAXABLE YEAR.—Except in the case of a taxable year

closed by reason of the death of an individual, no credit shall be allowable under this section in the case of a taxable year covering a period of less than 12 months.”.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following:

“Sec. 25E. Dual-earner families.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. ____ . ENHANCEMENT OF THE DEPENDENT CARE TAX CREDIT.

(a) INCREASE IN DEPENDENT CARE TAX CREDIT.—

(1) INCREASE IN INCOMES ELIGIBLE FOR FULL CREDIT.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term ‘applicable percentage’ means 35 percent reduced (but not below zero) by 1 percentage point for each \$5,000 (or fraction thereof) by which the taxpayer’s adjusted gross income for the taxable year exceeds \$110,000.”.

(2) INCREASE IN DOLLAR LIMIT ON AMOUNT CREDITABLE.—Subsection (c) of section 21 of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$3,000” in paragraph (1) and inserting “\$8,000”, and

(B) by striking “\$6,000” in paragraph (2) and inserting “\$16,000”.

(3) INFLATION ADJUSTMENT.—Section 21 of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subsection (f) as subsection (g), and

(B) by inserting after subsection (e) the following new subsection:

“(f) INFLATION ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning after 2016, the \$110,000 amount in subsection (a)(2) and each of the dollar amounts in subsection (c) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘2015’ for ‘1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—The amount of any increase under paragraph (1) shall be rounded—

“(A) for purposes of the dollar amount in subsection (a)(2), the nearest multiple of \$1,000, and

“(B) for purposes of the dollar amounts in subsection (c), the nearest multiple of \$100.”.

(b) DEPENDENT CARE TAX CREDIT TO BE REFUNDABLE.—

(1) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(A) by redesignating section 21, as amended by subsection (a), as section 36C, and

(B) by moving section 36C, as so redesignated, from subpart A of part IV of subchapter A of chapter 1 to the location immediately before section 37 in subpart C of part IV of subchapter A of chapter 1.

(2) TECHNICAL AMENDMENTS.—

(A) Paragraph (1) of section 23(f) of the Internal Revenue Code of 1986 is amended by striking “21(e)” and inserting “36C(e)”.

(B) Paragraph (6) of section 35(g) of such Code is amended by striking “21(e)” and inserting “36C(e)”.

(C) Paragraph (1) of section 36C(a) of such Code (as redesignated by paragraph (1)) is amended by striking “this chapter” and inserting “this subtitle”.

(D) Subparagraph (C) of section 129(a)(2) of such Code is amended by striking “section 21(e)” and inserting “section 36C(e)”.

(E) Paragraph (2) of section 129(b) of such Code is amended by striking “section 21(d)(2)” and inserting “section 36C(d)(2)”.

(F) Paragraph (1) of section 129(e) of such Code is amended by striking “section 21(b)(2)” and inserting “section 36C(b)(2)”.

(G) Subsection (e) of section 213 of such Code is amended by striking “section 21” and inserting “section 36C”.

(H) Subparagraph (A) of section 6211(b)(4) of such Code is amended by inserting “36C,” after “36B,”.

(I) Subparagraph (H) of section 6213(g)(2) of such Code is amended by striking “section 21” and inserting “section 36C”.

(J) Subparagraph (L) of section 6213(g)(2) of such Code is amended by striking “section 21, 24, or 32,” and inserting “section 24, 32, or 36C,”.

(K) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “36C,” after “36B,”.

(L) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36B the following:

“Sec. 36C. Expenses for household and dependent care services necessary for gainful employment.”.

(M) The table of sections for subpart A of such part IV of such Code is amended by striking the item relating to section 21.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. ____ . FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) GENERAL RULE.—

“(1) IMPOSITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(C) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. ____ . MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (E) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (D) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term ‘publicly held corporation’ means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

“(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 781), or

“(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).”.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking “covered employee” each place it appears in paragraphs (1) and (4) and inserting “covered individual”, and

(B) by striking “such employee” each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting “such individual”.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

“(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term ‘covered individual’ means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.”.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as

are necessary to carry out the purposes of this subsection.”.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. ____ MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

“(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

“(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting ‘80 percent’ for ‘60 percent’, or

“(B) such corporation is an inverted domestic corporation.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes after November 30, 2015, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

“(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has

substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on November 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” and inserting “after March 4, 2003, and before December 1, 2015.”.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B),

(B) in paragraph (3), by inserting “or (b)(2)(B), as the case may be,” after “(a)(2)(B)(ii)”.

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after November 30, 2015.

SA 2894. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ PAYMENTS IN LIEU OF TAXES.

Section 6903 of title 31, United States Code, is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “A payment” and inserting “Except as provided in subsection (e), a payment”; and

(2) by adding at the end the following:

“(e) ALTERNATE PAYMENT.—

“(1) IN GENERAL.—A unit of general local government may opt out of the payment calculation that would otherwise apply under subsection (b)(1), by notifying the Secretary of the Interior, by the deadline established by the Secretary of the Interior, of the election of the unit of general local government to receive an alternate payment amount, as calculated in accordance with the formula established under paragraph (2).

“(2) FORMULA.—As soon as practicable after the date of enactment of this subsection, the Secretary of the Interior shall establish an alternate payment formula that is based on the estimated forgone property taxes, using a fair market valuation, due to the presence of Federal land within the unit of general local government without raising new revenue.”.

SA 2895. Ms. AYOTTE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ SUPPORT FOR STATE RESPONSE TO SUBSTANCE ABUSE PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, \$750,000,000 for each of fiscal years 2016 and 2017, to the Secretary of Health and Human Services (referred to in this section as the “Secretary”) to award grants to States to address the substance abuse public health crisis or to respond to urgent mental health needs within the State. In awarding grants under this section, the Secretary may give preference to States with an incidence or prevalence of substance use disorders that is substantial relative to other States or to States that identify mental health needs within their communities that are urgent relative to such needs of other States. Funds

appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent substance abuse.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance abuse, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Supporting initiatives designed to help individuals with a substance use disorder achieve and sustain recovery.

(6) Other public health-related activities, as the State determines appropriate, related to addressing the substance abuse public health crisis or responding to urgent mental health needs within the State.

SA 2896. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . LIMITATION ON REFUGEE ASSISTANCE.

(a) IN GENERAL.—Notwithstanding chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.), refugees who have been nationals of any of the countries listed in subsection (b) are not eligible to receive any assistance under such chapter.

(b) COUNTRIES.—The countries listed in this subsection are—

- (1) Afghanistan;
- (2) Algeria;
- (3) Bahrain;
- (4) Bangladesh;
- (5) Egypt;
- (6) Eritrea;
- (7) Indonesia;
- (8) Iran;
- (9) Iraq;
- (10) Jordan;
- (11) Kazakhstan;
- (12) Kuwait;
- (13) Kyrgyzstan;
- (14) Lebanon;
- (15) Libya;
- (16) Mali;
- (17) Morocco;
- (18) Nigeria;
- (19) North Korea;
- (20) Oman;
- (21) Pakistan;
- (22) Palestinian Territories;
- (23) Qatar;
- (24) Russia;
- (25) Saudi Arabia;
- (26) Somalia;
- (27) Sudan;
- (28) Syria;
- (29) Tajikistan;
- (30) Tunisia;
- (31) Turkey;
- (32) United Arab Emirates;
- (33) Uzbekistan; and
- (34) Yemen.

SA 2897. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . REFUGEE ASSISTANCE.

Chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.) is repealed.

SA 2898. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . GRANTS TO STATES.

(a) TANF.—Section 403(a)(5)(v)(I) of the Social Security Act, 42 U.S.C., is amended by inserting “(excluding individuals who were admitted to the United States as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157))” after “individuals in the State”.

(b) SSI.—Section 1611(a) of the Social Security Act, 42 U.S.C., is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting “(excluding individuals who were admitted to the United States as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157))” after “disabled individual”; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “(excluding individuals who were admitted to the United States as refugees under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157))” after “disabled individual”.

SA 2899. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the end of the amendment, add the following:

TITLE III—HOMELAND SECURITY

SEC. 301. SHORT TITLE.

This title may be cited as the “Stop Extremists Coming Under Refugee Entry Act” or the “SECURE Act”.

SEC. 302. ENHANCED REFUGEE SECURITY SCREENING.

(a) REGISTRATION.—The Secretary of Homeland Security shall notify each alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or granted asylum under section 208 of such Act (8 U.S.C. 1158) that the alien, not later than 30 days after the date of the enactment of this Act—

(1) shall register with the Department of Homeland Security as part of the enhanced screening process described in section 303; and

(2) shall be interviewed and fingerprinted by an official of the Department of Homeland Security.

(b) BACKGROUND CHECK.—The Secretary of Homeland Security shall screen and perform a security review on all individuals seeking asylum or refugee status under section 207 or 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158) to ensure that such individuals do not present a national security risk to the United States.

(c) MONITORING.—The Secretary of Homeland Security shall monitor individuals granted asylum or admitted as refugees for indications of terrorism.

(d) REPORTS AND CERTIFICATIONS.—

(1) ANNUAL SCREENING EFFECTIVENESS REPORTS.—Not later than 25 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that—

(A) describes the effectiveness with which the Department is screening applicants for asylum and refugee status;

(B) identifies the number of aliens seeking asylum or refugee status who were screened and registered during the past fiscal year, broken down by country of origin;

(C) identifies the number of unfinished or unresolved security screenings for aliens described in subparagraph (B);

(D) identifies the number of refugees admitted to the United States under section 207 or 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158) who—

(i) have not yet participated in the enhanced screening process required under section 303(a); or

(ii) have not been notified by the Secretary pursuant to subsection (a);

(E) identifies the number of aliens seeking asylum or refugee status who were deported as a result of information gathered during interviews and background checks conducted pursuant to subsections (a)(2) and (b), broken down by country of origin; and

(F) indicates whether the enhanced screening process has been implemented in a manner that is overbroad or results in the deportation of individuals who pose no reasonable national security threat.

(2) CERTIFICATION AND NATIONAL SECURITY REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall certify to Congress that—

(A) the requirements described in subsections (a) through (c) have been completed;

(B) the report required under paragraph (1) was timely submitted; and

(C) all necessary steps have been taken to improve the refugee screening process to prevent terrorists from threatening national security by gaining admission to the United States by claiming refugee or asylee status and refugee status.

(e) TEMPORARY MORATORIUM ON REFUGEE ADMISSION.—

(1) IN GENERAL.—The Secretary of State may not approve an application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and the Secretary of Homeland Security may not approve an application for asylum under section 208 of such Act (8 U.S.C. 1158) to any national of a high-risk country.

(2) HIGH-RISK COUNTRY.—In this subsection, the term “high-risk country” means any of the following countries or territories:

- (A) Afghanistan.
- (B) Algeria.
- (C) Bahrain.
- (D) Bangladesh.
- (E) Egypt.
- (F) Eritrea.
- (G) Indonesia.
- (H) Iran.
- (I) Iraq.
- (J) Jordan.
- (K) Kazakhstan.
- (L) Kuwait.

(M) Kyrgyzstan.
 (N) Lebanon.
 (O) Libya.
 (P) Mali.
 (Q) Morocco.
 (R) Nigeria.
 (S) North Korea.
 (T) Oman.
 (U) Pakistan.
 (V) Qatar.
 (W) Russia.
 (X) Saudi Arabia.
 (Y) Somalia.
 (Z) Sudan.
 (AA) Syria.
 (BB) Tajikistan.
 (CC) Tunisia.
 (DD) Turkey.
 (EE) United Arab Emirates.
 (FF) Uzbekistan.
 (GG) Yemen.
 (HH) The Palestinian Territories.

(f) **CONDITIONS FOR RESUMPTION OF APPROVALS.**—The moratorium under subsection (e) may be lifted after—

(1) the Secretary of Homeland Security—
 (A) submits the reports required under subsection (d)(1);

(B) makes the certifications required in subsection (d)(2); and

(C) certifies to Congress that any backlog in screening existing cases from those aliens already approved, or pending approval, has been eliminated; and

(2) Congress enacts a law to reinstate, based upon the information provided, the approval of applications for refugee or asylee status.

SEC. 303. ADDITIONAL WAITING PERIODS AND SECURITY SCREENINGS FOR NEW VISA APPLICANTS.

(a) **ENHANCED SECURITY SCREENINGS.**—The Secretary of Homeland Security, in cooperation with the Secretary of State, shall ensure that a new application for a visa to enter the United States is not approved until—

(1) at least 30 days after such application is submitted; and

(2) after the completion of an enhanced security screening with respect to the applicant.

(b) **VISA WAIVER PROGRAM COUNTRIES.**—Unless otherwise permitted under this title, the Secretary of Homeland Security, in cooperation with the Secretary of State, shall ensure that no alien enters the United States until after 30 days of security assessments have been conducted on such alien, regardless of whether the alien's country of origin is participating in the Visa Waiver Program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

(c) **TRUSTED TRAVELER EXCEPTION.**—

(1) **IN GENERAL.**—Notwithstanding subsections (a) and (b) or section 4(a), the Secretary of Homeland Security shall accept applications, and may approve qualified applicants, for enrollment in the Global Entry trusted traveler program described in section 235.12 of title 8, Code of Federal Regulations, regardless of the nationality or country of habitual residence of the applicant.

(2) **PRIORITY.**—In review applications for enrollment in the Global Entry trusted traveler program, the Secretary shall assign priority status in the following order:

(A) United States citizens.

(B) United States legal permanent residents.

(C) Citizens of any country that is designated as a Visa Waiver Program country under section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)).

(D) Aliens that have a documented frequent travel history to and from the United States.

(E) Applicants not described in subparagraphs (A) through (D).

(3) **USE OF FEES.**—Fees collected from applicants for the Global Entry trusted traveler program shall be used to pay for the cost of enhanced screening required under this title.

(4) **RULE OF CONSTRUCTION.**—Nothing in this title may be construed as requiring the Secretary of Homeland Security to approve an unqualified or high-risk applicant for enrollment in the Global Entry trusted traveler program.

SEC. 304. ENHANCED SECURITY SCREENING FOR HIGHER-RISK VISA APPLICANTS.

(a) **MORATORIUM ON HIGH-RISK VISAS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary of Homeland Security may not approve any application for entry to the United States from an alien who is a national of, or who is applying from, a high-risk country (as defined in section 302(e)) until after—

(A) the completion of the congressional review process described in subsection (b); and

(B) the enactment of a law that authorizes the termination of the visa moratorium under this subsection.

(2) **EXCEPTION.**—The visa moratorium under paragraph (1) shall not apply to individuals who are enrolled in the Global Entry trusted traveler program.

(b) **CONGRESSIONAL REVIEW OF SCREENING POLICIES.**—

(1) **CERTIFICATION.**—The Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall jointly submit a report to Congress certifying that—

(A) a national security screening process has been established and implemented that significantly improves the Federal Government's ability to identify security risks posed by aliens from high-risk countries who—

(i) seek to travel to the United States; or
 (ii) have been approved for entry to the United States;

(B) the process identified in subparagraph (A) requires a 30-day security assessment for each applicant from high-risk countries;

(C) the national security screening process for aliens from high-risk countries will be used to assess the risk posed by applicants from such countries, including a description of such process;

(D) the screening process identified in subparagraph (A) will be used to assess national security risks posed by aliens who are already in the United States or have been approved to enter the United States;

(E) the complete biometric entry-exit control system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1221 note) has been fully implemented;

(F) all necessary steps have been taken to prevent the national security vulnerability of allowing individuals to overstay a temporary legal status in the United States; and

(G) a policy has been implemented to remove aliens that are identified as having overstayed their period of lawful presence in the United States.

(2) **CONDITIONS FOR RESUMPTION OF APPROVALS.**—After the certifications required under paragraph (1) have been made, Congress may enact a law, based on the information provided, to lift the moratorium described in subsection (a).

SEC. 305. ONE HUNDRED PERCENT EXIT TRACKING FOR ALL UNITED STATES VISITORS.

(a) **RECORDING EXITS AND CORRELATION TO ENTRY DATA.**—The Secretary of Homeland Security shall integrate the records collected through the automated entry-exit control system referred to in section 304(b)(1)(E) into an interoperable data sys-

tem and any other database necessary to correlate an alien's entry and exit data.

(b) **PROCESSING OF RECORDS.**—Before the departure of outbound aliens at each point of entry, the Secretary shall provide for cross-reference capability between databases designated by the Secretary under subsection (a) to determine and record whether an outbound alien has been in the United States without lawful immigration status.

(c) **RECORDS INCLUSION REQUIREMENTS.**—The Secretary shall maintain readily accessible entry-exit data records for immigration and other law enforcement and improve immigration control and enforcement by including information necessary to determine whether an outbound alien without lawful presence in the United States entered the country through—

(1) unauthorized entry between points of entry;

(2) visa or other temporary authorized status;

(3) fraudulent travel documents;
 (4) misrepresentation of identity; or
 (5) any other method of entry.

(d) **PROHIBITION ON COLLECTING EXIT RECORDS FOR UNITED STATES CITIZENS AT LAND POINTS OF ENTRY.**—

(1) **PROHIBITION.**—While documenting the departure of outbound individuals at each land point of entry along the Southern or Northern border, the Secretary may not—

(A) process travel documents of United States citizens;

(B) log, store, or transfer exit data for United States citizens;

(C) create, maintain, operate, access, or support any database containing information collected through outbound processing at a point of entry that contains records identifiable to an individual United States citizen.

(2) **EXCEPTION.**—The prohibition set forth in paragraph (1) does not apply to the records of an individual if an officer processing travel documentation in the outbound lanes at a point of entry along the Southern or Northern border—

(A) has a strong suspicion that the individual has engaged in criminal or other prohibited activities; or

(B) needs to verify an individual's identity because the individual is attempting to exit the United States without travel documentation.

(3) **VERIFICATION OF TRAVEL DOCUMENTS.**—Subject to the prohibition set forth in paragraph (1), the Secretary may provide for the confirmation of a United States citizen's travel documentation validity in the outbound lanes at a point of entry along the Southern border.

(e) **REPORT ON INFRASTRUCTURE REQUIREMENTS TO CARRY OUT 100 PERCENT LAND EXIT TRACKING.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that assesses the infrastructure needs for each point of entry along the Southern border to fulfill the requirements under this section, including—

(1) a description of anticipated infrastructure needs within each point of entry;

(2) a description of anticipated infrastructure needs adjacent to each point of entry;

(3) an assessment of the availability of secondary inspection areas at each point of entry;

(4) an assessment of space available at or adjacent to a point of entry to perform processing of outbound aliens;

(5) an assessment of the infrastructure demands relative to the volume of outbound crossings for each point of entry; and

(6) anticipated wait times for outbound individuals during processing of travel documents at each point of entry, relative to possible improvements at the point of entry.

(f) LIMITATIONS ON OUTBOUND SECONDARY INSPECTIONS.—The Secretary may not designate an outbound United States citizen for secondary inspection or collect biometric information from a United States citizen under outbound inspection procedures unless criminal or other prohibited activity has been detected or is strongly suspected.

(g) OUTBOUND PROCESSING OF PERSONS IN THE UNITED STATES WITHOUT LAWFUL PRESENCE.—

(1) PROCESS FOR RECORDING UNLAWFUL PRESENCE.—If the Secretary determines, at a point of entry along the Southern border, that an outbound alien has been in the United States without lawful presence, the Secretary shall—

(A) collect and record biometric data from the individual;

(B) combine data related to the individual's unlawful presence with any other information related to the individual in the interoperable database, in accordance with subsection (b); and

(C) except as provided in subparagraph (B), permit the individual to exit the United States.

(2) EXCEPTION.—An individual shall not be permitted to leave the United States if, during outbound inspection, the Secretary detects previous unresolved criminal activity by the individual.

(h) RULE OF CONSTRUCTION.—Nothing in this title, or in the amendments made by this title, may be construed as replacing or repealing the requirements for biometric entry-exit capture required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1221 note).

SEC. 306. REQUIREMENTS TO ENSURE LEGAL VOTING.

(a) RESTRICTIONS.—

(1) AFFIDAVIT REQUIRED.—Any individual in asylum status, refugee status, legal permanent resident status, or any other permanent or temporary visa status who intends to remain in the United States in such status for longer than 6 months shall submit to the Secretary, during the period specified by the Secretary, a signed affidavit that states that the alien—

(A) has not cast a ballot in any Federal election in the United States; and

(B) will not register to vote, or cast a ballot, in any Federal election in the United States while in such status.

(2) PENALTY.—If an alien described in paragraph (1) fails to timely submit the affidavit described in paragraph (1) or violates any term of such affidavit—

(A) the Secretary shall immediately—

(i) revoke the legal status of such alien; and

(ii) deport the alien to the country from which he or she originated; and

(B) the alien will be permanently ineligible for United States citizenship.

(3) BARS TO LEGAL STATUS.—Any individual in asylum status, refugee status, legal permanent resident status, or any other permanent or temporary visa status who illegally registers to vote or who votes in any Federal election after receiving such status or visa—

(A) shall not be eligible to apply for permanent residence or citizenship; and

(B) if such individual has already been granted permanent residence, shall lose such status and be subject to deportation pursuant to section 237(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(6)).

(b) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—

(1) ELIGIBILITY DETERMINATION.—In determining whether an individual described in subsection (a)(1) is eligible for legal status, including naturalization, under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security shall verify that the alien has not registered to vote, or cast a ballot, in a Federal election in the United States.

(2) VERIFICATION OF CITIZENSHIP.—The Secretary shall provide the election director of each State, and such local election officials as may be designated by such State directors, with access to relevant databases containing information about aliens who have been granted asylum, refugee status, or any other permanent or temporary visa status authorized under the Immigration and Nationality Act or by executive action, for the sole purpose of verifying the citizenship status of registered voters and all individuals applying to register to vote.

(3) ANNUAL REPORT.—The Secretary shall submit an annual report to Congress that identifies all jurisdictions in the United States that have registered individuals who are not United States citizens to vote in a Federal election.

(c) RESPONSIBILITIES OF STATES.—

(1) PROOF OF CITIZENSHIP.—Notwithstanding the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.), and any other Federal law, all States and local governments—

(A) shall require individuals registering to vote in Federal elections to provide adequate proof of citizenship;

(B) may not accept an affirmation of citizenship as adequate proof of citizenship for voter registration purposes; and

(C) may require identification information from all such voter registration applicants.

(2) COOPERATION WITH DEPARTMENT OF HOMELAND SECURITY.—All States and local governments shall provide the Department of Homeland Security with the registration and voting history of any alien seeking registered provisional status, naturalization, or any other immigration benefit, upon the request of the Secretary.

(3) CONSEQUENCE OF NONCOMPLIANCE.—

(A) FIRST YEAR.—If any State is not in compliance with the proof of citizenship requirements set forth in paragraph (1) on or before the date that is 1 year after the date of the enactment of this Act, the Secretary of Transportation shall reduce the apportionment calculated under section 104(c) of title 23, United States Code, for that State for the following fiscal year by 10 percent.

(B) SUBSEQUENT YEARS.—For each subsequent year in which any State is not in compliance with the proof of citizenship requirements set forth in paragraph (1), the Secretary of Transportation shall reduce the apportionment calculated under section 104(c) of title 23, United States Code, for that State for the following fiscal year by an additional 10 percent.

SEC. 307. SECURE THE TREASURY.

(a) NO WELFARE FOR REFUGEES OR ASYLEES BEGINNING 1 YEAR AFTER DATE OF ADMISSION.—Notwithstanding any other provision of law, an alien admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or granted asylum under section 208 of such Act (8 U.S.C. 1158), beginning 1 year after the date of such admission—

(1) is not be eligible for any assistance or benefits from a Federal means-tested benefit program listed in subsection (c); and

(2) may not claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986.

(b) NO CITIZENSHIP FOR ALIENS WHO APPLY FOR AND RECEIVE WELFARE.—Any alien

granted refugee status or asylee admission to the United States under a permanent or temporary visa, and who is prohibited under subsection (a) from applying for, or receiving, assistance or benefits described in subsection (c) or from claiming the earned income tax credit under section 32 of the Internal Revenue Code of 1986, or any other credit allowed by subpart C of part IV of subchapter A of chapter 1 of such Code shall be permanently prohibited from becoming naturalized as a citizen of the United States if the alien—

(1) applies for and receives any such assistance or benefits; or

(2) claims and is allowed any such credit.

(c) FEDERAL MEANS-TESTED BENEFIT PROGRAMS.—The Federal means-tested benefit programs listed in this subsection are—

(1) the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)

(2) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(3) the State children's health insurance program authorized under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(4) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and

(5) the program of block grants to States for social services under subtitle A of title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(d) VERIFICATION PROCEDURES.—In order to comply with the limitation under subsection (a)—

(1) proof of citizenship shall be required as a condition for receipt of assistance or benefits under the Federal means-tested benefit programs listed in subsection (c);

(2) proof of citizenship shall be verified as a condition for receiving assistance or benefits under the Federal means-tested benefit programs listed in subsection (c), including by using the Systematic Alien Verification for Entitlements Program of the U.S. Citizenship and Immigration Services to confirm that an individual who has presented proof of citizenship as a condition for receipt of assistance or benefits under any such program is not an alien; and

(3) officers and employees of State agencies that administer a Federal means-tested benefit program listed in subsection (c) shall report to any suspicious or fraudulent identity information provided by an individual applying for assistance or benefits to the Secretary of Homeland Security.

(e) NONAPPLICATION OF THE PRIVACY ACT.—Notwithstanding any other provision of law, section 552a of title 5, United States Code (commonly referred to as the "Privacy Act") may not be construed as prohibiting an officer or employee of a State from verifying a claim of citizenship for purposes of eligibility for assistance or benefits under a Federal means-tested benefit program listed in subsection (c).

SA 2900. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESTORATION OF THE MEDICARE COMPENSATORY COST ADJUSTMENT (CCA) PROGRAM.

(a) IN GENERAL.—Section 1102(f) of the Health Care and Education Reconciliation

Act of 2010 (Public Law 111-152), including the amendment made by such section, is repealed.

(b) CONFORMING AMENDMENTS.—Section 1860C-1 of the Social Security Act (42 U.S.C. 1395w-29), as restored pursuant to the repeal made by subsection (a), is amended—

(1) by striking “2010” each place it appears and inserting “2017”;

(2) in subsection (a)(2), by striking “2015” and “2023”; and

(3) in subsection (d)(3), by striking “2013” and “2021”.

(c) EFFECTIVE DATE.—The provisions of, and the amendments made by, this section shall take effect on the date of the enactment of this Act.

SA 2901. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____ . REPEAL OF ESSENTIAL HEALTH BENEFITS REQUIREMENT.

On January 1, 2016, section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022) shall cease to have force or effect.

SA 2902. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF AGE RATING RESTRICTIONS.

Section 2701(a)(1)(A)(iii) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)(A)(iii)) is amended by striking “, except that” and all that follows through “2707(c)”.

SA 2903. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . GAO ANALYSIS OF CO-OP PLANS.

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis, and submit to Congress a report concerning the results of such analysis, of the health insurance issuers that participated in the Consumer Operated and Oriented Plan program under section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 18042) and are no longer offering such a Plan under such program.

SA 2904. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to

provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF PATIENT-CENTERED OUTCOMES RESEARCH.

(a) REPEAL OF MEDICARE TRUST FUNDS FUNDING.—Section 1183(a)(2) of the Social Security Act (42 U.S.C. 1320e-2(a)(2)) is amended by striking “2016, 2017, 2018, and 2019” and inserting “and 2016”.

(b) PREVENTION OF LIMITATION OF TREATMENT OPTIONS.—Section 1182 of the Social Security Act (42 U.S.C. 1320e-1) is amended—

(1) by striking subsection (c)(2); and

(2) by striking subsection (d)(2).

(c) REPEAL OF PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.—

(1) APPROPRIATION.—Section 9511(b)(1)(E) of the Internal Revenue Code of 1986 is amended by striking “2016, 2017, 2018, and 2019” and inserting “and 2016”.

(2) TERMINATION.—Section 9511(f) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2019” and inserting “December 31, 2015”.

(d) REPEAL OF FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(1) INSURED.—Section 4375(e) of the Internal Revenue Code of 1986 is amended by striking “2019” and inserting “2015”.

(2) SELF-INSURED.—Section 4376(e) of the Internal Revenue Code of 1986 is amended by striking “2019” and inserting “2015”.

SA 2905. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF DISQUALIFICATION OF EXPENSES FOR OVER-THE-COUNTER DRUGS UNDER CERTAIN ACCOUNTS AND ARRANGEMENTS.

(a) HSAS.—Section 223(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(b) ARCHER MSAS.—Section 220(d)(2)(A) of such Code is amended by striking the last sentence.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by striking subsection (f).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred after December 31, 2015.

SA 2906. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 24 and all that follows through page 6, line 3, and insert the following:

SEC. 105A. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) GENERAL RULE.—

“(1) IMPOSITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’

for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) to the extent such tax is attributable to the rate of tax in effect under section 3101 with respect to such taxable year or wages or compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 105B. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (E) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (D) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term ‘publicly held corporation’ means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

“(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 78l), or

“(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).”.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking “covered employee” each place it appears in paragraphs (1) and (4) and inserting “covered individual”, and

(B) by striking “such employee” each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting “such individual”.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

“(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term ‘covered individual’ means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.”.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.”.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 105C. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

“(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

“(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting ‘80 percent’ for ‘60 percent’, or

“(B) such corporation is an inverted domestic corporation.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes after May 8, 2014, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

“(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on May 8, 2014, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” and inserting “after March 4, 2003, and before May 9, 2014.”.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B),

(B) in paragraph (3), by inserting “or (b)(2)(B), as the case may be,” after “(a)(2)(B)(ii)”.

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 8, 2014.

SA 2907. Mr. BENNET (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

SEC. ____ . ADDITIONAL FUNDING TO INCREASE ACCESS OF VETERANS TO CARE AND IMPROVE PHYSICAL INFRASTRUCTURE OF DEPARTMENT OF VETERANS AFFAIRS.

Notwithstanding any other provision of law, with respect to any increase in revenues received in the Treasury as the result of the enactment of section 59A of the Internal Revenue Code of 1986—

(1) \$20,000,000,000 shall be made available, without further appropriation, to carry out the purposes described in section 801(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 1701 note); and

(2) any remaining amounts shall be used for Federal budget deficit reduction or, if

there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

SEC. ____ . FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) GENERAL RULE.—

“(1) IMPOSITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SA 2908. Mr. MANCHIN (for himself, Mr. TOOMEY, and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the end, add the following:

TITLE II—PUBLIC SAFETY AND SECOND AMENDMENT RIGHTS PROTECTION ACT
SECTION 201. SHORT TITLE.

This title may be cited as the “Public Safety and Second Amendment Rights Protection Act of 2015”.

SEC. 202. FINDINGS.

Congress finds the following:

(1) Congress supports, respects, and defends the fundamental, individual right to keep and bear arms guaranteed by the Second Amendment to the Constitution of the United States.

(2) Congress supports and reaffirms the existing prohibition on a national firearms registry.

(3) Congress believes the Department of Justice should prosecute violations of background check requirements to the maximum extent of the law.

(4) 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.

(5) Congress and the citizens of the United States agree that in order to promote safe and responsible gun ownership, dangerous criminals and the seriously mentally ill should be prohibited from possessing firearms; therefore, it should be incumbent upon all citizens to ensure weapons are not being transferred to such people.

SEC. 203. RULE OF CONSTRUCTION.

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

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

(2) allow the establishment, directly or indirectly, of a Federal firearms registry.

SEC. 204. SEVERABILITY.

If any provision of this title or an amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be invalid for any reason in any court of competent jurisdiction, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any other person or circumstance, shall not be affected.

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 211. REAUTHORIZATION OF THE NATIONAL CRIMINAL HISTORY RECORDS IMPROVEMENT PROGRAM.

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

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “of this Act” and inserting “of the Public Safety and Second Amendment Rights Protection Act of 2015”; and

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

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this subsection \$100,000,000 for each of fiscal years 2016 through 2019.”

SEC. 212. IMPROVEMENT OF METRICS AND INCENTIVES.

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 Public Safety and Second Amendment Rights Protection Act of 2015, the Attorney General, in coordination with the States, shall establish for each State or Indian tribal government desiring a grant under section 103 a 4-year implementation plan to ensure maximum coordination and automation of the reporting of records or making records available to the National Instant Criminal Background Check System.

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

“(3) PENALTIES FOR NON-COMPLIANCE.—

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

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

“(ii) 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the second year in the 4-year period;

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

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

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

SEC. 213. GRANTS TO STATES FOR IMPROVEMENT OF COORDINATION AND AUTOMATION OF NICS RECORD REPORTING.

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

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

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

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

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

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

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

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

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

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

“(c) ELIGIBILITY.—

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

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

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

“(2) RELIEF FROM DISABILITIES PROGRAM.—For purposes of obtaining a grant under this section, a State, Indian Tribal government, or State court system shall not be required to meet the eligibility requirement described in paragraph (1)(B) until the date that is 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015.

“(d) FEDERAL SHARE.—

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

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

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

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

(2) by striking title III; and

(3) in section 401(b), by inserting after “of this Act” the following: “and 18 months after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015”.

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

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

SEC. 214. RELIEF FROM DISABILITIES PROGRAM.

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

“(c) PENALTIES FOR NON-COMPLIANCE.—

“(1) 10 PERCENT REDUCTION.—During the 1-year period beginning 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Attorney General shall withhold 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

“(2) 11 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (1), the Attorney General shall withhold 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Con-

rol and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

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

“(4) 15 PERCENT REDUCTION.—After the expiration of the 1-year period described in paragraph (3), the Attorney General shall withhold 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.”.

SEC. 215. ADDITIONAL PROTECTIONS FOR OUR VETERANS.

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

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

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

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

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

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

“(1) The determination made by the Secretary.

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

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

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

“(2) Not later than 180 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Secretary shall designate or establish a board that shall, upon request of a person under paragraph (1), assess whether a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

“(d) JUDICIAL REVIEW.—Not later than 30 days after the date of an assessment of a person under subsection (c) by the board designated or established under paragraph (2) of such subsection, such person may file a petition for judicial review of such assessment with a Federal court of competent jurisdiction.

“(e) PROTECTING RIGHTS OF VETERANS WITH EXISTING RECORDS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Secretary shall provide written notice of the opportunity for administrative review and appeal under subsection (c) to all persons who, on the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, are considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 as a result of having been found by the Department of Veterans Affairs to be mentally incompetent.

“(f) FUTURE DETERMINATIONS.—

“(1) IN GENERAL.—Not later than 180 days after the enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Secretary shall review the policies and procedures by which individuals are determined to be mentally incompetent, and shall revise such policies and procedures as necessary to ensure that any individual who is competent to manage his own financial affairs, including his receipt of Federal benefits, but who voluntarily turns over the management thereof to a fiduciary is not considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18.

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

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

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

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

SEC. 216. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of Public Law 103-159 (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. 217. CLARIFICATION THAT SUBMISSION OF MENTAL HEALTH RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS NOT PROHIBITED BY THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.

Information collected under section 102(c)(3) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code, shall not be subject to the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

SEC. 218. PUBLICATION OF NICS INDEX STATISTICS.

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

SEC. 219. EFFECTIVE DATE.

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

Subtitle B—Providing a Responsible and Consistent Background Check Process

SEC. 221. PURPOSE.

The purpose of this subtitle is to enhance the current background check process in the United States to ensure criminals and the mentally ill are not able to purchase firearms.

SEC. 222. 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 (1)(B)—

(i) in clause (i), by striking “or”;

(ii) in clause (ii), by striking “and” at the end; and

(iii) by adding at the end the following:

“(iii) in the case of an instant background check conducted at a gun show or event during the 4-year period beginning on the effective date under section 230(a) of the Public Safety and Second Amendment Rights Protection Act of 2015, 48 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; or

“(iv) in the case of an instant background check conducted at a gun show or event after the 4-year period described in clause (iii), 24 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and”;

(B) in paragraph (3)(C)(ii), by striking “(as defined in subsection (s)(8))”; and

(C) by adding at the end the following:

“(7) In this subsection—

“(A) the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual; and

“(B) the term ‘gun show or event’ has the meaning given the term in subsection (t)(7).

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

“(9) Notwithstanding any other provision of this chapter, upon receiving a request for an instant background check that originates from a gun show or event, the system shall complete the instant background check before completing any pending instant background check that did not originate from a gun show or event.”; and

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

“(t)(1) Beginning on the date that is 180 days after the date of enactment of this subsection and except as provided in paragraph (2), it shall be unlawful for any person other than a licensed dealer, licensed manufacturer, or licensed importer to complete the transfer of a firearm to any other person who is not licensed under this chapter, if such transfer occurs—

“(A) at a gun show or event, on the curtilage thereof; or

“(B) pursuant to an advertisement, posting, display or other listing on the Internet or in a publication by the transferor of his intent to transfer, or the transferee of his intent to acquire, the firearm.

“(2) Paragraph (1) shall not apply if—

“(A) the transfer is made after a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s), and upon taking possession of the firearm, the licensee—

“(i) complies with all requirements of this chapter as if the licensee were transferring the firearm from the licensee’s business inventory to the unlicensed transferee, except that when processing a transfer under this chapter the licensee may accept in lieu of conducting a background check a valid permit issued within the previous 5 years by a State, or a political subdivision of a State, that allows the transferee to possess, acquire, or carry a firearm, if the law of the State, or political subdivision of a State, that issued the permit requires that such permit is issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by the unlicensed transferee would be in violation of Federal, State, or local law;

“(B) the transfer is made between an unlicensed transferor and an unlicensed transferee residing in the same State, which takes place in such State, if—

“(i) the Attorney General certifies that State in which the transfer takes place has in effect requirements under law that are generally equivalent to the requirements of this section; and

“(ii) the transfer was conducted in compliance with the laws of the State;

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

“(D) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986.

“(3) A licensed importer, licensed manufacturer, or licensed dealer who processes a transfer of a firearm authorized under paragraph (2)(A) shall not be subject to a license revocation or license denial based solely upon a violation of those paragraphs, or a violation of the rules or regulations promulgated under this paragraph, unless the licensed importer, licensed manufacturer, or licensed dealer—

“(A) knows or has reasonable cause to believe that the information provided for purposes of identifying the transferor, transferee, or the firearm is false;

“(B) knows or has reasonable cause to believe that the transferee is prohibited from

purchasing, receiving, or possessing a firearm by Federal or State law, or published ordinance; or

“(C) knowingly violates any other provision of this chapter, or the rules or regulations promulgated thereunder.

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

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

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

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

“(5)(A) A person other than a licensed importer, licensed manufacturer, or licensed dealer, who makes a transfer of a firearm in accordance with this section, or who is the organizer of a gun show or event at which such transfer occurs, shall be immune from a qualified civil liability action relating to the transfer of the firearm as if the person were a seller of a qualified product.

“(B) A provider of an interactive computer service shall be immune from a qualified civil liability action relating to the transfer of a firearm as if the provider of an interactive computer service were a seller of a qualified product.

“(C) In this paragraph—

“(i) the term ‘interactive computer service’ shall have the meaning given the term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); and

“(ii) the terms ‘qualified civil liability action’, ‘qualified product’, and ‘seller’ shall have the meanings given the terms in section 4 of the Protection of Lawful Commerce in Arms Act (15 U.S.C. 7903).

“(D) Nothing in this paragraph shall be construed to affect the immunity of a provider of an interactive computer service under section 230 of the Communications Act of 1934 (47 U.S.C. 230).

“(6) In any civil liability action in any State or Federal court arising from the criminal or unlawful use of a firearm following a transfer of such firearm for which no background check was required under this section, this section shall not be construed—

“(A) as creating a cause of action for any civil liability; or

“(B) as establishing any standard of care.

“(7) For purposes of this subsection, the term ‘gun show or event’—

“(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

“(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923.”

(b) PROHIBITING THE SEIZURE OF RECORDS OR DOCUMENTS.—Section 923(g)(1)(D) is amended by striking, “The inspection and examination authorized by this paragraph shall not be construed as authorizing the Attorney General to seize any records or other documents other than those records or documents constituting material evidence of a violation of law,” and inserting the following: “The Attorney General shall be prohibited from seizing any records or other

documents in the course of an inspection or examination authorized by this paragraph other than those records or documents constituting material evidence of a violation of law.”

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

“(m) The Attorney General may not consolidate or centralize the records of the—

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

“(A) a person with a valid, current license under this chapter;

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

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

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

SEC. 223. PENALTIES.

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

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

“(8) Whoever makes or attempts to make a transfer of a firearm in violation of section 922(t) to a person not licensed under this chapter who is prohibited from receiving a firearm under subsection (g) or (n) of section 922 or State law, to a law enforcement officer, or to a person acting at the direction of, or with the approval of, a law enforcement officer authorized to investigate or prosecute violations of section 922(t), shall be fined under this title, imprisoned not more than 5 years, or both.”; and

(2) by adding at the end the following:

“(q) 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.”

SEC. 224. FIREARMS DISPOSITIONS.

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

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

(2) in subparagraph (A)—

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

(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”.

SEC. 225. FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.

Section 103(b) of Public Law 103-159 (18 U.S.C. 922 note), is amended—

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

“(1) IN GENERAL.—Not later than”; and

(2) by adding at the end the following:

“(2) VOLUNTARY BACKGROUND CHECKS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2015, the Attorney General shall promulgate regulations allowing licensees to use the Na-

tional Instant Criminal Background Check System established under this section for purposes of conducting voluntary preemployment background checks on prospective employees.”

SEC. 226. DEALER LOCATION.

Section 923 of title 18, United States Code, is amended—

(1) in subsection (j)—

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

(B) in the last sentence—

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

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

(2) by adding after subsection (m), as added by section 222(c), the following:

“(n) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition not otherwise prohibited under this chapter—

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

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

SEC. 227. RESIDENCE OF UNITED STATES OFFICERS.

Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) For purposes of this chapter:

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

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

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

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

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

SEC. 228. 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’—

“(1) includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport; and

“(2) does not include transportation—

“(A) with the intent to commit a crime punishable by imprisonment for a term exceeding 1 year that involves a firearm; or

“(B) with knowledge, or reasonable cause to believe, that a crime described in subparagraph (A) is to be committed in the course of, or arising from, the transportation.

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

“(1) transport a firearm for any lawful purpose from any place where the person may

lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—

“(A) the firearm is unloaded; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(2) 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).”.

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

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

SEC. 229. RULE OF CONSTRUCTION.

Nothing in this subtitle, or an amendment made by this subtitle, shall be construed—

(1) to extend background check requirements to transfers other than those made at gun shows or on the curtilage thereof, or pursuant to an advertisement, posting, display, or other listing on the Internet or in a publication by the transferor of the intent of the transferor to transfer, or the transferee of the intent of the transferee to acquire, the firearm; or

(2) to extend background check requirements to temporary transfers for purposes including lawful hunting or sporting or to temporary possession of a firearm for purposes of examination or evaluation by a prospective transferee.

SEC. 230. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

(b) FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.—Section 225 and the amendments made by section 225 shall take effect on the date of enactment of this Act.

Subtitle C—National Commission on Mass Violence

SEC. 241. SHORT TITLE.

This subtitle may be cited as the “National Commission on Mass Violence Act of 2015”.

SEC. 242. NATIONAL COMMISSION ON MASS VIOLENCE.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Commission on Mass Violence (in this subtitle referred to as the “Commission”) to study the availability and nature of firearms, including the means of acquiring firearms, issues relating to mental health, and all positive and negative impacts of the availability and nature of firearms on incidents of mass violence or in preventing mass violence.

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 members, of whom—

(A) 6 members of the Commission shall be appointed by the Majority Leader of the Senate, in consultation with the Democratic leadership of the House of Representatives, 1 of whom shall serve as Chairman of the Commission; and

(B) 6 members of the Commission shall be appointed by the Speaker of the House of Representatives, in consultation with the Republican leadership of the Senate, 1 of whom shall serve as Vice Chairman of the Commission.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members appointed to the Commission shall include—

(i) well-known and respected individuals among their peers in their respective fields of expertise; and

(ii) not less than 1 non-elected individual from each of the following categories, who has expertise in the category, by both experience and training:

(I) Firearms.

(II) Mental health.

(III) School safety.

(IV) Mass media.

(B) EXPERTS.—In identifying the individuals to serve on the Commission, the appointing authorities shall take special care to identify experts in the fields described in section 243(a)(2).

(C) PARTY AFFILIATION.—Not more than 6 members of the Commission shall be from the same political party.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (1) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) MEETINGS.—

(i) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(ii) INITIAL MEETING.—The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(I) the date of the appointment of the last member of the Commission; or

(II) the date on which appropriated funds are available for the Commission.

(B) QUORUM; VACANCIES; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings sched-

uled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission’s business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 243. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of mass violence, including incidents of mass violence not involving firearms, in the context of the many acts of senseless mass violence that occur in the United States each year, in order to determine the root causes of such mass violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of these recurring and tragic acts of mass violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the role of schools, including the level of involvement and awareness of teachers and school administrators in the lives of their students and the availability of mental health and other resources and strategies to help detect and counter tendencies of students towards mass violence;

(B) the effectiveness of and resources available for school security strategies to prevent incidents of mass violence;

(C) the role of families and the availability of mental health and other resources and strategies to help families detect and counter tendencies toward mass violence;

(D) the effectiveness and use of, and resources available to, the mental health system in understanding, detecting, and countering tendencies toward mass violence, as well as the effects of treatments and therapies;

(E) whether medical doctors and other mental health professionals have the ability, without negative legal or professional consequences, to notify law enforcement officials when a patient is a danger to himself or others;

(F) the nature and impact of the alienation of the perpetrators of such incidents of mass violence from their schools, families, peer groups, and places of work;

(G) the role that domestic violence plays in causing incidents of mass violence;

(H) the effect of depictions of mass violence in the media, and any impact of such depictions on incidents of mass violence;

(I) the availability and nature of firearms, including the means of acquiring such firearms, and all positive and negative impacts of such availability and nature on incidents of mass violence or in preventing mass violence;

(J) the role of current prosecution rates in contributing to the availability of weapons that are used in mass violence;

(K) the availability of information regarding the construction of weapons, including explosive devices, and any impact of such information on such incidents of mass violence;

(L) the views of law enforcement officials, religious leaders, mental health experts, and other relevant officials on the root causes and prevention of mass violence;

(M) incidents in which firearms were used to stop mass violence; and

(N) any other area that the Commission determines contributes to the causes of mass violence.

(3) TESTIMONY OF VICTIMS AND SURVIVORS.—In determining the root causes of these recurring and tragic incidents of mass violence, the Commission shall, in accordance

with section 244(a), take the testimony of victims and survivors to learn and memorialize their views and experiences regarding such incidents of mass violence.

(b) **RECOMMENDATIONS.**—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of these recurring and tragic incidents of mass violence and to reduce such incidents of mass violence.

(c) **REPORTS.**—

(1) **INTERIM REPORT.**—Not later than 3 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress an interim report describing any initial recommendations of the Commission.

(2) **FINAL REPORT.**—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the findings and conclusions of the Commission, together with the recommendations of the Commission.

(3) **SUMMARIES.**—The report under paragraph (2) shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 244(e); and

(B) any other material relied on by the Commission in the preparation of the report.

SEC. 244. POWERS OF THE COMMISSION.

(a) **HEARINGS.**—

(1) **IN GENERAL.**—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 243.

(2) **WITNESS EXPENSES.**—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out its duties under section 243. Upon the request of the Commission, the head of such agency may furnish such information to the Commission.

(c) **INFORMATION TO BE KEPT CONFIDENTIAL.**—

(1) **IN GENERAL.**—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (d) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) **DISCLOSURE.**—Information obtained by the Commission or the Attorney General under this subtitle and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (d) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(d) **CONTRACTING FOR RESEARCH.**—The Commission may enter into contracts with any entity for research necessary to carry out

the duties of the Commission under section 243.

SEC. 245. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional employees as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) **COMPENSATION.**—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 246. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 247. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the final report under section 243(c)(2).

SA 2909. Mr. MARKEY (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to

provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FUNDING FOR RESEARCH BY CDC ON FIREARMS SAFETY OR GUN VIOLENCE PREVENTION.

Notwithstanding any other provision of law, there is authorized to be appropriated to the Centers for Disease Control and Prevention \$10,000,000 for each of fiscal years 2016 through 2021 for the purpose of conducting or supporting research on firearms safety or gun violence prevention under the Public Health Service Act (42 U.S.C. 201 et seq.). The amount authorized to be appropriated by the preceding sentence is in addition to any other amounts authorized to be appropriated for such purpose.

SA 2910. Mrs. FEINSTEIN (for herself, Mr. WHITEHOUSE, Mr. REED, Mrs. GILLIBRAND, Mr. SCHUMER, Mr. DURBIN, Mr. MURPHY, Mr. BLUMENTHAL, Mrs. BOXER, Mr. MENENDEZ, Ms. WARREN, Mr. MARKEY, Mr. SCHATZ, Ms. HIRONO, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. WARNER, Mr. KAINE, Mr. KING, Ms. MIKULSKI, Mrs. MCCASKILL, Mr. BROWN, Mr. CASEY, Mr. SANDERS, Mrs. MURRAY, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Denying Firearms and Explosives to Dangerous Terrorists Act of 2015”.

SEC. 2. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) **STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.**—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

“§ 922A. Attorney General’s discretion to deny transfer of a firearm

“The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

“(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

“§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

“The Attorney General may determine that—

“(1) an applicant for a firearm permit which would qualify for an exemption under

section 922(t)(3) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”;

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

“(36) The term ‘terrorism’ includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

“(37) The term ‘material support or resources’ has the meaning given the term in section 2339A of this title.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).”.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end; and

(II) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;”;

(4) in paragraph (4), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”; and

(5) in paragraph (5), by inserting “, or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

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

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

(3) by adding at the end the following:

“(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

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

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

(3) by inserting after paragraph (9) the following:

“(10) who has received actual notice of the Attorney General’s determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title.”.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Any” and inserting “Except as provided in paragraph (3), any”; and

(2) by adding at the end the following:

“(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by striking “revoke any license” and inserting the following: “revoke—

“(A) any license”; and

(3) by striking “. The Attorney General may, after notice and opportunity for hearing, revoke the license” and inserting the following: “;

“(B) the license”; and

(4) by striking “. The Secretary’s action” and inserting the following: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

“(2) The Attorney General’s action”.

(g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.”.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: “If the person is subject to a disability under section 922(g)(10) of this title, any informa-

tion which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

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

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

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

“(4) constitutes an act of terrorism, or providing material support or resources for terrorism.”.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”; and

(B) by striking “Any person denied a firearm pursuant to subsection (s) or (t) of section 922” and inserting the following:

“(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B”; and

(C) by adding at the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General’s determination under section 922A or 922B of this title. The court shall sustain the Attorney General’s determination upon a showing by the United States by a preponderance of evidence that the Attorney General’s determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court’s own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General’s determination satisfies the requirements of section 922A or 922B.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

“925A. Remedies.”.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting “or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,” after “is ineligible to receive a firearm”; and

(B) by inserting “except any information for which the Attorney General has determined that disclosure would likely compromise national security,” after “reasons to the individual.”; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting “or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,” after “or State law.”; and

(ii) by inserting “, except any information for which the Attorney General has determined that disclosure would likely compromise national security” before the period at the end; and

(B) by adding at the end the following: “Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.”.

(1) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

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

(2) by adding at the end the following:

“(10) has received actual notice of the Attorney General’s determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.”.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting “; or” at the end; and

(2) by inserting after paragraph (7) the following:

“(8) who has received actual notice of the Attorney General’s determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.”.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “Upon” and inserting “Except as provided in subsection (j), upon”; and

(2) by adding at the end the following:

“(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(d)”;

(2) by striking “if in the opinion” and inserting the following: “if—

“(A) in the opinion”; and

(3) by striking “. The Secretary’s action” and inserting the following: “; or

“(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

“(2) The Attorney General’s action”.

(p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: “However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.”; and

(2) in paragraph (2), by adding at the end the following: “In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “or in subsection (j) of this section (on grounds of terrorism)” after “section 842(i)”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting “or in subsection (j) of this section,” after “section 842(i),”; and

(B) in clause (ii), by inserting “, except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” after “determination”.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 101(a)(43)(E)(ii)) is amended by striking “or (5)” and inserting “(5), or (10)”.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this title.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this title, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlines in Homeland Security Presidential Directive 11 (dated August 27, 2004).

SA 2911. Mr. COONS (for himself, Ms. HIRONO, Mrs. MURRAY, Mr. MERKLEY, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXPANSION AND MODIFICATION OF CREDIT FOR EMPLOYEE HEALTH INSURANCE EXPENSES OF SMALL EMPLOYERS.

(a) EXPANSION OF DEFINITION OF ELIGIBLE SMALL EMPLOYER.—Subparagraph (A) of section 45R(d)(1) of the Internal Revenue Code of 1986 is amended by striking “25” and inserting “50”.

(b) AMENDMENT TO PHASEOUT DETERMINATION.—Subsection (c) of section 45R of the Internal Revenue Code of 1986 is amended to read as follows:

“(c) PHASEOUT OF CREDIT AMOUNT BASED ON NUMBER OF EMPLOYEES AND AVERAGE WAGES.—The amount of the credit determined under subsection (b) (without regard to this subsection) shall be adjusted (but not below zero) by multiplying such amount by the product of—

“(1) the lesser of—

“(A) a fraction the numerator of which is the excess (if any) of 50 over the total number of full-time equivalent employees of the employer and the denominator of which is 30, and

“(B) 1, and

“(2) the lesser of—

“(A) a fraction—

“(i) the numerator of which is the excess (if any) of—

“(I) the dollar amount in effect under subsection (d)(3)(B) for the taxable year, multiplied by 3, over

“(II) the average annual wages of the employer for such taxable year, and

“(ii) the denominator of which is the dollar amount so in effect under subsection (d)(3)(B), multiplied by 2, and

“(B) 1.”.

(c) EXTENSION OF CREDIT PERIOD.—Paragraph (2) of section 45R(e) of the Internal Revenue Code of 1986 is amended by striking “2-consecutive-taxable year period” and all that follows and inserting “3-consecutive-taxable year period beginning with the 1st taxable year beginning after 2014 in which—

“(A) the employer (or any predecessor) offers 1 or more qualified health plans to its employees through an Exchange, and

“(B) the employer (or any predecessor) claims the credit under this section.”.

(d) AVERAGE ANNUAL WAGE LIMITATION.—Subparagraph (B) of section 45R(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) DOLLAR AMOUNT.—For purposes of paragraph (1)(B) and subsection (c)(2), the dollar amount in effect under this paragraph is the amount equal to 110 percent of the poverty line (within the meaning of section 36B(d)(3) for a family of 4.”.

(e) ELIMINATION OF UNIFORM PERCENTAGE CONTRIBUTION REQUIREMENT.—Paragraph (4) of section 45R(d) of the Internal Revenue Code of 1986 is amended by striking “a uniform percentage (not less than 50 percent)” and inserting “at least 50 percent”.

(f) ELIMINATION OF CAP RELATING TO AVERAGE LOCAL PREMIUMS.—Subsection (b) of section 45R of the Internal Revenue Code of 1986 is amended by striking “the lesser of” and all that follows and inserting “the aggregate amount of nonelective contributions the employer made on behalf of its employees during the taxable year under the arrangement described in subsection (d)(4) for premiums for qualified health plans offered by the employer to its employees through an Exchange.”.

(g) AMENDMENT RELATING TO ANNUAL WAGE LIMITATION.—Subparagraph (B) of section 45R(d)(1) of the Internal Revenue Code of 1986 is amended by striking “twice” and inserting “three times”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts

paid or incurred in taxable years beginning after December 31, 2014.

SEC. ____ . MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

“(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

“(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting ‘80 percent’ for ‘60 percent’, or

“(B) such corporation is an inverted domestic corporation.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes after November 30, 2015, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

“(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on November 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.”

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” and inserting “after March 4, 2003, and before December 1, 2015.”

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B),

(B) in paragraph (3), by inserting “or (b)(2)(B), as the case may be,” after “(a)(2)(B)(ii)”,

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after November 30, 2015.

SA 2912. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

TITLE ____—PROTECT AMERICA ACT OF 2015

SECTION 01. SHORT TITLE.

This title may be cited as the “Protect America Act of 2015”.

SEC. 02. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF FIREARMS TO DANGEROUS TERRORISTS; REQUIRING INFORMATION SHARING REGARDING ATTEMPTED FIREARMS PURCHASES BY SUSPECTED TERRORISTS; AUTHORIZING THE INVESTIGATION AND ARREST OF TERRORISTS WHO ATTEMPT TO PURCHASE FIREARMS.

(a) SHORT TITLE.—This section may be cited as the “Preventing Terrorists From Obtaining Firearms Act of 2015”.

(b) AMENDMENTS.—Section 922(t) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) If the Attorney General is notified of a request to transfer a firearm to a person who is a known or suspected terrorist, the Attorney General shall—

“(i) as appropriate, take further steps to confirm the identity of the prospective transferee and confirm or rule out the suspected nexus to terrorism of the prospective transferee;

“(ii) as appropriate, notify relevant Federal, State, or local law enforcement agencies or intelligence agencies concerning the identity of the prospective transferee; and

“(iii) determine whether the prospective transferee is already the subject of an ongoing terrorism investigation and, as appropriate, initiate such an investigation.

“(B) Upon being notified of a prospective transfer under subparagraph (A), the Attorney General or the United States attorney for the district in which the licensee is located may—

“(i) delay the transfer of the firearm for a period not to exceed 72 hours; and

“(ii) file an emergency petition in a court of competent jurisdiction to prohibit the transfer of the firearm.

“(C)(i) An emergency petition filed under subparagraph (B)(ii) shall be granted upon a showing of probable cause to believe that the transferee has committed or will commit an act of terrorism.

“(ii) In the case of an emergency petition filed under subparagraph (B)(ii) to prohibit the transfer of a firearm, the petition may only be granted after a hearing—

“(I) of which the transferee receives actual notice; and

“(II) at which the transferee has an opportunity to participate with counsel.

“(D) The Attorney General may arrest and detain any transferee with respect to whom an emergency petition is granted under subparagraph (C).

“(E) For purposes of this paragraph—

“(i) the term ‘known or suspected terrorist’ means a person determined by the Attorney General to be known (or appro-

priately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism;

“(ii) the term ‘material support or resources’ has the meaning given the term in section 2339A; and

“(iii) the term ‘terrorism’ includes international terrorism and domestic terrorism, as defined in section 2331.”

SEC. 03. STOP SANCTUARY POLICIES AND PROTECT AMERICANS.

(a) SHORT TITLE.—This section may be cited as the “Stop Sanctuary Policies and Protect Americans Act”.

(b) SANCTUARY JURISDICTION DEFINED.—In this section, the term “sanctuary jurisdiction” means any State or political subdivision of a State, including any law enforcement entity of a State or of a political subdivision of a State, that—

(1) has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

(2) has in effect a statute, ordinance, policy, or practice that prohibits any government entity or official from complying with a detainer that has been lawfully issued or a request to notify about the release of an alien that has been made by the Department of Homeland Security in accordance with section 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations.

(c) LIMITATION ON GRANTS TO SANCTUARY JURISDICTIONS.—

(1) INELIGIBILITY FOR GRANTS.—

(A) LAW ENFORCEMENT GRANTS.—

(i) SCAAP GRANTS.—A sanctuary jurisdiction shall not be eligible to receive funds pursuant to the State Criminal Alien Assistance Program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(ii) COPS GRANTS.—No law enforcement entity of a State or of a political subdivision of a State that has a departmental policy or practice that renders it a sanctuary jurisdiction, and such a policy or practice is not required by statute, ordinance, or other codified law, or by order of a chief executive officer of the jurisdiction, or the executive or legislative board of the jurisdiction, shall be eligible to receive funds directly or indirectly under the ‘Cops on the Beat’ program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(iii) ENFORCEMENT.—The Attorney General, in consultation with the Secretary of Homeland Security, shall terminate the funding described in subparagraphs (A) and (B) to a State or political subdivision of a State on the date that is 30 days after the date on which a notification described in subsection (d)(2) is made to the State or subdivision, unless the Secretary of Homeland Security, in consultation with the Attorney General, determines the State or subdivision is no longer a sanctuary jurisdiction.

(B) COMMUNITY DEVELOPMENT BLOCK GRANTS.—

(i) IN GENERAL.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(I) in section 102 (42 U.S.C. 5302), by adding at the end the following:

“(25) The term ‘sanctuary jurisdiction’ means any State or unit of general local government that—

“(A) has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b) of section 642 of the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

“(B) has in effect a statute, ordinance, policy, or practice that prohibits any government entity or official from complying with a detainer that has been lawfully issued or a request to notify about the release of an alien that has been made by the Department of Homeland Security in accordance with section 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations.”; and

(II) in section 104 (42 U.S.C. 5304)—

(aa) in subsection (b)—

(AA) in paragraph (5), by striking “and” at the end;

(BB) by redesignating paragraph (6) as paragraph (7); and

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

“(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title; and”;

(bb) by adding at the end the following:

“(n) PROTECTION OF INDIVIDUALS AGAINST CRIMINAL ALIENS.—

“(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended to any State or unit of general local government that is a sanctuary jurisdiction.

“(2) RETURNED AMOUNTS.—

“(A) STATE.—If a State is a sanctuary jurisdiction during the period for which the State receives amounts under this title, the Secretary—

“(i) shall direct the State to immediately return to the Secretary any such amounts that have not been obligated by the State as of the date on which the State became a sanctuary jurisdiction; and

“(ii) may use any returned amounts under clause (i) to make grants to other States that are not sanctuary jurisdictions in accordance with this title.

“(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which the unit of general local government receives amounts under this title, any such amounts that have not been obligated by the unit of general local government as of the date on which the unit of general local government became a sanctuary jurisdiction—

“(i) in the case of a unit of general local government that is not in a nonentitlement area, shall be returned to the Secretary to make grants to States and other units of general local government that are not sanctuary jurisdictions in accordance with this title; and

“(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State to make grants to other units of general local government that are not sanctuary jurisdictions in accordance with this title.

“(o) ENFORCEMENT AGAINST FUNDING FOR SANCTUARY JURISDICTIONS.—

“(1) IN GENERAL.—The Secretary shall verify, on a quarterly basis, the determination of the Secretary of Homeland Security and the Attorney General as to whether a State or unit of general local government is a sanctuary jurisdiction and therefore ineligible to receive a grant under this title for purposes of subsections (b)(6) and (n).

“(2) NOTIFICATION.—If the Secretary verifies that a State or unit of general local government is determined to be a sanctuary jurisdiction under paragraph (1), the Secretary shall notify the State or unit of gen-

eral local government that it is ineligible to receive a grant under this title.”.

(i) EFFECTIVE DATE.—The amendments made by clause (i) shall only apply with respect to community development block grants made under title I of the Housing and Community Development Act (42 U.S.C. 5301 et seq.) after the date of the enactment of this Act.

(2) ALLOCATION.—Any funds that are not allocated to a State or political subdivision of a State pursuant to paragraph (1) and the amendments made by paragraph (1) shall be allocated to States and political subdivisions of States that are not sanctuary jurisdictions.

(3) NOTIFICATION OF CONGRESS.—Not later than 5 days after a determination is made pursuant to paragraph (1) to terminate a grant or to refuse to award a grant, the Secretary of Homeland Security shall submit to the Committee on Appropriations and the Committee on the Judiciary of the Senate and the Committee on Appropriations and the Committee on the Judiciary of the House of Representatives a report that fully describes the circumstances and basis for the termination or refusal.

(4) TRANSPARENCY AND ACCOUNTABILITY.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Homeland Security and the Attorney General shall—

(A) determine the States and political subdivisions of States that are sanctuary jurisdictions;

(B) notify each such State or subdivision that it is determined to be a sanctuary jurisdiction; and

(C) publish on the website of the Department of Homeland Security and of the Department of Justice—

(i) a list of each sanctuary jurisdiction;

(ii) the total number of detainees and requests for notification of the release of any alien that has been issued or made to each State or political subdivision of a State; and

(iii) the number of such detainees and requests for notification that have been ignored or otherwise not honored, including the name of the jurisdiction in which each such detainer or request for notification was issued or made.

(5) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement officials of a State or a political subdivision of a State to provide the Secretary of Homeland Security with information related to a victim or a witness to a criminal offense.

(d) STATE AND LOCAL GOVERNMENT AND INDIVIDUAL COMPLIANCE WITH DETAINERS.—

(1) AUTHORITY TO CARRY OUT DETAINERS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) shall be deemed to be acting as an agent of the Department of Homeland Security; and

(B) shall have the authority available to employees of the Department of Homeland Security with regard to actions taken to comply with the detainer.

(2) LIABILITY.—In any legal proceeding brought against a State, a political subdivision of State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) no liability shall lie against the State or political subdivision for actions taken in compliance with the detainer;

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(i) the officer, employee, or agent shall be deemed to be an employee of the Federal Government and an investigative or law enforcement officer and to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(ii) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(iii) the United States shall be substituted as defendant in the proceeding.

(3) CONSTRUCTION.—Nothing in this section may be construed—

(A) to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual; or

(B) to limit the application of the doctrine of official immunity or of qualified immunity in a civil action brought against a law enforcement officer acting pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357).

(e) INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

“(a) IN GENERAL.—Subject to subsections (b) and (c), any alien who—

“(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

“(2) thereafter enters, attempts to enter, or is at any time found in, the United States, unless—

“(A) prior to the alien’s reembarcation at a place outside the United States or the alien’s application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien’s reapplying for admission; or

“(B) with respect to an alien previously denied admission and removed, such alien shall establish that the alien was not required to obtain such advance consent under this Act or any prior Act; shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

“(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

“(1) IN GENERAL.—Notwithstanding the penalty provided in subsection (a), and except as provided in subsection (c), an alien described in subsection (a)—

“(A) who was convicted before such removal or departure of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

“(B) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence;

“(C) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without the permission of the Secretary of Homeland Security, enters, attempts to enter, or is at any time found in, the United States (unless the Secretary of Homeland Security has expressly consented to such alien’s reentry) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both; and

“(D) who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(2) REMOVAL DEFINED.—In this subsection and subsection (c), the term ‘removal’ includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

“(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties provided in subsections (a) and (b), an alien described in subsection (a)—

“(1) who was convicted before such removal or departure of an aggravated felony; or

“(2) who was convicted at least two times before such removal or departure of illegal reentry under this section;

shall be imprisoned not less than five years and not more than 20 years, and may, in addition, be fined under title 18, United States Code.”; and

(3) in subsection (d), as redesignated by paragraph (1)—

(A) by striking “section 242(h)(2)” and inserting “section 241(a)(4)”;

(B) by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(f) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is held invalid for any reason, the remainder of this section, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SA 2913. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

SEC. ____ . EXTENSION OF SPECIAL RULE FOR SENIORS RELATING TO INCOME LEVEL FOR DEDUCTION OF MEDICAL CARE EXPENSES.

Subsection (f) of section 213 of the Internal Revenue Code of 1986 is amended to read as follows:

“(f) SPECIAL RULE.—In the case of any taxable year beginning after December 31, 2012, and ending before January 1, 2024, subsection (a) shall be applied with respect to a taxpayer by substituting ‘7.5 percent’ for ‘10 percent’ if such taxpayer or such taxpayer’s spouse has attained age 65 before the close of such taxable year.”.

SEC. ____ . FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) GENERAL RULE.—

“(1) IMPOSITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of

\$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SA 2914. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

DIVISION B—PROTECTING COMMUNITIES AND PRESERVING THE SECOND AMENDMENT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Protecting Communities and Preserving the Second Amendment Act of 2015”.

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

DIVISION B—PROTECTING COMMUNITIES AND PRESERVING THE SECOND AMENDMENT

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

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

Sec. 101. Reauthorization and improvements to NICS.

Sec. 102. Availability of records to NICS.

Sec. 103. Definitions relating to mental health.

Sec. 104. Clarification that Federal court information is to be made available to the national instant criminal background check system.

Sec. 105. Reports and certifications to Congress.

Sec. 106. Increasing Federal prosecution of gun violence.

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

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

Sec. 109. Straw purchasing of firearms.

- Sec. 110. Increased penalties for lying and buying.
- Sec. 111. Amendments to section 924(a).
- Sec. 112. Amendments to section 924(h).
- Sec. 113. Amendments to section 924(k).
- Sec. 114. Multiple sales reports for rifles and shotguns.
- Sec. 115. Study by the National Institutes of Justice and National Academy of Sciences on the causes of mass shootings.
- Sec. 116. Reports to Congress regarding ammunition purchases by Federal agencies.
- Sec. 117. Incentives for State compliance with NICS mental health record requirements.
- Sec. 118. Firearm commerce modernization.
- Sec. 119. Firearm dealer access to law enforcement information.
- Sec. 120. Interstate transportation of firearms or ammunition.

TITLE II—MENTAL HEALTH

- Sec. 201. Reauthorization and additional amendments to the Mentally Ill Offender Treatment and Crime Reduction Act.
- Sec. 202. Additional purposes for Federal grants.
- Sec. 203. Protecting the second amendment rights of veterans.
- Sec. 204. Applicability of amendments.

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.

TITLE IV—SANCTUARY CITIES

- Sec. 401. Stop Sanctuary Policies and Protect Americans.

SEC. 2. DEFINITIONS.

In this division—

- (1) the term “agency” has the meaning given the term in section 551 of title 5, United States Code;
- (2) the term “NICS” means the National Instant Criminal Background Check System; and
- (3) the term “relevant Federal records” means any record demonstrating that a person is prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

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

SEC. 101. REAUTHORIZATION AND IMPROVEMENTS TO NICS.

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

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

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

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

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

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

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

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

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

(1) in section 102(b)(1)—

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

(B) by striking subparagraph (B); and

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

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

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

SEC. 102. AVAILABILITY OF RECORDS TO NICS.

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

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

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

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

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

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

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

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

(1) agency records are relevant Federal records; and

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

SEC. 103. DEFINITIONS RELATING TO MENTAL HEALTH.

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

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

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

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

“(I) that was issued after—

“(aa) a hearing—

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

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

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

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

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

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

“(aa) was a danger to himself or herself or to others;

“(bb) was guilty but mentally ill in a criminal case, in a jurisdiction that provides for such a verdict;

“(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 by reason of lack of mental responsibility under section 850a of title 10 (article 50a of the Uniform Code of Military Justice);

“(ff) required involuntary inpatient treatment by a psychiatric hospital for any reason, including substance abuse; or

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

“(ii) does not include—

“(I) an admission to a psychiatric hospital for observation; or

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

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

“(i) an order or finding that has expired, has been set aside, has been expunged, or is otherwise no longer applicable because a judicial officer, court, board, commission, adjudicative body, or appropriate official has found that the person who is the subject of the order or finding—

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

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

“(III) has been restored to competency; or

“(IV) no longer requires involuntary inpatient or outpatient treatment by a psychiatric hospital, and the person is not a danger to himself, herself, or others; or

“(ii) an order or finding with respect to which the person who is subject to the order or finding has been granted relief from disabilities under section 925(c), under a program described in section 101(c)(2)(A) or 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note), or under any other State-authorized relief from disabilities program of the State in which the original commitment or adjudication occurred.

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

(2) in section 922—

(A) in subsection (d)(4)—

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

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

(B) in subsection (g)(4)—

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

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

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

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

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

(3) in section 101(c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “to the mental health of a person” and inserting “to whether a person is mentally incompetent”; and

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking “to the mental health of a person” and inserting “to whether a person is mentally incompetent”; and

(ii) in subparagraph (B), by striking “to the mental health of a person” and inserting “to whether a person is mentally incompetent”; and

(4) in section 102(c)(3)—

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

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

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

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

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

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

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

SEC. 105. REPORTS AND CERTIFICATIONS TO CONGRESS.

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

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

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

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

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

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

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

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

(A) identified;

(B) made available to NICS; and

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

(b) CERTIFICATIONS.—

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

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

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

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

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

(c) REPORTS TO CONGRESS ON FIREARMS PROSECUTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 106. INCREASING FEDERAL PROSECUTION OF GUN VIOLENCE.

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

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

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

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

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

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

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

(6) ensure that each person referred to the United States attorney under paragraph (2)

be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(C) COVERED JURISDICTIONS.—

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

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

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

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

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

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

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

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

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

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

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

(e) AUTHORIZATION OF APPROPRIATIONS.—

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

(2) USE OF FUNDS.—

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

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

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

(a) TASKFORCE.—

(1) ESTABLISHMENT.—There is established a task force within the Department of Justice, which shall be known as the Felon and Fugitive Firearm Task Force (referred to in this section as the “Task Force”), to strengthen

the efforts of the Department of Justice to investigate and prosecute cases of convicted felons and fugitives from justice who illegally attempt to purchase a firearm.

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

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

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

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

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

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

(3) DUTIES.—The Task Force shall—

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

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

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

(ii) enhancing cooperation among agencies and entities of the Federal Government in the investigation and prosecution of cases of convicted felons and fugitives from justice attempting to illegally purchase a firearm;

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

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

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

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

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

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

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

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

“(J) the investigation and prosecution of cases of convicted felons and fugitives from justice who illegally attempt to purchase a firearm, in accordance with section 107 of the Protecting Communities and Preserving the Second Amendment Act of 2015, provided that—

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

“(ii) not more than 5 percent of the amounts made available under this subparagraph may be used for the administrative costs of the task force established under section 107 of the Protecting Communities and Preserving the Second Amendment Act of 2015.”

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

The Department of Justice, and any of its law enforcement coordinate agencies, shall not conduct any operation where a Federal firearms licensee is directed, instructed, enticed, or otherwise encouraged by the Department of Justice to sell a firearm to an individual if the Department of Justice, or a coordinate agency, knows or has reasonable

cause to believe that such an individual is purchasing on behalf of another for an illegal purpose unless the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division personally reviews and approves the operation, in writing, and determines that the agency has prepared an operational plan that includes sufficient safeguards to prevent firearms from being transferred to third parties without law enforcement taking reasonable steps to lawfully interdict those firearms.

SEC. 109. STRAW PURCHASING OF FIREARMS.

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

“§ 932. Straw purchasing of firearms

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

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

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

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

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

“(1) purchase or otherwise obtain a firearm, which has been shipped, transported, or received in interstate or foreign commerce, for or on behalf of any other person who the person purchasing or otherwise obtaining the firearm knows—

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

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

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

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

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

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

“§ 933. Trafficking in firearms

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

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

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

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

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

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

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

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

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

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

“(c) PENALTIES.—

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

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

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

“932. *Straw purchasing of firearms.*

“933. *Trafficking in firearms.*”

(c) DIRECTIVE TO THE SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and policy statements to ensure that persons convicted of an offense under section 932 or 933 of title 18, United States Code, and other offenses applicable to the straw purchases and firearms trafficking of firearms are subject to increased penalties in comparison to those currently provided by the guidelines and policy statements for such straw purchasing and firearms trafficking offenses. In its review, the Commission shall consider, in particular, an appropriate amendment to reflect the intent of Congress that straw purchasers without significant criminal histories receive sentences that are sufficient to deter participation in such activities. The Commission shall also review and amend its guidelines and policy statements to reflect the intent of Congress that a person convicted of an offense under section 932 or 933 of title 18, United States Code, who is affiliated with a gang, cartel, organized crime ring, or other such enterprise should be subject to higher penalties than an otherwise unaffiliated individual.

SEC. 110. INCREASED PENALTIES FOR LYING AND BUYING.

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

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

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

“(D) constitutes a Federal crime of terrorism (as defined in section 2332b(g)), smuggles or knowingly brings into the United States, a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.

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

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

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

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

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

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

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

(a) IN GENERAL.—

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

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

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

(1) mental illness;

(2) the availability of mental health and other resources and strategies to help families detect and counter tendencies toward violence;

(3) the availability of mental health and other resources at schools to help detect and counter tendencies of students towards violence;

(4) the extent to which perpetrators of mass shootings, either alleged, convicted, deceased, or otherwise, played violent or adult-themed video games and whether the perpetrators of mass shootings discussed, planned, or used violent or adult-themed video games in preparation of or to assist in carrying out their violent actions;

(5) familial relationships, including the level of involvement and awareness of parents;

(6) exposure to bullying; and

(7) the extent to which perpetrators of mass shootings were acting in a “copycat” manner based upon previous violent events.

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

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

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

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

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

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

SEC. 117. INCENTIVES FOR STATE COMPLIANCE WITH NICS MENTAL HEALTH RECORD REQUIREMENTS.

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

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

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

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

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

“(1) INCENTIVES FOR PROVIDING MENTAL HEALTH RECORDS AND FIXING THE BACKGROUND CHECK SYSTEM.—

“(A) DEFINITION OF COMPLIANT STATE.—In this paragraph, the term ‘compliant State’ means a State that has—

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

“(ii) 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) INCENTIVES FOR COMPLIANCE.—During the period beginning on the date that is 18 months after the enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015 and ending on the date that is 5 years after the date of enactment of such Act, the Attorney General—

“(i) shall use funds appropriated to carry out section 103 of this Act, the excess unobligated balances of the Department of Justice and funds withheld under clause (ii), or any combination thereof, to increase the amounts available under section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) for each

compliant State in an amount that is not less than 2 percent nor more than 5 percent of the amount that was allocated to such State under such section 505 in the previous fiscal year; and

“(ii) may withhold an amount not to exceed the amount described in clause (i) that would otherwise be allocated to a State under any section of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) if the State—

“(I) is not a compliant State; and
“(II) does not submit an assurance to the Attorney General that—

“(aa) an amount that is not less than the amount described in clause (i) will be used solely for the purpose of enabling the State to become a compliant State; or

“(bb) the State will hold in abeyance an amount that is not less than the amount described in clause (i) until such State has become a compliant State.

“(C) REGULATIONS.—Not later than 180 days after the enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, the Attorney General shall issue regulations implementing this paragraph.”.

SEC. 118. FIREARM COMMERCE MODERNIZATION.

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

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

(2) in subparagraph (A)—
(A) by striking “rifle or shotgun” and inserting “firearm”;
(B) by striking “located” and inserting “located or temporarily located”; and

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

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

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

(B) in the last sentence—
(i) by inserting “transfer,” after “sell,”; and
(ii) by striking “Act,” and all that follows and inserting “Act.”; and

(2) by adding at the end the following:
“(m) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition—

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

(c) RESIDENCE OF UNITED STATES OFFICERS.—Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:
“(b) For purposes of this chapter:
“(1) A member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—
“(A) the State in which the member or spouse maintains legal residence;
“(B) the State in which the permanent duty station of the member is located; and
“(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.
“(2) An officer or employee of the United States (other than a member of the Armed Forces) who is stationed outside the United

States for a period of more than 1 year, and a spouse of such an officer or employee, is a resident of the State in which the person maintains legal residence.”.

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

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

(1) by striking “Not later than” and inserting the following:
“(1) IN GENERAL.—Not later than”; and

(2) by adding at the end the following:
“(2) VOLUNTARY BACKGROUND CHECKS.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, the Attorney General shall promulgate regulations allowing licensees to use the national instant criminal background check system established under this section for purposes of conducting voluntary, no fee employment background checks on current or prospective employees.
“(B) NOTICE.—Before conducting an employment background check relating to an individual under subparagraph (A), a licensee shall—
“(i) provide written notice to the individual that the licensee intends to conduct the background check; and
“(ii) obtain consent to conduct the background check from the individual in writing.
“(C) EXEMPTION.—An employment background check conducted by a licensee under subparagraph (A) shall not be governed by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).
“(D) APPEAL.—Any individual who is the subject of an employment background check conducted by a licensee under subparagraph (A) the result of which indicates that the individual is a prohibited person from possessing a firearm or ammunition pursuant to subsection (g) or (n) of section 922 of title 18, United States Code, may appeal the results of the background check in the same manner and to the same extent as if the individual had been the subject of a background check relating to the transfer of a firearm.”.

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

(1) in subsection (a)—
(A) in paragraph (3), by striking “and” at the end;
(B) in paragraph (4), by striking the period at the end and inserting “; and”; and
(C) by inserting after paragraph (4) the following:
“(5) provide a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18 with information necessary to verify whether firearms offered for sale to such licensees have been stolen.”; and

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

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

(d) STATUTORY CONSTRUCTION; EVIDENCE.—

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

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

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

SEC. 120. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.

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

“§ 926A. Interstate transportation of firearms or ammunition

“(a) DEFINITION.—In this section, the term ‘transport’ includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport.
“(b) AUTHORIZATION.—Notwithstanding any provision of any law (including a rule or regulation) of a State or any political subdivision thereof, a person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to—

“(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—
“(A) the firearm is unloaded; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—
“(aa) in a locked container other than the glove compartment or console; or
“(bb) secured by a secure gun storage or safety device; or
“(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and
“(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—
“(A) the ammunition is not loaded into a firearm; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or
“(ii) if the transportation is by other means, the ammunition is in a locked container.

“(c) STATE LAW.—
“(1) ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—
“(A) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the

“(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—
“(A) the firearm is unloaded; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—
“(aa) in a locked container other than the glove compartment or console; or
“(bb) secured by a secure gun storage or safety device; or
“(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and
“(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—
“(A) the ammunition is not loaded into a firearm; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or
“(ii) if the transportation is by other means, the ammunition is in a locked container.

“(c) STATE LAW.—
“(1) ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—
“(A) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the

“(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—
“(A) the firearm is unloaded; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—
“(aa) in a locked container other than the glove compartment or console; or
“(bb) secured by a secure gun storage or safety device; or
“(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and
“(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—
“(A) the ammunition is not loaded into a firearm; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or
“(ii) if the transportation is by other means, the ammunition is in a locked container.

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“(1) ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—
“(A) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the

“(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—
“(A) the firearm is unloaded; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—
“(aa) in a locked container other than the glove compartment or console; or
“(bb) secured by a secure gun storage or safety device; or
“(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and
“(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—
“(A) the ammunition is not loaded into a firearm; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or
“(ii) if the transportation is by other means, the ammunition is in a locked container.

“(c) STATE LAW.—
“(1) ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—
“(A) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the

“(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—
“(A) the firearm is unloaded; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—
“(aa) in a locked container other than the glove compartment or console; or
“(bb) secured by a secure gun storage or safety device; or
“(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and
“(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—
“(A) the ammunition is not loaded into a firearm; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or
“(ii) if the transportation is by other means, the ammunition is in a locked container.

“(c) STATE LAW.—
“(1) ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—
“(A) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the

“(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—
“(A) the firearm is unloaded; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—
“(aa) in a locked container other than the glove compartment or console; or
“(bb) secured by a secure gun storage or safety device; or
“(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and
“(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—
“(A) the ammunition is not loaded into a firearm; and
“(B)(i) if the transportation is by motor vehicle—
“(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or
“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or
“(ii) if the transportation is by other means, the ammunition is in a locked container.

“(c) STATE LAW.—
“(1) ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—
“(A) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the

possession, transportation, or carrying of firearms or ammunition, unless there is probable cause to believe that the transportation is not in accordance with subsection (b); or

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

“(2) PROSECUTION.—

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

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

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

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

TITLE II—MENTAL HEALTH

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

(a) SAFE COMMUNITIES.—

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

(A) in paragraph (7)—

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

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

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

“(9) PRELIMINARILY QUALIFIED OFFENDER.—

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

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

“(II) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; or

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

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

“(I) prosecuting attorney;

“(II) defense attorney;

“(III) probation or corrections official;

“(IV) judge; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(F) ACADEMY TRAINING.—To provide support for academy curricula, law enforcement officer orientation programs, continuing education training, and other programs that teach law enforcement personnel how to identify and respond to incidents involving persons with mental health disorders or co-occurring mental health and substance abuse disorders.”; and

(2) by adding at the end the following:

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

(d) ASSISTING VETERANS.—

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

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

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

“(i) ASSISTING VETERANS.—

“(1) DEFINITIONS.—In this subsection:

“(A) PEER TO PEER SERVICES OR PROGRAMS.—The term ‘peer to peer services or programs’ means services or programs that

connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.

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

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

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

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

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

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

“(iii) alternatives to incarceration; and

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

“(2) VETERANS ASSISTANCE PROGRAM.—

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

“(i) veterans treatment court programs;

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

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

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

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

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

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

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

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

“(j) CORRECTIONAL FACILITIES.—

“(1) DEFINITIONS.—

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

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

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

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

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

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

“(B) to plan and provide—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(ii) provides a model set of practices, systems, or procedures that other jurisdictions

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

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

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

“(1) AUDIT REQUIREMENT.—

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

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

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

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

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

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

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

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

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

“(B) PROHIBITION.—The Attorney General may not award a grant under this part to a section organization that holds money in 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 section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information dis-

closed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

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

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

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

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

“(A) indicating whether—

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

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

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

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

“(m) PREVENTING DUPLICATIVE GRANTS.—

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

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

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

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

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

(1) in paragraph (1);

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

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

(C) by adding at the end the following:

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

(2) by adding at the end the following:

“(3) LIMITATION.—Not more than 20 percent of the funds authorized to be appropriated

under this section may be used for purposes described in subsection (i) (relating to veterans).”.

SEC. 202. ADDITIONAL PURPOSES FOR FEDERAL GRANTS.

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

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

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

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

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

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

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

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

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

SEC. 203. 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:

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

“(a) PROTECTING RIGHTS OF VETERANS WITH EXISTING RECORDS.—Not later than 90 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, the Secretary shall provide written notice in accordance with subsection (b) of the opportunity for administrative review under subsection (c) to all persons who, on the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, are considered to have been adjudicated mentally incompetent or committed to a psychiatric hospital under subsection (d)(4) or (g)(4) of section 922 of title 18 as a result of having been found by the Department to be mentally incompetent.

“(b) NOTICE.—The Secretary shall provide notice under this section to a person described in subsection (a) that notifies the person of—

“(1) the determination made by the Secretary;

“(2) a description of the implications of being considered to have been adjudicated mentally incompetent or committed to a psychiatric hospital under subsection (d)(4) or (g)(4) of section 922 of title 18; and

“(3) the right of the person to request a review under subsection (c)(1).

“(c) ADMINISTRATIVE REVIEW.—

“(1) REQUEST.—Not later than 30 days after the date on which a person described in subsection (a) receives notice in accordance

with subsection (b), such person may request a review by the board designed or established under paragraph (2) or by a court of competent jurisdiction to assess whether the person is a danger to himself or herself or to others. In such assessment, the board may consider the person’s honorable discharge or decorations.

“(2) BOARD.—Not later than 180 days after the date of enactment of the Protecting Communities and Preserving the Second Amendment Act of 2015, the Secretary shall designate or establish a board that shall, upon request of a person under paragraph (1), assess whether the person is a danger to himself or herself or to others.

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

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

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

SEC. 204. APPLICABILITY OF AMENDMENTS.

With respect to any record of a person prohibited from possessing or receiving a firearm under subsection (d)(4) or (g)(4) of section 922 of title 18, United States Code, before the date of enactment of this Act, the Attorney General shall remove such a record from the National Instant Criminal Background Check System—

(1) upon being made aware that the person is no longer considered as adjudicated mentally incompetent or committed to a psychiatric hospital according to the criteria under paragraph (36)(A)(i)(II) of section 921(a) of title 18, United States Code (as added by this title), and is therefore no longer prohibited from possessing or receiving a firearm;

(2) upon being made aware that any order or finding that the record is based on is an order or finding described in paragraph (36)(B) of section 921(a) of title 18, United States Code (as added by this title); or

(3) upon being made aware that the person has been found competent to possess a firearm after an administrative or judicial review under subsection (c) or (d) of section 5511 of title 38, United States Code (as added by this title).

TITLE III—SCHOOL SAFETY

SEC. 301. SHORT TITLE.

This title may be cited as the “School Safety Enhancements Act of 2015”.

SEC. 302. GRANT PROGRAM FOR SCHOOL SECURITY.

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

(1) in subsection (b)—

(A) in paragraph (1)—

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

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

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

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

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

(2) by adding at the end the following:

“(g) INTERAGENCY TASK FORCE.—

“(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the School Safety Enhancements Act of 2015, the Director and the Secretary of Education, or

the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines.

“(2) PUBLICATION OF GUIDELINES.—Not later than 1 year after the date of enactment of the School Safety Enhancements Act of 2015, the advisory school safety guidelines promulgated by the interagency task force shall be published in the Federal Register.

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

SEC. 303. APPLICATIONS.

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

“(2) be accompanied by a report—

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

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

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

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

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

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 305. ACCOUNTABILITY.

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

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

“(1) AUDIT REQUIREMENT.—

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

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

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

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

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

subparagraph (C), the Attorney General shall—

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

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

“(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

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

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

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

“(3) CONFERENCE EXPENDITURES.—

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

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

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

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

“(A) indicating whether—

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

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

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

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

SEC. 306. PREVENTING DUPLICATIVE GRANTS.

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

“(1) PREVENTING DUPLICATIVE GRANTS.—

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

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

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

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

TITLE IV—SANCTUARY CITIES

SEC. 401. STOP SANCTUARY POLICIES AND PROTECT AMERICANS.

(a) SHORT TITLE.—This section may be cited as the “Stop Sanctuary Policies and Protect Americans Act”.

(b) SANCTUARY JURISDICTION DEFINED.—In this section, the term “sanctuary jurisdiction” means any State or political subdivision of a State, including any law enforcement entity of a State or of a political subdivision of a State, that—

(1) has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

(2) has in effect a statute, ordinance, policy, or practice that prohibits any government entity or official from complying with a detainer that has been lawfully issued or a request to notify about the release of an alien that has been made by the Department of Homeland Security in accordance with section 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations.

(c) LIMITATION ON GRANTS TO SANCTUARY JURISDICTIONS.—

(1) INELIGIBILITY FOR GRANTS.—

(A) LAW ENFORCEMENT GRANTS.—

(i) SCAAP GRANTS.—A sanctuary jurisdiction shall not be eligible to receive funds pursuant to the State Criminal Alien Assistance Program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(ii) COPS GRANTS.—No law enforcement entity of a State or of a political subdivision of a State that has a departmental policy or practice that renders it a sanctuary jurisdiction, and such a policy or practice is not required by statute, ordinance, or other codified law, or by order of a chief executive officer of the jurisdiction, or the executive or legislative board of the jurisdiction, shall be eligible to receive funds directly or indirectly under the ‘Cops on the Beat’ program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(iii) ENFORCEMENT.—The Attorney General, in consultation with the Secretary of Homeland Security, shall terminate the funding described in subparagraphs (A) and (B) to a State or political subdivision of a State on the date that is 30 days after the date on which a notification described in subsection

(d)(2) is made to the State or subdivision, unless the Secretary of Homeland Security, in consultation with the Attorney General, determines the State or subdivision is no longer a sanctuary jurisdiction.

(B) COMMUNITY DEVELOPMENT BLOCK GRANTS.—

(i) IN GENERAL.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(I) in section 102 (42 U.S.C. 5302), by adding at the end the following:

“(25) The term ‘sanctuary jurisdiction’ means any State or unit of general local government that—

“(A) has in effect a statute, ordinance, policy, or practice that is in violation of subsection (a) or (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373); or

“(B) has in effect a statute, ordinance, policy, or practice that prohibits any government entity or official from complying with a detainer that has been lawfully issued or a request to notify about the release of an alien that has been made by the Department of Homeland Security in accordance with section 236 and 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) and section 287.7 of title 8, Code of Federal Regulations.”; and

(II) in section 104 (42 U.S.C. 5304)—

(aa) in subsection (b)—

(AA) in paragraph (5), by striking “and” at the end;

(BB) by redesignating paragraph (6) as paragraph (7); and

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

“(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title; and”;

(bb) by adding at the end the following:

“(n) PROTECTION OF INDIVIDUALS AGAINST CRIMINAL ALIENS.—

“(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended to any State or unit of general local government that is a sanctuary jurisdiction.

“(2) RETURNED AMOUNTS.—

“(A) STATE.—If a State is a sanctuary jurisdiction during the period for which the State receives amounts under this title, the Secretary—

“(i) shall direct the State to immediately return to the Secretary any such amounts that have not been obligated by the State as of the date on which the State became a sanctuary jurisdiction; and

“(ii) may use any returned amounts under clause (i) to make grants to other States that are not sanctuary jurisdictions in accordance with this title.

“(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which the unit of general local government receives amounts under this title, any such amounts that have not been obligated by the unit of general local government as of the date on which the unit of general local government became a sanctuary jurisdiction—

“(i) in the case of a unit of general local government that is not in a nonentitlement area, shall be returned to the Secretary to make grants to States and other units of general local government that are not sanctuary jurisdictions in accordance with this title; and

“(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State to make grants to other units of

general local government that are not sanctuary jurisdictions in accordance with this title.

“(O) ENFORCEMENT AGAINST FUNDING FOR SANCTUARY JURISDICTIONS.—

“(1) IN GENERAL.—The Secretary shall verify, on a quarterly basis, the determination of the Secretary of Homeland Security and the Attorney General as to whether a State or unit of general local government is a sanctuary jurisdiction and therefore ineligible to receive a grant under this title for purposes of subsections (b)(6) and (n).

“(2) NOTIFICATION.—If the Secretary verifies that a State or unit of general local government is determined to be a sanctuary jurisdiction under paragraph (1), the Secretary shall notify the State or unit of general local government that it is ineligible to receive a grant under this title.”

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall only apply with respect to community development block grants made under title I of the Housing and Community Development Act (42 U.S.C. 5301 et seq.) after the date of the enactment of this Act.

(2) ALLOCATION.—Any funds that are not allocated to a State or political subdivision of a State pursuant to paragraph (1) and the amendments made by paragraph (1) shall be allocated to States and political subdivisions of States that are not sanctuary jurisdictions.

(3) NOTIFICATION OF CONGRESS.—Not later than 5 days after a determination is made pursuant to paragraph (1) to terminate a grant or to refuse to award a grant, the Secretary of Homeland Security shall submit to the Committee on Appropriations and the Committee on the Judiciary of the Senate and the Committee on Appropriations and the Committee on the Judiciary of the House of Representatives a report that fully describes the circumstances and basis for the termination or refusal.

(4) TRANSPARENCY AND ACCOUNTABILITY.—Not later than 60 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Homeland Security and the Attorney General shall—

(A) determine the States and political subdivisions of States that are sanctuary jurisdictions;

(B) notify each such State or subdivision that it is determined to be a sanctuary jurisdiction; and

(C) publish on the website of the Department of Homeland Security and of the Department of Justice—

(i) a list of each sanctuary jurisdiction;

(ii) the total number of detainees and requests for notification of the release of any alien that has been issued or made to each State or political subdivision of a State; and

(iii) the number of such detainees and requests for notification that have been ignored or otherwise not honored, including the name of the jurisdiction in which each such detainee or request for notification was issued or made.

(5) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement officials of a State or a political subdivision of a State to provide the Secretary of Homeland Security with information related to a victim or a witness to a criminal offense.

(d) STATE AND LOCAL GOVERNMENT AND INDIVIDUAL COMPLIANCE WITH DETAINERS.—

(1) AUTHORITY TO CARRY OUT DETAINERS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) shall be deemed to be acting as an agent of the Department of Homeland Security; and

(B) shall have the authority available to employees of the Department of Homeland Security with regard to actions taken to comply with the detainer.

(2) LIABILITY.—In any legal proceeding brought against a State, a political subdivision of State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) no liability shall lie against the State or political subdivision for actions taken in compliance with the detainer;

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(i) the officer, employee, or agent shall be deemed to be an employee of the Federal Government and an investigative or law enforcement officer and to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(ii) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(iii) the United States shall be substituted as defendant in the proceeding.

(3) CONSTRUCTION.—Nothing in this section may be construed—

(A) to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual; or

(B) to limit the application of the doctrine of official immunity or of qualified immunity in a civil action brought against a law enforcement officer acting pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357).

(e) INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

“(a) IN GENERAL.—Subject to subsections (b) and (c), any alien who—

“(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

“(2) thereafter enters, attempts to enter, or is at any time found in, the United States, unless—

“(A) prior to the alien’s reentry at a place outside the United States or the alien’s application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien’s reapplying for admission; or

“(B) with respect to an alien previously denied admission and removed, such alien shall establish that the alien was not required to obtain such advance consent under this Act or any prior Act;

shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

“(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

“(1) IN GENERAL.—Notwithstanding the penalty provided in subsection (a), and except as provided in subsection (c), an alien described in subsection (a)—

“(A) who was convicted before such removal or departure of three or more mis-

demeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

“(B) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence;

“(C) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without the permission of the Secretary of Homeland Security, enters, attempts to enter, or is at any time found in, the United States (unless the Secretary of Homeland Security has expressly consented to such alien’s reentry) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both; and

“(D) who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(2) REMOVAL DEFINED.—In this subsection and subsection (c), the term ‘removal’ includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

“(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties provided in subsections (a) and (b), an alien described in subsection (a)—

“(1) who was convicted before such removal or departure of an aggravated felony; or

“(2) who was convicted at least two times before such removal or departure of illegal reentry under this section;

shall be imprisoned not less than five years and not more than 20 years, and may, in addition, be fined under title 18, United States Code.”; and

(3) in subsection (d), as redesignated by paragraph (1)—

(A) by striking “section 242(h)(2)” and inserting “section 241(a)(4)”; and

(B) by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(f) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is held invalid for any reason, the remainder of this section, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SA 2915. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the appropriate place, insert the following:

TITLE III—DEFEND OUR CAPITAL ACT
SEC. 301. SHORT TITLE.

This title may be cited as the “Defend Our Capital Act of 2015”.

SEC. 302. RECOGNIZING THE RIGHT OF LAW-ABIDING INDIVIDUALS TO CARRY AND TRANSPORT FIREARMS FOR LEGITIMATE PURPOSES.

(a) LICENSES TO CARRY FIREARMS.—Section 6 of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22-4506, D.C. Official Code), is amended to read as follows:

“SEC. 6. ISSUE OF LICENSES TO CARRY FIREARMS.

“(a) ISSUANCE AND SCOPE OF LICENSE.—

“(1) IN GENERAL.—The Chief shall issue a license, valid for not less than 5 years, to carry a firearm concealed on or about the person to any individual who—

“(A) is not disqualified under subsection (d); and

“(B) completes the application process specified in subsection (f).

“(2) REQUIREMENTS FOR LICENSE.—A license to carry a firearm issued under this section shall meet the requirements specified in subsection (c).

“(3) PROTECTION FROM OTHER CONDITIONS, LIMITATIONS, AND REQUIREMENTS.—The Chief may not impose conditions, limitations, or requirements that are not expressly provided for in this section on the issuance, scope, effect, or content of a license.

“(4) SCHOOL ZONES.—For purposes of section 922(q)(2)(B)(i) of title 18, United States Code, an individual who possesses a firearm in a school zone in the District of Columbia and who is licensed under this section or is an out-of-state licensee shall be considered licensed by the District of Columbia.

“(b) CARRYING A FIREARM; POSSESSION AND DISPLAY OF LICENSE DOCUMENT OR AUTHORIZATION.—

“(1) CARRYING A FIREARM.—A licensee or an out-of-state licensee may carry a firearm anywhere in the District of Columbia except as otherwise prohibited by law or by a limitation or prohibition established pursuant to section 11 of this Act (sec. 22-4511, D.C. Official Code).

“(2) POSSESSION AND DISPLAY OF LICENSE DOCUMENT OR AUTHORIZATION.—A licensee shall carry his or her license document and government-issued photographic identification card and an out-of-state licensee shall carry his or her out-of-state license and government-issued photographic identification card at all times during which he or she is carrying a firearm in any location other than on or in real property owned or leased by the licensee or out-of-state licensee.

“(c) LICENSE DOCUMENT; CONTENT OF LICENSE.—

“(1) DESIGN OF LICENSE DOCUMENT.—Subject to paragraphs (2) and (3), the Chief shall—

“(A) design a single license document for licenses issued and renewed under this section; and

“(B) complete the design of the license document not later than 60 days after the date of enactment of the Defend Our Capital Act of 2015.

“(2) REQUIRED CONTENT OF LICENSE.—A license document for a license issued under this section shall contain all of the following on one side:

“(A) The full name, date of birth, and residence address of the licensee.

“(B) A physical description of the licensee, including sex, height, and eye color.

“(C) The date on which the license was issued.

“(D) The date on which the license expires.

“(E) The words ‘District of Columbia’.

“(F) A unique identification number for the licensee.

“(3) PROHIBITED CONTENT OF LICENSE.—A license document for a license issued under this section may not contain the licensee’s social security number.

“(d) RESTRICTIONS ON ISSUING A LICENSE.—The Chief shall issue a license under this sec-

tion to an individual who submits an application under subsection (f) unless the individual—

“(1) is less than 21 years of age; or

“(2) is prohibited under Federal law or court order from possessing or receiving a firearm.

“(e) APPLICATION AND RENEWAL FORMS.—

“(1) DESIGN.—The Chief shall design an application form for use by individuals who apply for a license under this section and a renewal form for use by individuals applying for renewal of a license under subsection (n).

“(2) DEADLINES.—The Chief shall complete the design of—

“(A) the application form not later than 60 days after the date of enactment of the Defend Our Capital Act of 2015; and

“(B) the renewal form not later than 4 years from the date of enactment of the Defend Our Capital Act of 2015.

“(3) CONTENTS.—The forms described in this subsection shall—

“(A) require the applicant to provide only his or her name, address, date of birth, state identification card number, race, sex, height, eye color, and, if the applicant is not a United States citizen, his or her alien or admission number; and

“(B) include—

“(i) a statement that the applicant is ineligible for a license if subsection (d) applies to the applicant;

“(ii) a statement explaining the laws of self-defense and defense of others in the District of Columbia, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement;

“(iii) a statement, with a place for the applicant to sign his or her name, to indicate that the applicant has read and understands the requirements of this section;

“(iv) a statement that the applicant may be prosecuted if he or she intentionally gives a false answer to any question on the application or intentionally submits a falsified document with the application;

“(v) a statement of the penalties for intentionally giving a false answer to any question on the application or intentionally submitting a falsified document with the application; and

“(vi) a statement describing the places in which a person may be prohibited from carrying a firearm even with a license, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement.

“(4) AVAILABILITY OF FORMS.—The Chief shall make the forms described in this subsection available on the Internet and, upon request, by mail.

“(f) SUBMISSION OF APPLICATION.—An individual may apply to the Chief for a license under this section by submitting to the Chief, by mail or other means made available by the Chief—

“(1) a completed application in the form prescribed under subsection (e);

“(2) a statement that states that the information that the individual is providing in the application submitted under paragraph (1) and any document submitted with the application is true and complete to the best of his or her knowledge;

“(3) a license fee in an amount that is equal to the lesser of—

“(A) the cost of issuing the license; or

“(B) \$50; and

“(4) a fee for a background check under subsection (h) that is not greater than \$25.

“(g) PROCESSING OF APPLICATION.—

“(1) BACKGROUND CHECK.—If a person submits a complete application under subsection (f) and is not prohibited from obtaining a license under paragraph (1) or (3) of subsection (d), the Chief shall conduct a

background check in accordance with subsection (h) upon receiving the application.

“(2) DEADLINE.—Not later than 14 days after the date on which the Chief receives a complete application submitted under subsection (f), the Chief shall—

“(A) except as provided in subparagraph (B), issue the license and promptly send the licensee his or her license document by first-class mail; or

“(B) if subsection (d) applies to the applicant, deny the application in accordance with paragraph (3).

“(3) DENIAL.—If the Chief denies an application submitted under subsection (f), the Chief shall inform the applicant of the denial in writing, stating the reason and factual basis for the denial and the availability of an appeal under subsections (1) and (m).

“(h) BACKGROUND CHECKS.—

“(1) IN GENERAL.—The Chief shall conduct a background check on an applicant by contacting the National Instant Criminal Background Check System to determine whether subsection (d)(2) applies to the applicant.

“(2) CONFIRMATION NUMBER.—The Chief shall create a confirmation number associated with each applicant.

“(3) RESULT.—As soon as practicable after conducting a background check under paragraph (1), the Chief shall—

“(A) if the background check indicates that subsection (d)(2) applies to the applicant, create a unique nonapproval number for the applicant; or

“(B) if the background check does not indicate that subsection (d)(2) applies to the applicant, create a unique approval number for the applicant.

“(4) RECORD.—The Chief shall maintain—

“(A) a record of all complete application forms submitted under subsection (f); and

“(B) a record of all approval or nonapproval numbers regarding background checks conducted under this subsection.

“(i) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE CHIEF.—

“(1) MAINTENANCE OF RECORD.—

“(A) IN GENERAL.—The Chief shall maintain a computerized record listing the name and application information of each individual who has been issued a license under this section.

“(B) RESTRICTION.—Subject to paragraph (3), the Chief may not store, maintain, format, sort, or access the information described in paragraph (1) in any manner other than by—

“(i) the names, dates of birth, or sex of licensees; or

“(ii) the identification numbers assigned to licensees under subsection (h).

“(2) USE BY LAW ENFORCEMENT.—A law enforcement officer may not request or be provided information maintained in the record under paragraph (1) concerning a specific individual except for 1 of the following purposes:

“(A) To confirm that a license produced by an individual is valid.

“(B) If an individual is carrying a firearm and claims to hold a valid license issued under this section, but does not have his or her license document, to confirm that the individual holds a valid license.

“(C) To investigate whether an individual submitted an intentionally false statement.

“(D) To investigate whether an individual complied with a requirement to surrender his or her license in accordance with this section.

“(3) FREEDOM OF INFORMATION.—Notwithstanding the Freedom of Information Act of 1976 (sec. 2-531 et seq., D.C. Official Code), information obtained under this section may not be made available to the public except—

“(A) in the context of a prosecution for an offense in which a person’s status as a licensee is relevant; or

“(B) through a report created by the Chief that shows the number of licenses issued, revoked, or suspended, but excludes any identifying information about individual licensees.

“(J) LOST OR DESTROYED LICENSE.—

“(1) IN GENERAL.—If a license document is lost, a licensee no longer has possession of his or her license document, or a license document is destroyed, unreadable, or unusable, a licensee who wishes to obtain a replacement license document shall submit to the Chief—

“(A) a statement requesting a replacement license document;

“(B) the license document or any portions of the license document that remain; and

“(C) a \$10 replacement fee.

“(2) ISSUANCE.—Not later than 7 days after the date on which the Chief receives a statement, license document or portions thereof (if any), and fee submitted by a licensee under paragraph (1), the Chief shall issue a replacement license document to the licensee.

“(3) ABSENCE OF ORIGINAL LICENSE DOCUMENT.—If a licensee does not submit the original license document to the Chief under paragraph (1), the Chief shall terminate the unique approval number of the original request and issue a new unique approval number for the replacement license document.

“(K) LICENSE REVOCATION AND SUSPENSION.—

“(1) REVOCATION.—The Chief shall revoke a license issued under this section if the Chief determines that subsection (d) applies to the licensee.

“(2) SUSPENSION.—

“(A) IN GENERAL.—The Chief shall suspend a license issued under this section if a court prohibits the licensee from possessing a firearm.

“(B) RESTORATION.—The Chief shall restore a suspended license not later than 5 business days after the date on which the Chief is notified that the licensee is no longer subject to the prohibition described in subparagraph (A) if—

“(i) subsection (d) does not apply to the individual; and

“(ii) the suspended license has not expired under subsection (n).

“(3) PROCEDURES.—

“(A) NOTICE.—If the Chief suspends or revokes a license under this subsection, the Chief shall send by mail to the individual whose license has been suspended or revoked notice of the suspension or revocation not later than 1 day after the suspension or revocation.

“(B) EFFECTIVE DATE.—If the Chief suspends or revokes a license under this subsection, the suspension or revocation shall take effect on the date on which the individual whose license has been suspended or revoked receives the notice under subparagraph (A).

“(C) DELIVERY OF LICENSE DOCUMENT TO CHIEF.—Not later than 7 days after the date on which an individual whose license has been suspended or revoked receives the notice under subparagraph (A), the individual shall—

“(i) deliver the license document personally or by certified mail to the Chief; or

“(ii) mail a signed statement to the Chief stating—

“(I) that the individual no longer has possession of his or her license document; and

“(II) the reasons why the individual no longer has possession of the license document.

“(1) DEPARTMENTAL REVIEW.—The Chief shall promulgate rules providing for the review of any action by the Chief denying an

application for, or suspending or revoking, a license under this section.

“(M) APPEALS TO THE SUPERIOR COURT.—

“(1) RIGHT TO APPEAL.—An individual aggrieved by any action by the Chief denying an application for, or suspending or revoking, a license under this section, may appeal directly to the Superior Court of the District of Columbia without regard to whether the individual has sought review under the process established under subsection (l).

“(2) COMMENCEMENT OF APPEAL.—

“(A) IN GENERAL.—To begin an appeal under this subsection, the aggrieved individual shall file a petition for review with the clerk of the Superior Court of the District of Columbia not later than 30 days after the date on which the individual receives notice of denial of an application for a license or of suspension or revocation of a license.

“(B) CONTENTS; SUPPORTING DOCUMENTS.—A petition filed under subparagraph (A)—

“(i) shall state the substance of the Chief’s action from which the individual is appealing and the grounds upon which the individual believes the Chief’s action to be improper; and

“(ii) may include a copy of any records or documents that are relevant to the grounds upon which the individual believes the Chief’s action to be improper.

“(3) SERVICE UPON CHIEF.—A copy of a petition filed under paragraph (2) shall be served upon the Chief either personally or by registered or certified mail not later than 5 days after the date on which the individual files the petition.

“(4) ANSWER.—

“(A) IN GENERAL.—The Chief shall file an answer to a petition filed under paragraph (2) not later than 15 days after the date on which the Chief is served with the petition under paragraph (3).

“(B) CONTENTS; SUPPORTING DOCUMENTS.—An answer filed under subparagraph (A) shall include—

“(i) a brief statement of the actions taken by the Chief; and

“(ii) a copy of any documents or records on which the Chief based his or her action.

“(5) REVIEW BY COURT.—

“(A) IN GENERAL.—The court shall review the petition, the answer, and any records or documents submitted with the petition or the answer.

“(B) CONDUCT OF REVIEW.—The court shall conduct the review under this paragraph without a jury but may schedule a hearing and take testimony.

“(6) REVERSAL.—The court shall reverse the Chief’s action if the court finds—

“(A) that the Chief failed to follow any procedure, or take any action, prescribed under this section;

“(B) that the Chief erroneously interpreted a provision of law and a correct interpretation compels a different action;

“(C) that the Chief’s action depends on a finding of fact that is not supported by substantial evidence in the record;

“(D) if the appeal is regarding a denial, that the denial was based on factors other than the factors under subsection (d); or

“(E) if the appeal is regarding a suspension or revocation, that the suspension or revocation was based on criteria other than the criteria under subsection (k).

“(7) RELIEF.—

“(A) IN GENERAL.—The court shall provide whatever relief is appropriate regardless of the original form of the petition.

“(B) COSTS AND FEES.—If the court reverses the Chief’s action, the court shall order the Chief to pay the aggrieved individual all court costs and reasonable attorney fees.

“(N) LICENSE EXPIRATION AND RENEWAL.—

“(1) PERIOD OF VALIDITY.—A license issued under this section shall be valid for the 5-

year period beginning on the date on which the license is issued unless the license is suspended or revoked under subsection (k).

“(2) NOTICE OF EXPIRATION.—

“(A) FORM.—The Chief shall design a notice of expiration form.

“(B) MAILING OF NOTICE.—Not later than 90 days before the expiration date of a license issued under this section, the Chief shall mail to the licensee—

“(i) the notice of expiration form; and

“(ii) a form for renewing the license.

“(3) RENEWAL.—

“(A) IN GENERAL.—The Chief shall renew the license of a licensee if—

“(i) not later than 90 days after the expiration date of the license, the licensee submits the renewal application, statement, and fees required under subparagraph (B); and

“(ii) the background check required under subparagraph (C) indicates that subsection (d) does not apply to the licensee.

“(B) RENEWAL APPLICATION; STATEMENT; FEES.—A licensee seeking to renew his or her license shall submit to the Chief—

“(i) a renewal application on the form provided by the Chief;

“(ii) a statement reporting that—

“(I) the information provided under clause (i) is true and complete to the best of the licensee’s knowledge; and

“(II) the licensee is not disqualified under subsection (d); and

“(iii) payment of—

“(I) a renewal fee in an amount that is equal to the lesser of—

“(aa) the cost of renewing the license; or

“(bb) \$25; and

“(II) a fee for a background check that does not exceed \$25.

“(C) BACKGROUND CHECK.—The chief shall conduct a background check of a licensee as provided under subsection (h) before renewing the licensee’s license.

“(D) ISSUANCE OF RENEWAL LICENSE.—Unless a renewal applicant is ineligible under subsection (d), not later than 10 days after the date on which the Chief receives a renewal application, statement, and fees from the applicant under subparagraph (B), the Chief shall issue a renewal license and send it to the applicant by first-class mail.

“(E) MEMBERS OF THE ARMED FORCES.—Notwithstanding paragraph (1), the license of a member of the Armed Forces of the United States, including the National Guard and reserve components, who is deployed overseas while on active duty shall not expire before the date that is 90 days after the end of the licensee’s overseas deployment unless the license is suspended or revoked under subsection (k).

“(O) RECIPROCITY AGREEMENTS.—The Chief shall enter into reciprocity agreements with each other state that requires such an agreement to grant recognition to a license to carry a concealed firearm issued by another state.

“(P) IMMUNITY.—

“(1) IN GENERAL.—The Chief and any designee or employee who carries out the provisions of this section shall be immune from liability arising from any act or omission under this section, if the act or omission is in good faith.

“(2) PROVIDERS OF TRAINING COURSES.—A person providing a firearms training course in good faith shall be immune from liability arising from any act or omission related to the course.”

(b) AUTHORITY TO CARRY FIREARM IN CERTAIN PLACES AND FOR CERTAIN PURPOSES; LAWFUL TRANSPORTATION OF FIREARMS.—The Act of July 8, 1932 (sec. 22-4501 et seq., D.C. Official Code), is amended by inserting after section 4 the following:

“SEC. 4A. AUTHORITY TO CARRY FIREARM IN CERTAIN PLACES AND FOR CERTAIN PURPOSES.

“Notwithstanding any other law, a person not otherwise prohibited by law from shipping, transporting, possessing, or receiving a firearm may carry such firearm, whether loaded or unloaded—

“(1) in the person’s dwelling house or place of business or on land owned or lawfully possessed by the person;

“(2) on land owned or lawfully possessed by another person unless the other person has notified the person by posting or individual notice that firearms are not permitted on the premises;

“(3) while it is being used for lawful recreational, sporting, educational, or training purposes; or

“(4) while it is being transported for a lawful purpose as expressly authorized by District or Federal law and in accordance with the requirements of that law.

“SEC. 4B. LAWFUL TRANSPORTATION OF FIREARMS.

“(a) Any person who is not otherwise prohibited by law from shipping, transporting, possessing, or receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any place where he may lawfully possess the firearm to any other place where he may lawfully possess the firearm if the firearm is transported in accordance with this section.

“(b)(1) If the transportation of the firearm is by a vehicle, the firearm shall be unloaded, and neither the firearm nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the transporting vehicle.

“(2) If the transporting vehicle does not have a compartment separate from the driver’s compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console, and the firearm shall be unloaded.

“(c) If the transportation of the firearm is in a manner other than in a vehicle, the firearm shall be—

“(1) unloaded;

“(2) inside a locked container; and

“(3) separate from any ammunition.”

(c) EXCEPTIONS TO RESTRICTIONS ON CARRYING CONCEALED WEAPONS.—Section 5(a) of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22-4505(a), D.C. Official Code), is amended—

(1) by striking “pistol unloaded and in a secure wrapper from” and inserting “firearm, transported in accordance with section 4B, from”;

(2) by striking “pistol” each place it appears and inserting “firearm”; and

(3) by adding at the end the following:

“(7) Any person carrying a firearm who holds—

“(A) a valid license issued under section 6; or

“(B) any out-of-state license, as defined in section 1.”.

SEC. 303. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

“§ 926D. Reciprocity for the carrying of certain concealed firearms

“(a) IN GENERAL.—Notwithstanding any provision of the law of any State or political subdivision thereof to the contrary—

“(1) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law

of a State and which permits the individual to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes; and

“(2) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled and not prohibited from carrying a concealed firearm in the State in which the individual resides otherwise than as described in paragraph (1), may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

“(b) CONDITIONS AND LIMITATIONS.—The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

“(c) UNRESTRICTED LICENSE OR PERMIT.—In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

“Sec. 926D. Reciprocity for the carrying of certain concealed firearms.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 304. FIREARMS PERMITTED ON DEPARTMENT OF DEFENSE PROPERTY.

Section 930(g)(1) of title 18, United States Code, is amended—

(1) by striking “The term ‘Federal facility’ means” and inserting the following: “The term ‘Federal facility’—

“(A) means”;

(2) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(B) with respect to a qualified member of the Armed Forces, as defined in section 926E(a), does not include any land, a build-

ing, or any part thereof owned or leased by the Department of Defense.”.

SEC. 305. LAWFUL POSSESSION OF FIREARMS ON MILITARY INSTALLATIONS BY MEMBERS OF THE ARMED FORCES.

(a) MODIFICATION OF GENERAL ARTICLE.—Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a) IN GENERAL.—” before “Though not specifically mentioned”; and

(2) by adding at the end the following new subsection:

“(b) POSSESSION OF A FIREARM.—The possession of a concealed or open carry firearm by a member of the armed forces subject to this chapter on a military installation, if lawful under the laws of the State in which the installation is located, is not an offense under this section.”

(b) MODIFICATION OF REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall amend Department of Defense Directive number 5210.56 to provide that members of the Armed Forces may possess firearms for defensive purposes on facilities and installations of the Department of Defense in a manner consistent with the laws of the State in which the facility or installation concerned is located.

SEC. 306. CARRYING OF CONCEALED FIREARMS BY QUALIFIED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, as amended by this title, is amended by inserting after section 926D the following:

“§ 926E. Carrying of concealed firearms by qualified members of the Armed Forces

“(a) DEFINITIONS.—As used in this section—

“(1) the term ‘firearm’—

“(A) except as provided in this paragraph, has the same meaning as in section 921;

“(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act; and

“(C) does not include—

“(i) any machinegun (as defined in section 5845 of the National Firearms Act);

“(ii) any firearm silencer; or

“(iii) any destructive device; and

“(2) the term ‘qualified member of the Armed Forces’ means an individual who—

“(A) is a member of the Armed Forces on active duty status, as defined in section 101(d)(1) of title 10;

“(B) is not the subject of disciplinary action under the Uniform Code of Military Justice;

“(C) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(D) is not prohibited by Federal law from receiving a firearm.

“(b) AUTHORIZATION.—Notwithstanding any provision of the law of any State or any political subdivision thereof, an individual who is a qualified member of the Armed Forces and who is carry identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (c).

“(c) LIMITATIONS.—This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(d) IDENTIFICATION.—The identification required by this subsection is the photographic identification issued by the Department of Defense for the qualified member of the Armed Forces.”.

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

“926E. Carrying of concealed firearms by qualified members of the Armed Forces.”.

SEC. 307. REFORMING D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled “An Act to prohibit the killing of wild birds and wild animals in the District of Columbia”, approved June 30, 1906 (34 Stat. 809; sec. 1-303.43, D.C. Official Code), is amended by adding at the end the following: “Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, carrying, transporting, or using for sporting, self-protection, or other lawful purposes, any firearm neither prohibited by Federal law nor subject to chapter 53 of the Internal Revenue Code of 1986 (commonly referred to as the ‘National Firearms Act’). The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms for legitimate purposes.”.

SEC. 308. REPEAL OF D.C. SEMIAUTOMATIC BAN.

Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code) is amended to read as follows:

“(10) ‘Machine gun’ means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term ‘machine gun’ shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a firearm into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.”.

SEC. 309. REPEAL OF REGISTRATION REQUIREMENT AND AUTHORIZATION OF AMMUNITION SALES.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7-2502.01(a), D.C. Official Code) is amended by striking “any firearm, unless” and all that follows through paragraph (3) and inserting the following: “any firearm described in subsection (c).”.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of the Firearms Control Regulations Act of 1975 (sec. 7-2502.01, D.C. Official Code) is amended by adding at the end the following:

“(c) A firearm described in this subsection is any of the following:

“(1) A sawed-off shotgun.

“(2) A machine gun.

“(3) A short-barreled rifle.”.

(3) CONFORMING AMENDMENT.—The heading of section 201 of the Firearms Control Regulations Act of 1975 (sec. 7-2502.01, D.C. Official Code) is amended by striking “REGISTRATION REQUIREMENTS” and inserting “FIREARM POSSESSION”.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended—

(1) in section 101 (sec. 7-2501.01, D.C. Official Code), by striking paragraph (13); and

(2) by repealing sections 202 through 211 (secs. 7-2502.02 through 7-2502.11, D.C. Official Code).

SEC. 310. REPEAL OF REDUNDANT DEALER LICENSING REQUIREMENT AND PROVISION FOR THE LAWFUL SALE OF FIREARMS BY FEDERALLY LICENSED DEALERS.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 401 of the Firearms Control Regulations Act of 1975 (sec. 7-2504.01, D.C. Official Code) is amended by striking “(a) No person” and all that follows and inserting the following:

“(a) No person or organization shall engage in the business of dealing, importing, or manufacturing firearms without complying with the requirements of Federal law.

“(b) Any dealer who is in compliance with Federal law may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal law. In the case of a sale or transfer of a handgun to a resident of the District of Columbia, a federally licensed importer, manufacturer, or dealer of firearms in Maryland or Virginia shall be treated as a dealer licensed under the provisions of this Act for purposes of the previous sentence, notwithstanding section 922(b)(3) of title 18, United States Code, if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both the District of Columbia and the jurisdiction in which the transfer occurs.”.

(2) PROVIDING FOR THE LAWFUL SALE OF FIREARMS.—Section 501 of the Firearms Control Regulations Act of 1975 (sec. 7-2505.01, D.C. Official Code) is amended by striking “destructive device or ammunition” and all that follows and inserting the following: “or ammunition to any person if the seller or transferor knows or has reasonable cause to believe that such person is prohibited by Federal law from possessing or receiving a firearm.”.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended—

(1) by repealing sections 402 through 409 (secs. 7-2504.02 through 7-2504.09, D.C. Official Code);

(2) by repealing section 502 (sec. 7-2505.02, D.C. Official Code);

(3) in section 701 (sec. 7-2507.01, D.C. Official Code)—

(A) in subsection (a), by striking “firearm, destructive device, or ammunition” and inserting “destructive device”; and

(B) in subsection (b), by striking “any firearm, destructive device, or ammunition.” and inserting “any destructive device.”; and

(4) by repealing section 704 (sec. 7-2507.04, D.C. Official Code).

(c) OTHER CONFORMING AMENDMENTS.—The Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22-4501 et seq., D.C. Official Code), is amended—

(1) in section 3 (sec. 22-4503, D.C. Official Code)—

(A) in subsection (a), by striking “if the person” and all that follows and inserting “if the person is prohibited from possessing a firearm under Federal law.”;

(B) in subsection (b)(1), by striking “subsection (a)(1)” and inserting “subsection (a)”; and

(C) by repealing subsections (c) and (d); and

(2) by repealing sections 7 through 10 (secs. 22-4507 through 22-4510, D.C. Official Code).

SEC. 311. HARMONIZATION OF D.C. LAW AND FEDERAL LAW REGARDING THE POSSESSION OF AMMUNITION AND AMMUNITION FEEDING DEVICES.

Section 601 of the Firearms Control Regulations Act of 1975 (sec. 7-2506.01, D.C. Offi-

cial Code) is amended by striking “(a) No person” and all that follows and inserting the following: “No person who is prohibited by Federal law from possessing a firearm shall possess ammunition in the District of Columbia.”.

SEC. 312. RESTORATION OF RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.02, D.C. Official Code) is repealed.

SEC. 313. REMOVAL OF CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS AND CERTAIN AMMUNITION.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.06, D.C. Official Code) is amended—

(1) by striking “except that” and all that follows through “A person who knowingly” and inserting the following: “except that a person who knowingly”; and

(2) by striking paragraphs (2) and (3).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any violation that occurs after the date that is 60 days after the date of enactment of this Act.

SEC. 314. REGULATING INOPERABLE PISTOLS AND HARMONIZING DEFINITIONS FOR CERTAIN TYPES OF FIREARMS.

Section 1 of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22-4501, D.C. Official Code), is amended—

(1) by redesignating paragraph (1) as paragraph (1)(A);

(2) by inserting before paragraph (1)(A), as redesignated, the following:

“(1) ‘Chief’ shall have the same meaning as provided in section 101(4) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(4), D.C. Official Code).”;

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

“(2A) ‘Firearm’—

“(A) means any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive; and

“(B) does not include—

“(i) a destructive device, as defined in section 101(7) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(7), D.C. Official Code);

“(ii) a device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or

“(iii) a device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.”;

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

“(3A) ‘Licensee’ means an individual holding a valid license issued under the provisions of section 6 of the Act of July 8, 1932 (sec. 22-4506, D.C. Official Code).”;

(5) by striking paragraph (4) and inserting the following:

“(4) ‘Machine gun’ shall have the same meaning as provided in section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code).”;

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

“(4A) ‘Motor vehicle’ shall have the meaning provided in section 101(4) of the Department of Motor Vehicles Reform Amendment Act of 2004 (sec. 50-1331.01(4), D.C. Official Code).

“(4B) ‘Out-of-state license’ means a valid permit, license, approval, or other authorization issued by a state or territory of the United States that authorizes the licensee to carry a firearm concealed on or about the person.

“(4C) ‘Out-of-state licensee’ means an individual who is 21 years of age or over, who is not a District resident, and who has been issued an out-of-state license.”;

(7) by striking paragraph (6) and inserting the following:

“(6) ‘Pistol’ shall have the same meaning as provided in section 101(12) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(12), D.C. Official Code).”;

(8) by inserting after paragraph (6) the following:

“(6A) ‘Place of business’ shall have the same meaning as provided in section 101(12A) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(12A), D.C. Official Code).”;

(9) by striking paragraph (8) and inserting the following:

“(8) ‘Sawed-off shotgun’ shall have the same meaning as provided in section 101(15) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(15), D.C. Official Code).”;

(10) by inserting after paragraph (9) the following:

“(9A) ‘Shotgun’ shall have the same meaning as provided in section 101(16) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(16), D.C. Official Code).”.

SEC. 315. PROHIBITIONS OF FIREARMS FROM PRIVATE AND SENSITIVE PUBLIC PROPERTY.

The Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4501 et seq., D.C. Official Code), is amended by inserting after section 3 the following:

“SEC. 3A. PROHIBITIONS OF FIREARMS FROM PRIVATE AND SENSITIVE PUBLIC PROPERTY.

“(a) Private persons or entities owning property in the District of Columbia may prohibit or restrict the possession of firearms on their property by any persons, other than law enforcement personnel when lawfully authorized to enter onto the property or lessees occupying residential or business premises.

“(b) The District of Columbia may prohibit or restrict the possession of firearms within any building or structure under its control, or in any area of such building or structure, that has implemented security measures (including guard posts, metal detection devices, x-ray or other scanning devices, or card-based or biometric access devices) to identify and exclude unauthorized or hazardous persons or articles, except that no such prohibition or restriction may apply to lessees occupying residential or business premises.”.

SEC. 316. INCLUDING TOY AND ANTIQUE PISTOLS IN PROHIBITION AGAINST USING AN IMITATION FIREARM TO COMMIT A VIOLENT OR DANGEROUS CRIME.

Section 13 of the Act of July 8, 1932 (sec. 22–4513, D.C. Official Code), is amended by striking “section 2 and section 14(b)” and inserting “sections 2, 4(b), and 14(b)”.

SEC. 317. REPEAL OF GUN OFFENDER REGISTRY.

Title VIII of the Firearms Control Regulations Act of 1975 (sec. 7–2508.01 et seq., D.C. Official Code), as added by section 205 of the Omnibus Public Safety and Justice Amendment Act of 2009 (D.C. Law 18–88), is repealed.

SEC. 318. REPEALS OF DISTRICT OF COLUMBIA ACTS.

Effective on the day before the date of the enactment of this Act, each of the following Acts is repealed, and any provision of law amended or repealed by any of such Acts is restored or revived as if such Act had not been enacted into law:

(1) The Assault Weapon Manufacturing Strict Liability Act of 1990 (D.C. Law 8–263).

(2) The Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (D.C. Law 9–115).

(3) The Firearms Registration Amendment Act of 2008 (D.C. Law 17–372).

(4) The Inoperable Pistol Amendment Act of 2008 (D.C. Law 17–388).

(5) The Firearms Amendment Act of 2012 (D.C. Law 19–170).

(6) The Administrative Disposition for Weapons Offenses Amendment Act of 2012 (D.C. Law 19–295).

(7) The License to Carry a Pistol Second Emergency Amendment Act of 2014 (D.C. Act A20–0564).

(8) The License to Carry a Pistol Temporary Amendment Act of 2014 (D.C. Law 20–169).

(9) The License to Carry a Pistol Amendment Act of 2014 (D.C. Act A20–0621).

SEC. 319. REPEAL OF FEDERAL INTERSTATE HANDGUN TRANSFER BAN.

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

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking “and subsection (b)(3)”;

(B) by striking paragraphs (3) and (5);

(C) by redesignating paragraph (4) as paragraph (3);

(D) by redesignating paragraphs (6) through (9) as paragraphs (4) through (7), respectively; and

(E) in paragraph (6), as redesignated, by adding “and” at the end; and

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4); and

(C) in the flush text following paragraph (4), as redesignated—

(i) by striking “(3), and (4)” and inserting “and (3)”;

(ii) by striking “(4)” and inserting “(3)”.

(b) CONFORMING AMENDMENTS.—

(1) Title 18, United States Code, is amended—

(A) in section 924—

(i) in subsection (a)—

(I) in paragraph (1)(B), by striking “(a)(4)” and inserting “(a)(3)”;

(II) in paragraph (2), by striking “(a)(6)” and inserting “(a)(4)”;

(i) in subsection (d)—

(I) in paragraph (1), by striking “(a)(4), (a)(6)” and inserting “(a)(3), (a)(4)”;

(II) in paragraph (3)(C), by striking “section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3)” each place that term appears and inserting “section 922(a)(1)”;

(B) in section 1028A(c)(3), by striking “section 922(a)(6)” and inserting “section 922(a)(4)”.

(2) Section 4182(d) of the Internal Revenue Code of 1986 is amended by striking “922(b)(5)” and inserting “922(b)(4)”.

(3) Section 40733 of title 36, United States Code, is amended by striking “Section 922(a)(1)–(3) and (5) of title 18 does not” and inserting “Paragraphs (1), (2), and (4) of section 922(a) of title 18 shall not”.

(4) Section 161A(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2201a(b)) is amended by striking “subsections (a)(4), (a)(5), (b)(2), (b)(4), and (o) of section 922” and inserting “subsections (a)(3), (b)(2), (b)(3), and (o) of section 922”.

SEC. 320. FIREARMS PERMITTED ON FEDERAL PROPERTY.

Section 930 of title 18, United States Code, is amended—

(1) in subsection (d)—

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

(B) in paragraph (3), by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(4) the lawful storage or possession of a firearm or other dangerous weapon within a publicly accessible, non-sensitive area of

real property owned or leased by the Federal Government.”; and

(2) in subsection (g), by adding at the end the following:

“(4) The term ‘publically accessible, non-sensitive area’ means an area in which the Federal Government has not implemented security measures, including metal detection devices, x-ray or other scanning devices, or card-based or biometric access devices, at a point of entry.”.

SEC. 321. SEVERABILITY.

Notwithstanding any other provision of this title, if any provision of this title, or any amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the other provisions of this title and any other amendments made by this title, and the application of such provision or amendment to other persons or circumstances, shall not be affected thereby.

SA 2916. Mr. McCONNELL submitted an amendment intended to be proposed to amendment SA 2874 proposed by Mr. McCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

Strike all after the first word and insert the following:

I—HEALTH, EDUCATION, LABOR, AND PENSIONS

SEC. 101. THE PREVENTION AND PUBLIC HEALTH FUND.

(a) IN GENERAL.—Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (2), by striking “2017” and inserting “2015”;

(2) by striking paragraphs (3) through (5).

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

SEC. 102. COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting after “Section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(E)) is amended” the following: “by striking ‘\$3,600,000,000’ and inserting ‘\$3,835,000,000’ and”.

SEC. 104. TERRITORIES.

Section 1323(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)) is amended by adding at the end the following:

“(3) NO FORCE AND EFFECT.—Effective January 1, 2018, this subsection shall have no force or effect.”.

SEC. 105. REINSURANCE, RISK CORRIDOR, AND RISK ADJUSTMENT PROGRAMS.

(a) TRANSITIONAL REINSURANCE PROGRAM FOR INDIVIDUAL MARKET.—Section 1341 of the Patient Protection and Affordable Care Act (42 U.S.C. 18061) is amended by adding at the end the following:

“(e) NO FORCE AND EFFECT.—Effective January 1, 2016, the Secretary shall not collect fees and shall not make payments under this section.”.

(b) RISK CORRIDORS FOR PLANS IN INDIVIDUAL AND SMALL GROUP MARKETS.—Section 1342 of the Patient Protection and Affordable Care Act (42 U.S.C. 18062) is amended by adding at the end the following:

“(d) NO FORCE AND EFFECT.—Effective January 1, 2016, this section shall have no force or effect.”.

SEC. 106. SUPPORT FOR STATE RESPONSE TO SUBSTANCE ABUSE PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, \$750,000,000 for each of fiscal years 2016 and 2017, to the Secretary of Health and Human Services (referred to in this section as the “Secretary”) to award grants to States to address the substance abuse public health crisis or to respond to urgent mental health needs within the State. In awarding grants under this section, the Secretary may give preference to States with an incidence or prevalence of substance use disorders that is substantial relative to other States or to States that identify mental health needs within their communities that are urgent relative to such needs of other States. Funds appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent substance abuse.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance abuse, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the State determines appropriate, related to addressing the substance abuse public health crisis or responding to urgent mental health needs within the State.

TITLE II—FINANCE

SEC. 201. RECAPTURE EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.

Subparagraph (B) of section 36B(f)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause: “(iii) NONAPPLICABILITY OF LIMITATION.—This subparagraph shall not apply to taxable years ending after December 31, 2015, and before January 1, 2018.”

SEC. 202. PREMIUM TAX CREDIT AND COST-SHARING SUBSIDIES.

(a) REPEAL OF PREMIUM TAX CREDIT.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking section 36B.

(b) REPEAL OF COST-SHARING SUBSIDY.—Section 1402 of the Patient Protection and Affordable Care Act is repealed.

(c) REPEAL OF ELIGIBILITY DETERMINATIONS.—The following sections of the Patient Protection and Affordable Care Act are repealed:

(1) Section 1411 (other than subsection (i), the last sentence of subsection (e)(4)(A)(ii), and such provisions of such section solely to the extent related to the application of the last sentence of subsection (e)(4)(A)(ii)).

(2) Section 1412.

(d) PROTECTING AMERICANS BY REPEAL OF DISCLOSURE AUTHORITY TO CARRY OUT ELIGIBILITY REQUIREMENTS FOR CERTAIN PROGRAMS.—

(1) IN GENERAL.—Paragraph (21) of section 6103(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2017.”

(e) EFFECTIVE DATES.—

(1) PREMIUM TAX CREDIT.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(2) COST SHARING-SUBSIDIES AND ELIGIBILITY DETERMINATIONS.—The repeals in subsection (b) and (c) shall take effect on December 31, 2017.

(3) PROTECTING AMERICANS BY RESCINDING DISCLOSURE AUTHORITY.—The amendments made by subsection (d) shall take effect on December 31, 2017.

SEC. 203. SMALL BUSINESS TAX CREDIT.

(a) IN GENERAL.—Section 45R of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) SHALL NOT APPLY.—This section shall not apply with respect to amounts paid or incurred in taxable years beginning after December 31, 2017.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2017.

SEC. 204. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B) by striking clauses (ii) and (iii) and inserting the following:

“(i) Zero percent for taxable years beginning after 2014.”, and

(2) in paragraph (3)—

(A) by striking “\$695” in subparagraph (A) and inserting “\$0”,

(B) by striking “and \$325 for 2015” in subparagraph (B), and

(C) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

SEC. 205. EMPLOYER MANDATE.

(a) IN GENERAL.—

(1) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting “(\$0 in the case of months beginning after December 31, 2014)” after “\$2,000”.

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting “(\$0 in the case of months beginning after December 31, 2014)” after “\$3,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2014.

SEC. 206. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term “prohibited entity” means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily

engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded \$350,000,000.

(2) DIRECT SPENDING.—The term “direct spending” has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. 207. MEDICAID.

The Social Security Act (42 U.S.C. 301 et seq.) is amended—

(1) in section 1108(g)(5), by striking “2019” and inserting “2017”;

(2) in section 1902—

(A) in subsection (a)(10)(A), in each of clauses (i)(VIII) and (ii)(XX), by inserting “and ending December 31, 2017,” after “January 1, 2014,”;

(B) in subsection (a)(47)(B), by inserting “and provided that any such election shall cease to be effective on January 1, 2018, and no such election shall be made after that date” before the semicolon at the end; and

(C) in subsection (1)(2)(C), by inserting “and ending December 31, 2017,” after “January 1, 2014,”;

(3) in each of sections 1902(gg)(2) and 2105(d)(3)(A), by striking “September 30, 2019” and inserting “September 30, 2017”;

(4) in section 1905—

(A) in the first sentence of subsection (b), by inserting “(50 percent on or after January 1, 2018)” after “55 percent”;

(B) in subsection (y)(1), by striking the semicolon at the end of subparagraph (B) and all that follows through “thereafter”;

(C) in subsection (z)(2)—

(i) in subparagraph (A), by striking “each year thereafter” and inserting “through 2017”;

(ii) in subparagraph (B)(ii), by striking the semicolon at the end of subclause (IV) and all that follows through “100 percent”;

(5) in section 1915(k)(2), by striking “during the period described in paragraph (1)” and inserting “on or after the date referred to in paragraph (1) and before January 1, 2018”;

(6) in section 1920(e), by adding at the end the following: “This subsection shall not apply after December 31, 2017.”;

(7) in section 1937(b)(5), by adding at the end the following: “This paragraph shall not apply after December 31, 2017.”; and

(8) in section 1943(a), by inserting “and before January 1, 2018,” after “January 1, 2014.”

SEC. 208. REPEAL OF DSH ALLOTMENT REDUCTIONS.

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r-4(f)) is amended by striking paragraphs (7) and (8).

SEC. 209. REPEAL OF THE TAX ON EMPLOYEE HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(c) **SUBSEQUENT EFFECTIVE DATE.**—The amendment made by subsection (a) shall not apply to taxable years beginning after December 31, 2024, and chapter 43 of the Internal Revenue Code of 1986 is amended to read as such chapter would read if such subsection had never been enacted.

SEC. 210. REPEAL OF TAX ON OVER-THE-COUNTER MEDICATIONS.

(a) **HSAs.**—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking “Such term” and all that follows through the period.

(b) **ARCHER MSAs.**—Subparagraph (A) of section 220(d)(2) of the Internal Revenue Code of 1986 is amended by striking “Such term” and all that follows through the period.

(c) **HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.**—Section 106 of the Internal Revenue Code of 1986 is amended by striking subsection (f).

(d) **EFFECTIVE DATES.**—

(1) **DISTRIBUTIONS FROM SAVINGS ACCOUNTS.**—The amendments made by subsections (a) and (b) shall apply to amounts paid with respect to taxable years beginning after December 31, 2015.

(2) **REIMBURSEMENTS.**—The amendment made by subsection (c) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2015.

SEC. 211. REPEAL OF TAX ON HEALTH SAVINGS ACCOUNTS.

(a) **HSAs.**—Section 223(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking “20 percent” and inserting “10 percent”.

(b) **ARCHER MSAs.**—Section 220(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking “20 percent” and inserting “15 percent”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions made after December 31, 2015.

SEC. 212. REPEAL OF LIMITATIONS ON CONTRIBUTIONS TO FLEXIBLE SPENDING ACCOUNTS.

(a) **IN GENERAL.**—Section 125 of the Internal Revenue Code of 1986 is amended by striking subsection (i).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 213. REPEAL OF TAX ON PRESCRIPTION MEDICATIONS.

Subsection (j) of section 9008 of the Patient Protection and Affordable Care Act is amended to read as follows:

“(j) **REPEAL.**—This section shall apply to calendar years beginning after December 31, 2010, and ending before January 1, 2016.”

SEC. 214. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) **IN GENERAL.**—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to sales in calendar quarters beginning after December 31, 2015.

SEC. 215. REPEAL OF HEALTH INSURANCE TAX.

Subsection (j) of section 9010 of the Patient Protection and Affordable Care Act is amended to read as follows:

“(j) **REPEAL.**—This section shall apply to calendar years beginning after December 31, 2013, and ending before January 1, 2016.”

SEC. 216. REPEAL OF ELIMINATION OF DEDUCTION FOR EXPENSES ALLOCABLE TO MEDICARE PART D SUBSIDY.

(a) **IN GENERAL.**—Section 139A of the Internal Revenue Code of 1986 is amended by add-

ing at the end the following new sentence: “This section shall not be taken into account for purposes of determining whether any deduction is allowable with respect to any cost taken into account in determining such payment.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 217. REPEAL OF CHRONIC CARE TAX.

(a) **IN GENERAL.**—Subsection (a) of section 213 of the Internal Revenue Code of 1986 is amended by striking “10 percent” and inserting “7.5 percent”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 218. REPEAL OF MEDICARE TAX INCREASE.

(a) **IN GENERAL.**—Subsection (b) of section 3101 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) **HOSPITAL INSURANCE.**—In addition to the tax imposed by the preceding subsection, there is hereby imposed on the income of every individual a tax equal to 1.45 percent of the wages (as defined in section 3121(a)) received by such individual with respect to employment (as defined in section 3121(b)).”

(b) **SECA.**—Subsection (b) of section 1401 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) **HOSPITAL INSURANCE.**—In addition to the tax imposed by the preceding subsection, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax equal to 2.9 percent of the amount of the self-employment income for such taxable year.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to remuneration received after, and taxable years beginning after, December 31, 2015.

SEC. 219. REPEAL OF TANNING TAX.

(a) **IN GENERAL.**—The Internal Revenue Code of 1986 is amended by striking chapter 49.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to services performed on or after December 31, 2015.

SEC. 220. REPEAL OF NET INVESTMENT TAX.

(a) **IN GENERAL.**—Subtitle A of the Internal Revenue Code of 1986 is amended by striking chapter 2A.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 221. REMUNERATION.

Paragraph (6) of section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) **TERMINATION.**—This paragraph shall not apply to taxable years beginning after December 31, 2015.”

SEC. 222. ECONOMIC SUBSTANCE DOCTRINE.

(a) **IN GENERAL.**—Subsection (o) of section 7701 of the Internal Revenue Code of 1986 is repealed.

(b) **PENALTY FOR UNDERPAYMENTS.**—Paragraph (6) of section 6662(b) of the Internal Revenue Code of 1986 is repealed.

(c) **INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.**—Subsection (i) of section 6662 of the Internal Revenue Code of 1986 is repealed.

(d) **REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.**—Paragraph (2) of section 6664(c) of the Internal Revenue Code of 1986 is repealed.

(e) **REASONABLE CAUSE EXCEPTION FOR NONDISCLOSED TRANSACTIONS.**—Paragraph (2) of section 6664(d) of the Internal Revenue Code of 1986 is repealed.

(f) **ERRONEOUS CLAIM FOR REFUND OR CREDIT.**—Subsection (c) of section 6676 of the Internal Revenue Code of 1986 is repealed.

(g) **EFFECTIVE DATE.**—The repeals made by this section shall apply to transactions entered into, and to underpayments, understatements, or refunds and credits attributable to transactions entered into, after December 31, 2015.

SEC. 223. BUDGETARY SAVINGS FOR EXTENDING MEDICARE SOLVENCY.

As a result of policies contained in this Act, the Secretary of the Treasury shall transfer to the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) \$379,300,000,000 (which represents the full amount of on-budget savings during the period of fiscal years 2016 through 2025) for extending Medicare solvency, to remain available until expended.

SA 2917. Mr. REID submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

In section 209, strike subsection (c).

SA 2918. Mr. MURPHY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the end of section 202, add the following:

(f) **NONAPPLICATION.**—

(1) **IN GENERAL.**—The amendments made by this section shall not take effect if such amendments would result in an increase of Federal tax liability of any individual described in paragraph (2).

(2) **INDIVIDUALS DESCRIBED.**—The individuals described in this paragraph are the following:

(A) Individuals who are victims of violent crime, including domestic violence.

(B) Individuals who are victims of cancer, heart disease, Alzheimer’s disease, hepatitis C, HIV/AIDS, or other deadly diseases.

(C) Individuals who are veterans, including disabled veterans.

(D) Individuals who lost their health insurance when they lost their jobs, including those who lost their job because their employer moved their job overseas.

(E) Individuals who are survivors of cancer, strokes, or other chronic diseases.

(F) Pregnant women.

SEC. 202A. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) **IN GENERAL.**—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) **GENERAL RULE.**—

“(1) **IMPOSITION OF TAX.**—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(ii) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or

compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 202B. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (E) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (D) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term ‘publicly held corporation’ means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

“(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 781), or

“(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).”.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking “covered employee” each place it appears in paragraphs (1) and (4) and inserting “covered individual”, and

(B) by striking “such employee” each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting “such individual”.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

“(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term ‘covered individual’ means any individual who is an officer, di-

rector, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.”.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.”.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 202C. MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

“(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

“(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting ‘80 percent’ for ‘60 percent’, or

“(B) such corporation is an inverted domestic corporation.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes after November 30, 2015, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

“(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

“(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN

COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on November 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.”

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” and inserting “after March 4, 2003, and before December 1, 2015.”

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(i) and (b)(2)(B)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B),

(B) in paragraph (3), by inserting “or (b)(2)(B), as the case may be,” after “(a)(2)(B)(ii)”,

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(i) and (b)(2)(B)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after November 30, 2015.

SA 2919. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2916 submitted by Mr. MCCONNELL to the amendment SA 2874 proposed by Mr. MCCONNELL to the bill H.R. 3762, to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016; as follows:

At the end of title II, add the following:

SEC. . FREEDOM TO KEEP HEALTH INSURANCE COVERAGE.

(a) ADVANCE PREMIUM TAX CREDITS.—

(1) IN GENERAL.—The amendments and repeals made by section 202 shall not apply to any individual who—

(A) receives an advanced payment under section 1412 of the Patient Protection and Affordable Care Act of the premium tax credit under section 36B of the Internal Revenue of 1986 for the month of December 2017, and

(B) makes an election under this subsection at such time and in such manner as determined by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury.

(2) LIMITATION.—Paragraph (1) shall not apply to an individual for any month after which it is determined that such individual is not eligible to receive such an advanced payment (determined after the application of paragraph (1)).

(b) MEDICAID.—Any State that chooses to make medical assistance available under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)) to individuals described in that section may elect on or before December 31, 2017, to have the amendments made by section 207 not

apply to the State and for the State to continue to make medical assistance available under its State Medicaid plan to all individuals as if such amendments had not taken effect.

SEC. . FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS

“Sec. 59A. Fair share tax.

“SEC. 59A. FAIR SHARE TAX.

“(a) GENERAL RULE.—

“(1) IMPOSITION OF TAX.—In the case of any high-income taxpayer, there is hereby imposed for a taxable year (in addition to any other tax imposed by this subtitle) a tax equal to the product of—

“(A) the amount determined under paragraph (2), and

“(B) a fraction (not to exceed 1)—

“(i) the numerator of which is the excess of—

“(I) the taxpayer’s adjusted gross income, over

“(II) the dollar amount in effect under subsection (c)(1), and

“(i) the denominator of which is the dollar amount in effect under subsection (c)(1).

“(2) AMOUNT OF TAX.—The amount of tax determined under this paragraph is an amount equal to the excess (if any) of—

“(A) the tentative fair share tax for the taxable year, over

“(B) the excess of—

“(i) the sum of—

“(I) the regular tax liability (as defined in section 26(b)) for the taxable year, determined without regard to any tax liability determined under this section,

“(II) the tax imposed by section 55 for the taxable year, plus

“(III) the payroll tax for the taxable year, over

“(ii) the credits allowable under part IV of subchapter A (other than sections 27(a), 31, and 34).

“(b) TENTATIVE FAIR SHARE TAX.—For purposes of this section—

“(1) IN GENERAL.—The tentative fair share tax for the taxable year is 30 percent of the excess of—

“(A) the adjusted gross income of the taxpayer, over

“(B) the modified charitable contribution deduction for the taxable year.

“(2) MODIFIED CHARITABLE CONTRIBUTION DEDUCTION.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The modified charitable contribution deduction for any taxable year is an amount equal to the amount which bears the same ratio to the deduction allowable under section 170 (section 642(c) in the case of a trust or estate) for such taxable year as—

“(i) the amount of itemized deductions allowable under the regular tax (as defined in section 55) for such taxable year, determined after the application of section 68, bears to

“(ii) such amount, determined before the application of section 68.

“(B) TAXPAYER MUST ITEMIZE.—In the case of any individual who does not elect to itemize deductions for the taxable year, the modified charitable contribution deduction shall be zero.

“(c) HIGH-INCOME TAXPAYER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘high-income taxpayer’ means, with respect to any taxable year, any taxpayer (other than a corporation) with an adjusted gross income for such taxable year in excess of \$1,000,000 (50 percent of such amount in the case of a married individual who files a separate return).

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2016, the \$1,000,000 amount under paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the next lowest multiple of \$10,000.

“(d) PAYROLL TAX.—For purposes of this section, the payroll tax for any taxable year is an amount equal to the excess of—

“(1) the taxes imposed on the taxpayer under sections 1401, 1411, 3101, 3201, and 3211(a) (to the extent such tax is attributable to the rate of tax in effect under section 3101) with respect to such taxable year or wages or compensation received during such taxable year, over

“(2) the deduction allowable under section 164(f) for such taxable year.

“(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—For purposes of this section, in the case of an estate or trust, adjusted gross income shall be computed in the manner described in section 67(e).

“(f) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter (other than the credit allowed under section 27(a)) or for purposes of section 55.”

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART VII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. . MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (E) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking “subparagraphs (B), (C), and (D) thereof” in subparagraph (D) and inserting “subparagraph (B) thereof”, and

(ii) by striking “subparagraphs (F) and (G)” in subparagraph (G) and inserting “subparagraphs (D) and (E)”.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term ‘publicly held corporation’ means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

“(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 78l), or

“(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).”.

(C) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking “covered employee” each place it appears in paragraphs (1) and (4) and inserting “covered individual”, and

(B) by striking “such employee” each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting “such individual”.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

“(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term ‘covered individual’ means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting “(as in effect for taxable years beginning before January 1, 2016)” after “section 162(m)(3)”.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.”.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.”.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. ____ . MODIFICATIONS TO RULES RELATING TO INVERTED CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 7874 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

“(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if—

“(A) such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting ‘80 percent’ for ‘60 percent’, or

“(B) such corporation is an inverted domestic corporation.

“(2) INVERTED DOMESTIC CORPORATION.—For purposes of this subsection, a foreign corporation shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

“(A) the entity completes after November 30, 2015, the direct or indirect acquisition of—

“(i) substantially all of the properties held directly or indirectly by a domestic corporation, or

“(ii) substantially all of the assets of, or substantially all of the properties constituting a trade or business of, a domestic partnership, and

“(B) after the acquisition, more than 50 percent of the stock (by vote or value) of the entity is held—

“(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

“(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership.

(3) EXCEPTION FOR CORPORATIONS WITH SUBSTANTIAL BUSINESS ACTIVITIES IN FOREIGN COUNTRY OF ORGANIZATION.—A foreign corporation described in paragraph (2) shall not be treated as an inverted domestic corporation if after the acquisition the expanded affiliated group which includes the entity has substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. For purposes of subsection (a)(2)(B)(iii) and the preceding sentence, the term ‘substantial business activities’ shall have the meaning given such term under regulations in effect on November 30, 2015, except that the Secretary may issue regulations increasing the threshold percent in any of the tests under such regulations for determining if business activities constitute substantial business activities for purposes of this paragraph.”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 7874(a)(2)(B) of such Code is amended by striking “after March 4, 2003,” and inserting “after March 4, 2003, and before December 1, 2015.”.

(2) Subsection (c) of section 7874 of such Code is amended—

(A) in paragraph (2)—

(i) by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(ii) by inserting “or (b)(2)(A)” after “(a)(2)(B)(i)” in subparagraph (B),

(B) in paragraph (3), by inserting “or (b)(2)(B), as the case may be,” after “(a)(2)(B)(ii)”,

(C) in paragraph (5), by striking “subsection (a)(2)(B)(ii)” and inserting “subsections (a)(2)(B)(ii) and (b)(2)(B)”, and

(D) in paragraph (6), by inserting “or inverted domestic corporation, as the case may be,” after “surrogate foreign corporation”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after November 30, 2015.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 3, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on December 3, 2015, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 3, 2015, at 9 a.m., to conduct a closed briefing entitled “The U.S. Role in the Middle East.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. McCAIN. 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 December 3, 2015, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT SUCCESS ACT— CONFERENCE REPORT

Mr. McCONNELL. Mr. President, I ask the Chair to lay before the Senate the conference report accompanying S. 1177.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany S. 1177, which will be stated by title.

The senior assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1177), to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the Record of November 30, 2015.)

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany S. 1177, an act to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Mitch McConnell, Lamar Alexander, Mike Rounds, Deb Fischer, Dan Sullivan, Lisa Murkowski, Orrin G. Hatch, Shelley Moore Capito, Pat Roberts, Chuck Grassley, Richard Burr, Cory