

116TH CONGRESS
1ST SESSION

H. R. 3554

To incentivize State reporting systems that allow mental health professionals to submit information on certain individuals deemed dangerous for purposes of prohibiting firearm possession by such individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019

Mr. CICILLINE (for himself, Ms. WILSON of Florida, Mr. KHANNA, Ms. NORTON, Mrs. HAYES, Ms. SCHAKOWSKY, Ms. MUCARSEL-POWELL, Mr. DESAULNIER, Ms. GARCIA of Texas, Ms. KELLY of Illinois, Mr. NEGUSE, Mr. HASTINGS, Ms. MENG, Mr. CONNOLLY, Mr. SIRES, Mr. LARSON of Connecticut, Mr. LOWENTHAL, Ms. MOORE, and Ms. BROWNLEY of California) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To incentivize State reporting systems that allow mental health professionals to submit information on certain individuals deemed dangerous for purposes of prohibiting firearm possession by such individuals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “End Purchase of Fire-
3 arms by Dangerous Individuals Act of 2019”.

4 **SEC. 2. STATE REPORTING SYSTEMS.**

5 (a) STATE REPORTING SYSTEMS AS CONDITION OF
6 RECEIVING FULL EDWARD BYRNE MEMORIAL JUSTICE
7 ASSISTANCE GRANTS AMOUNTS.—

8 (1) IN GENERAL.—For each fiscal year begin-
9 ning with fiscal year 2019, a State shall—

10 (A) establish a reporting system, in accord-
11 ance with guidelines provided pursuant to sec-
12 tion 4(a), through which mental health profes-
13 sionals may report to appropriate State enti-
14 ties—

15 (i) in accordance with paragraph (2),
16 information described in such paragraph
17 with respect to individuals described in
18 such paragraph;

19 (ii) in accordance with paragraph (3),
20 information described in such paragraph
21 with respect to individuals described in
22 such paragraph; and

23 (iii) in accordance with paragraph (4),
24 information described in such paragraph
25 with respect to individuals described in
26 such paragraph;

1 (B) establish under State law a process, in
2 accordance with the guidelines provided pursu-
3 ant to section 4(b), relating to temporarily com-
4 mitting individuals involuntarily to, or holding
5 individuals involuntarily at, mental health facili-
6 ties;

7 (C) from the information collected by the
8 State pursuant to subparagraph (A), make elec-
9 tronically available to the Attorney General
10 records relevant to a determination of whether
11 a person is disqualified from possessing or re-
12 ceiving a firearm under subsection (g)(4) of sec-
13 tion 922 of title 18, United States Code, or ap-
14 plicable State law;

15 (D) upon notification under a subsequent
16 paragraph of this section or subparagraph (G),
17 or otherwise as specified under such paragraph
18 or subparagraph, that the basis under which a
19 record was made available under subparagraph
20 (A) does not apply, or no longer applies, shall,
21 as soon as practicable—

22 (i) update, correct, modify, or remove,
23 as applicable, the record from any data-
24 base that the Federal or State government
25 maintains and makes available to the Na-

1 tional Instant Criminal Background Check
2 System, consistent with the rules per-
3 taining to that database; and

4 (ii) notify the Attorney General that
5 such basis no longer applies so that the
6 record system in which the record is main-
7 tained is kept up to date;

8 (E) ensure that the information submitted
9 to the reporting system pursuant to this sub-
10 section—

11 (i) with respect to an individual de-
12 scribed in paragraph (3), is removed from
13 such system on the date described in the
14 second sentence of such paragraph; and

15 (ii) with respect to an individual de-
16 scribed in paragraph (4), is removed from
17 such system on the date described in the
18 second sentence of such paragraph;

19 (F) ensure that the reporting system es-
20 tablished under subparagraph (A) includes an
21 appeals process comparable to such a process
22 applied with respect to the National Instant
23 Criminal Background Check System, including
24 with respect to procedures for notifications of
25 individuals with respect to whom information is

submitted to the reporting system and an opportunity to review and appeal such submission; and

(G)(i) ensure that any individual who—

(I) is disqualified from possessing or receiving a firearm under subsection (g)(4) of section 922, of title 18, United States Code, or applicable State law pursuant to information reported through the reporting system established under subparagraph (A); and

(II) at the time of inclusion of such information in such reporting system is under 18 years of age,

is evaluated by a mental health professional by not later than the date the individual is 21 years of age in order to determine if such individual should remain so disqualified; and

(ii) upon determination that such individual should not remain so disqualified, notify the appropriate State entity that the information so reported no longer applies for inclusion in the reporting system or any database or record described in subparagraph (D).

1 (2) INDIVIDUALS TEMPORARILY COMMITTED ON
2 A VOLUNTARY BASIS.—For purposes of subsection
3 (a)(1)(A)(i), in the case of an individual who is com-
4 mitted on a voluntary basis to a mental institution
5 (as defined for purposes of section 922(g)(4) of title
6 18, United States Code) in a State, the mental
7 health professional who is primarily responsible for
8 the individual’s treatment at such institution—

9 (A) may report to the reporting system es-
10 tablished by the State under paragraph (1)(A)
11 information with respect to such individual that
12 is sufficient for inclusion in the National In-
13 stant Criminal Background Check System and
14 consistent with Federal and State privacy laws
15 if such mental health professional determines,
16 in accordance with the guidelines provided pur-
17 suant to section 4(a) and with section 5(c),
18 such individual is a danger to the individual or
19 to others; and

20 (B) upon discharge of such individual from
21 such institution, shall notify the appropriate
22 State entity that the information submitted
23 under subparagraph (A) no longer applies for
24 inclusion in the reporting system established

1 under paragraph (1)(A) or any database or
2 record described in paragraph (1)(D).

3 (3) INDIVIDUALS TEMPORARILY COMMITTED OR
4 HELD ON AN INVOLUNTARY BASIS.—For purposes of
5 subsection (a)(1)(A)(ii), in the case of an individual
6 who is temporarily committed or held on an involun-
7 tary basis, in accordance with a process described in
8 paragraph (1)(B), to a mental institution (as defined
9 for purposes of section 922(g)(4) of title 18, United
10 States Code) in a State, the mental health profes-
11 sional who is primarily responsible for the individ-
12 ual’s treatment at such institution may report to the
13 reporting system established by the State under
14 paragraph (1)(A), as soon as is practicable after the
15 date the individual is released from such institution,
16 information with respect to such individual that is
17 sufficient for inclusion in the National Instant
18 Criminal Background Check System and consistent
19 with Federal and State privacy laws if such mental
20 health professional determines, in accordance with
21 the guidelines provided pursuant to section 4(a) and
22 with section 5(c), such individual is a danger to the
23 individual or to others. On the date that is 5 years
24 after the date of such release, for purposes of sub-
25 sections (a)(1)(D) and (b)(1), the appropriate State

1 entity and the Attorney General shall be deemed to
2 have been notified that the information submitted
3 under the previous sentence no longer applies for in-
4 clusion in the reporting system established under
5 paragraph (1)(A) or any database or record de-
6 scribed in paragraph (1)(D).

7 (4) INDIVIDUALS MAKING SPECIFIC THREAT TO
8 MENTAL HEALTH PROFESSIONAL.—For purposes of
9 subsection (a)(1)(A)(iii), in the case of an individual
10 who communicates to a mental health professional a
11 serious threat, as determined by the professional in
12 accordance with the guidance provided pursuant to
13 section 4(a), of physical violence against another in-
14 dividual who is reasonably identifiable, the mental
15 health professional may report to the reporting sys-
16 tem established by the State under paragraph
17 (1)(A), as soon as is practicable after the date of
18 such communication, information with respect to
19 such individual that is sufficient for inclusion in the
20 National Instant Criminal Background Check Sys-
21 tem and consistent with Federal and State privacy
22 laws. On the date that is 6 months after the date
23 of such report, for purposes of subsections (a)(1)(D)
24 and (b)(1), the appropriate State entity and the At-
25 torney General shall be deemed to have been notified

1 that the information submitted under the previous
2 sentence no longer applies for inclusion in the re-
3 porting system established under paragraph (1)(A)
4 or any database or record described in paragraph
5 (1)(D).

6 (b) NATIONAL INSTANT CRIMINAL BACKGROUND
7 CHECK SYSTEM UPDATES REQUIRED.—

8 (1) IN GENERAL.—The Attorney General upon
9 receiving notice pursuant to subsection (a)(1)(D)
10 shall ensure that the record in the National Instant
11 Criminal Background Check System is updated, cor-
12 rected, modified, or removed within 30 days of re-
13 ceipt.

14 (2) SPECIFIC INFORMATION REMOVED FROM
15 RECORD.—The Attorney General shall ensure that
16 the information submitted to the National Instant
17 Criminal Background Check System pursuant to
18 subsection (a)—

19 (A) with respect to an individual described
20 in paragraph (3) of subsection (a), is removed
21 from such system on the date described in the
22 second sentence of such paragraph; and

23 (B) with respect to an individual described
24 in paragraph (4) of subsection (a), is removed

1 from such system on the date described in the
2 second sentence of such paragraph.

3 (c) ENFORCEMENT.—

4 (1) ATTORNEY GENERAL REPORT.—

5 (A) IN GENERAL.—Not later than January
6 31 of each year, the Attorney General shall sub-
7 mit to the Committee on the Judiciary of the
8 Senate and the Committee on the Judiciary of
9 the House of Representatives a report on the
10 progress of the States in implementing and
11 maintaining the reporting system described in
12 subparagraph (A) of subsection (a)(1) and
13 process described in subparagraph (B) of such
14 subsection, and in providing that information
15 pursuant to the requirements of subparagraphs
16 (C) and (D) of such subsection.

17 (B) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There are authorized to be appro-
19 priated to the Department of Justice, such
20 funds as may be necessary to carry out sub-
21 paragraph (A).

22 (2) PENALTIES.—

23 (A) DISCRETIONARY REDUCTION.—

24 (i) For each year during the 2-year
25 period beginning 3 years after the date of

1 enactment of this Act, the Attorney Gen-
2 eral may withhold not more than 3 percent
3 of the amount that would otherwise be al-
4 located to a State for such year under sec-
5 tion 505 of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (42 U.S.C.
7 3755) if the State is not in compliance
8 with each requirement under subsection
9 (a)(1) with respect to such year.

10 (ii) For each year during the 5-year
11 period after the expiration of the period re-
12 ferred to in clause (i), the Attorney Gen-
13 eral may withhold not more than 4 percent
14 of the amount that would otherwise be al-
15 located to a State for such year under sec-
16 tion 505 of the Omnibus Crime Control
17 and Safe Streets Act of 1968 (42 U.S.C.
18 3755) if the State is not in compliance
19 with each requirement under subsection
20 (a)(1) with respect to such year.

21 (B) MANDATORY REDUCTION.—For each
22 year after the expiration of the periods referred
23 to in subparagraph (A), the Attorney General
24 shall withhold 5 percent of the amount that
25 would otherwise be allocated to a State for such

1 year under section 505 of the Omnibus Crime
2 Control and Safe Streets Act of 1968 (42
3 U.S.C. 3755), if the State is not in compliance
4 with each requirement under subsection (a)(1)
5 with respect to such year.

6 (C) WAIVER BY ATTORNEY GENERAL.—

7 The Attorney General may waive the applica-
8 bility of subparagraph (B) to a State with re-
9 spect to the requirements described in subpara-
10 graphs (A), (B), and (C) of subsection (a)(1) if
11 the State provides substantial evidence, as de-
12 termined by the Attorney General, that the
13 State is making a reasonable effort to comply
14 with such requirements.

15 (3) REALLOCATION.—Any funds that are not

16 allocated under section 505 of the Omnibus Crime
17 Control and Safe Streets Act of 1968 (42 U.S.C.
18 3755) to a State pursuant to paragraph (2) because
19 of the failure of the State to comply with the re-
20 quirements of subsection (a)(1) shall be reallocated
21 under such section to States that meet such require-
22 ments.

1 **SEC. 3. ADDITIONAL FIREARMS PROHIBITIONS TO FED-**
2 **ERAL NICS SYSTEM BASED ON STATE RE-**
3 **PORTING SYSTEMS.**

4 Section 922 of title 18, United States Code, is
5 amended—

6 (1) in subsection (d)—

7 (A) by amending paragraph (4) to read as
8 follows:

9 “(4) has been—

10 “(A) adjudicated as a mental defective; or

11 “(B) committed to any mental institution,

12 and—

13 “(i) in the case of a voluntary com-
14 mitment—

15 “(I) has been determined by a
16 mental health professional, in accord-
17 ance with section 5(c) of the End
18 Purchase of Firearms by Dangerous
19 Individuals Act of 2019, to present a
20 danger to others; and

21 “(II) is serving a period of com-
22 mitment at such institution;

23 “(ii) in the case of a temporary invol-
24 untary commitment or hold through a
25 process established pursuant to section
26 2(a)(1)(B) of the End Purchase of Fire-

arms by Dangerous Individuals Act of
2019—

“(I) has been determined by a
mental health professional, in accord-
ance with section 5(c) of the End
Purchase of Firearms by Dangerous
Individuals Act of 2019, to present a
danger to others; and

“(II) is serving a period of com-
mitment at such institution, or has
been released from such institution
for a period of less than 5 years; or

“(iii) in the case of a formal commit-
ment by a court, board, commission, or
other lawful authority, is serving a period
of commitment at such institution, or has
been released from such institution;”;

(B) in paragraph (8), by striking “or” at
the end;

(C) in paragraph (9), by striking the pe-
riod at the end and inserting “; or”; and

(D) by inserting after paragraph (9), the
following new paragraph:

“(10) during the prior 6-month period, has
communicated to a mental health professional a seri-

1 ous threat to commit an act of physical violence
2 against another identifiable person.”; and

3 (2) in subsection (g)—

4 (A) by amending paragraph (4) to read as
5 follows:

6 “(4) who has been—

7 “(A) adjudicated as a mental defective; or

8 “(B) committed to any mental institution,
9 and—

10 “(i) in the case of a voluntary com-
11 mitment—

12 “(I) has been determined by a
13 mental health professional, in accord-
14 ance with section 5(c) of the End
15 Purchase of Firearms by Dangerous
16 Individuals Act of 2019, to present a
17 danger to others; and

18 “(II) is serving a period of com-
19 mitment at such institution;

20 “(ii) in the case of a temporary invol-
21 untary commitment or hold through a
22 process established pursuant to section
23 2(a)(1)(B) of the End Purchase of Fire-
24 arms by Dangerous Individuals Act of
25 2019—

1 “(I) has been determined by a
2 mental health professional, in accord-
3 ance with section 5(c) of the End
4 Purchase of Firearms by Dangerous
5 Individuals Act of 2019, to present a
6 danger to others; and

7 “(II) is serving a period of com-
8 mitment at such institution, or has
9 been released from such institution
10 for a period of less than 5 years; or

11 “(iii) in the case of a formal commit-
12 ment by a court, board, commission, or
13 other lawful authority, is serving a period
14 of commitment at such institution, or has
15 been released from such institution;”;

16 (B) in paragraph (8), by striking “or” at
17 the end;

18 (C) in paragraph (9), by striking the
19 comma at the end and inserting “; or”; and

20 (D) by inserting after paragraph (9), the
21 following new paragraph:

22 “(10) who has communicated to a mental
23 health professional a serious threat to commit an act
24 of physical violence against another identifiable per-

1 son, for a period of 6 months after making such a
2 threat,”.

3 **SEC. 4. GUIDELINES.**

4 (a) GENERAL GUIDELINES FOR STATE REPORTING
5 SYSTEMS.—Not later than 16 months after the date of
6 the enactment of this Act, the Secretary of Health and
7 Human Services shall, pursuant to rulemaking and in ac-
8 cordance with subsection (d), establish guidelines for
9 States and mental health professionals, with respect to es-
10 tablishing reporting systems under section 2(a)(1)—

11 (1) to ensure determinations described in para-
12 graphs (2) and (3) of section 2(a) of dangerousness
13 and determinations described in section 2(a)(4) of
14 serious threat for purposes of reporting information
15 under section 2(a)(1) are administered properly;

16 (2) to ensure that only individuals qualified to
17 make such determinations are permitted to do so;

18 (3) to ensure an individual has recourse at any
19 point during the detention of such individual at a
20 mental health institution on the basis of a voluntary
21 or involuntary commitment to contest the legality of
22 such commitment or determination of dangerousness
23 by means of a “habeas corpus” or writ hearing;

24 (4) to ensure all reporting to law enforcement
25 officials, State-based databases, and National In-

1 stant Criminal Background Check System are com-
2 pliant with applicable Federal and State privacy and
3 security protections and standards;

4 (5) to recommend the process by which quali-
5 fied professionals should assess an individual to de-
6 termine dangerousness for purposes described in sec-
7 tion 2; and

8 (6) for any other purpose deemed necessary by
9 the Secretary.

10 (b) TEMPORARY INVOLUNTARY COMMITMENT OR
11 HOLD PROCESS GUIDELINES.—Not later than 16 months
12 after the date of the enactment of this Act, the Secretary
13 of Health and Human Services shall, pursuant to rule-
14 making and in accordance with subsection (d), establish
15 guidelines for States to establish a process for temporarily
16 committing or holding individuals on an involuntary basis
17 to mental health institutions. Such guidelines shall ad-
18 dress at least the following:

19 (1) DUE PROCESS.—Guidelines to ensure any
20 determination that an individual shall be temporarily
21 involuntarily committed or held is assessed by more
22 than one qualified mental health professional.

23 (2) QUALIFIED PROFESSIONALS.—Guidelines to
24 determine which mental health professionals are

1 qualified to handle the responsibilities provided such
2 professionals under section 2.

3 (3) RECOMMENDATIONS IN ASSESSING PA-
4 TIENTS.—Guidelines recommending the process by
5 which qualified professionals should assess an indi-
6 vidual to determine dangerousness for purposes de-
7 scribed in section 2.

8 (4) TREATMENTS.—

9 (A) IN GENERAL.—Guidelines for how any
10 individual designated to be temporarily involun-
11 tary committed or held and who is receiving
12 medication as a result of the mental illness of
13 such individual must be advised about the prob-
14 able effects and possible side effects of the
15 medication.

16 (B) INFORMATION ON MEDICATION.—
17 Guidelines for requiring the following informa-
18 tion related to medications to be given to such
19 an individual:

20 (i) The nature of the mental illness or
21 behavior that is the reason the medication
22 is being given or recommended.

23 (ii) The likelihood of such mental ill-
24 ness or behavior improving or not improv-
25 ing without the medication.

1 (iii) Reasonable alternative treatments
2 available.

3 (iv) The name and type, frequency
4 amount, and method of dispensing the
5 medication, and the probable length of
6 time the medication will be taken.

7 (5) ASSESSMENT.—Guidelines related to the
8 process of assessing an individual for a temporary
9 involuntary commitment or hold, which shall incor-
10 porate the following requirements:

11 (A) FACE TO FACE.—Prior to admitting
12 an individual to a mental health facility pursu-
13 ant to such commitment, the qualified mental
14 health professional in charge of the facility or
15 designee of such professional shall assess the
16 individual with a face to face assessment to de-
17 termine the appropriateness of the temporary
18 involuntary detention or hold.

19 (B) VERIFICATION FROM SECOND PROFES-
20 SIONAL.—A second mental health professional
21 shall independently verify the appropriateness
22 of the temporary involuntary detention or hold.

23 (6) ADVISEMENT.—Guidelines related to advis-
24 ing such an individual orally and in written form
25 during the following steps in the process of the indi-

1 vidual being temporarily involuntarily committed or
2 held:

3 (A) TRANSPORT.—After an initial deten-
4 tion by a qualified professional (as defined by
5 the State) to transport a patient to a facility,
6 an oral advisement containing critical informa-
7 tion as determined by the Secretary must be
8 given to the individual being transported to a
9 facility for an assessment.

10 (B) UPON ADMISSION.—Upon admission,
11 after a determination of dangerousness by a
12 qualified professional, an oral advisement by a
13 mental health professional containing critical
14 information as determined by the Secretary
15 must be given to the individual.

16 (7) ADDITIONAL GUIDELINES.—Any other
17 guidelines deemed necessary by the Secretary for
18 purposes of this Act.

19 (c) CERTIFICATION PROCESS.—The Secretary of
20 Health and Human Services shall establish a process for
21 certifying that States are in compliance with the guide-
22 lines described in subsections (a) and (b) for purposes of
23 establishing the compliance of such States under section
24 2(c).

1 (d) CONSULTATION WITH STAKEHOLDERS.—In es-
2 tablishing guidelines described in paragraphs (1), (2), and
3 (5) of subsection (a) and paragraphs (2), (3), (4), and
4 (5) of subsection (b), the Secretary of Health and Human
5 Services shall consult with relevant mental health profes-
6 sional organizations and stakeholders, such as the Amer-
7 ican Psychological Association and the American Psy-
8 chiatric Association.

9 **SEC. 5. MISCELLANEOUS.**

10 (a) INDIVIDUALS TEMPORARILY INVOLUNTARILY
11 COMMITTED OR HELD TO BE TREATED AS DISTINCT
12 FROM OTHERS WHO ARE INVOLUNTARILY COM-
13 MITTED.—For purposes of the National Instant Criminal
14 Background Check System, the provisions of this Act, and
15 section 922 of title 18, United States Code, individuals
16 who are temporarily involuntarily committed or held under
17 a State-level process with respect to which the State has
18 been certified under section 4(c) shall be treated as a sepa-
19 rate and distinct population from individuals who are in-
20 voluntarily committed through a judicial process.

21 (b) LIMITING LIABILITY FOR MENTAL HEALTH PRO-
22 FESSIONALS.—Any mental health professional who does
23 not report under a reporting system established under sec-
24 tion 2(a)(1), in accordance with guidelines established
25 under section 4(a), information described in paragraph

1 (2), (3), or (4) of section 2(a), with respect to an indi-
2 vidual described in such respective paragraph, shall not
3 be held liable in any civil action in State or Federal court
4 for any damages resulting from such failure to report such
5 information.

6 (c) DETERMINATION OF DANGEROUSNESS.—For
7 purposes of this Act, a determination of dangerousness,
8 with respect to an individual, shall be predicated on the
9 presence of either—

10 (1) a substantial risk of physical harm to the
11 individual as manifested by evidence of, threats of,
12 or attempts at, suicide or serious bodily harm; or

13 (2) a substantial risk of physical harm to an-
14 other individual as manifested by evidence of homi-
15 cidal or other violent behavior or evidence that such
16 other individual is placed in reasonable fear of vio-
17 lent behavior and physical harm to such other indi-
18 vidual.

19 (d) STUDY ON EXISTING STATE STATUTES.—

20 (1) STUDY.—The Secretary of Health and
21 Human Services (in this subsection referred to as
22 the “Secretary”) shall enter into an agreement with
23 the Institute of Medicine (or if the Institute declines
24 to enter into such an agreement, another appro-
25 priate entity) to conduct a comprehensive study on

1 State statutes, enacted before the date of the enact-
2 ment of this Act, that require mental health profes-
3 sionals to directly report certain individuals into
4 State firearm prohibition databases.

5 (2) CONSIDERATIONS.—The study under para-
6 graph (1) shall include consideration of the fol-
7 lowing:

8 (A) How the State statutes described in
9 such paragraph impact the quality of care pro-
10 vided by mental health professionals to patients.

11 (B) How such State statutes impact a pa-
12 tient's decision to access mental health treat-
13 ment.

14 (C) The effectiveness of such State stat-
15 utes as interventions for preventing firearm-re-
16 lated violence.

17 (D) Any other relevant considerations, as
18 determined by the Institute of Medicine (or, if
19 applicable, the other appropriate entity de-
20 scribed in paragraph (1)).

21 (3) REPORT.—The Secretary shall ensure that,
22 not later than 12 months after the date of enact-
23 ment of this Act—

24 (A) the study under subparagraph (1) is
25 completed; and

1 (B) a report on the finding and conclusions
2 of such study is submitted to the Congress.

3 (e) AMENDING REFERENCES FROM PERSONS ADJUDICATED AS A MENTAL DEFECTIVE TO INELIGIBLE DUE
4 TO DISQUALIFYING MENTAL STATUS.—

6 (1) IN GENERAL.—

7 (A) Section 175b(d)(2)(F) of title 18,
8 United States Code, is amended by striking
9 “adjudicated as a mental defective,” and insert-
10 ing “adjudicated as ineligible due to disquali-
11 fying mental status”.

12 (B) Section 842 of title 18, United States
13 Code, is amended—

14 (i) in subsection (d)(6), by striking
15 “adjudicated a mental defective,” and in-
16 serting “adjudicated as ineligible due to
17 disqualifying mental status”; and

18 (ii) in subsection (i)(4), by striking
19 “adjudicated as a mental defective,” and
20 inserting “adjudicated as ineligible due to
21 disqualifying mental status”.

22 (C) Section 922 of title 18, United States
23 Code, as amended by section 3 of this Act, is
24 amended—

1 (i) in subsection (d)(4)(A), by striking
2 “adjudicated as a mental defective,” and
3 inserting “adjudicated as ineligible due to
4 disqualifying mental status”;

5 (ii) in subsection (g)(4)(A), by strik-
6 ing “adjudicated as a mental defective,”
7 and inserting “adjudicated as ineligible due
8 to disqualifying mental status”; and

9 (iii) in subsection (s)(3)(B)(iv), by
10 striking “adjudicated as a mental defec-
11 tive,” and inserting “adjudicated as ineli-
12 gible due to disqualifying mental status”.

13 (D) The NICS Improvement Amendments
14 Act of 2007 (34 U.S.C. 40902 et seq.) is
15 amended—

16 (i) in section 3(2), by striking “adju-
17 dicated as a mental defective,” and insert-
18 ing “adjudicated as ineligible due to dis-
19 qualifying mental status”;

20 (ii) in section 101—

21 (I) in subsection (b)(2)(C)(ii), by
22 striking “adjudicated as a mental de-
23 fective,” and inserting “adjudicated as
24 ineligible due to disqualifying mental
25 status”;

1 (II) in subsection (c)(1)(C), by
2 striking “adjudicated as a mental de-
3 fective,” and inserting “adjudicated as
4 ineligible due to disqualifying mental
5 status”;

6 (III) in subsection (c)(3), in the
7 matter preceding subparagraph (A),
8 by striking “adjudicate a person as a
9 mental defective,” and inserting “ad-
10 judicate a person as ineligible due to
11 disqualifying mental status”; and

12 (IV) in subsection (c)(3)(A), by
13 striking “adjudicate the person as a
14 mental defective,” and inserting “ad-
15 judicate the person as ineligible due to
16 disqualifying mental status”; and

17 (iii) in section 102—

18 (I) in subsection (b)(1)(C)(iv), by
19 striking “adjudicated as a mental de-
20 fective,” and inserting “adjudicated as
21 ineligible due to disqualifying mental
22 status”; and

23 (II) in subsection (c)(3)—

24 (aa) in the heading, by
25 striking “ADJUDICATED AS A

1 MENTAL DEFECTIVE” and insert-
2 ing “ADJUDICATED AS INELI-
3 GIBLE DUE TO DISQUALIFYING
4 MENTAL STATUS”; and

5 (bb) by striking “adju-
6 dicated as a mental defective,”
7 and inserting “adjudicated as in-
8 eligible due to disqualifying men-
9 tal status”.

10 (2) REFERENCES.—For purposes of each provi-
11 sion amended by paragraph (1), a reference to a
12 person adjudicated as ineligible due to disqualifying
13 mental status shall be considered to refer to a per-
14 son adjudicated as a mental defective, as defined for
15 that provision on the day before the date of enact-
16 ment of this Act.

17 (3) REGULATIONS.—For purposes of regula-
18 tions issued to carry out a provision amended by
19 paragraph (1)—

20 (A) before the regulations are amended to
21 carry out this subsection a reference in the reg-
22 ulations to a person adjudicated as a mental de-
23 fective shall be considered to be a reference to
24 a person adjudicated as ineligible due to dis-
25 qualifying mental status; and

1 (B) in amending the regulations to carry
2 out this subsection, a Federal agency shall en-
3 sure that the regulations clearly state that per-
4 sons adjudicated as ineligible due to disquali-
5 fying mental status were formerly termed per-
6 sons adjudicated as a mental defective.

7 (4) RULE OF CONSTRUCTION.—Nothing in this
8 subsection shall be construed to alter or otherwise
9 affect the definition of persons previously termed
10 “adjudicated as a mental defective” under provisions
11 amended by paragraph (1).

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