

115TH CONGRESS
1ST SESSION

H. R. 4142

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2017

Mr. THOMPSON of California (for himself and Mr. PERLMUTTER) 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 protect individuals by strengthening the Nation's mental health infrastructure, improving the understanding of violence, strengthening firearm prohibitions and protections for at-risk individuals, and improving and expanding the reporting of mental health records to the National Instant Criminal Background Check System.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safer Communities
3 Act of 2017”.

4 **SEC. 2. TABLE OF CONTENTS.**

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

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

TITLE I—STRENGTHENING AND IMPROVING INTERVENTION
EFFORTS

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

TITLE II—IMPROVING RESEARCH ON VIOLENCE

- Sec. 201. Research with respect to violence.

TITLE III—UNDERSTANDING THE EPIDEMIC OF GUN VIOLENCE

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

TITLE IV—ENSURING SAFE COMMUNITIES

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

TITLE V—RESTORATION

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

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

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

1 **SEC. 3. STATEMENT OF PURPOSE.**

2 The purpose of this Act is to ensure the public safety
3 and welfare of communities by promoting evidence-based
4 approaches that will prevent the tragic toll of gun violence
5 on families and communities. This purpose can be accom-
6 plished by—

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

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

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

18 **TITLE I—STRENGTHENING AND**
19 **IMPROVING INTERVENTION**
20 **EFFORTS**

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

23 (a) **DEFINITIONS.**—For purposes of this section, the
24 following definitions shall apply:

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

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

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

11 (b) ESTABLISHMENT OF GRANT PROGRAM.—

12 (1) ESTABLISHMENT.—The Secretary shall es-
13 tablish a program to award grants to eligible entities
14 to carry out the activities described in paragraph
15 (2).

16 (2) USE OF FUNDS.—

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

19 (i) expand early invention and treat-
20 ment services to improve access to mental
21 health crisis assistance and address unmet
22 mental health care needs;

23 (ii) expand the continuum of services
24 to address crisis intervention and crisis
25 stabilization;

1 (iii) reduce recidivism due to mental
2 health crises and mitigate unnecessary ex-
3 penditures by local law enforcement; and

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

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

11 (i) Mental health crisis intervention
12 and response training for law enforcement
13 (to increase officers’ understanding and
14 recognition of mental illnesses).

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

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

1 (3) APPLICATION.—To be considered for a
2 grant under this section, an eligible entity shall sub-
3 mit an application to the Secretary at such time, in
4 such manner, and containing such information as
5 the Secretary may require. At minimum, such appli-
6 cation shall include a description of—

7 (A) the activities to be funded with the
8 grant;

9 (B) community needs;

10 (C) the population to be served; and

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

16 (4) SELECTING AMONG APPLICANTS.—

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

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

24 (5) REPORTS.—

25 (A) ANNUAL REPORTS.—

1 (i) ELIGIBLE ENTITIES.—As a condi-
2 tion of receiving a grant under this section,
3 an eligible entity shall agree to submit a
4 report to the Secretary, on an annual
5 basis, describing the activities carried out
6 with the grant and assessing the effective-
7 ness of such activities.

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

14 (B) FINAL REPORT.—Not later than Janu-
15 ary 15, 2022, the Secretary shall submit to
16 Congress a final report that includes rec-
17 ommendations with respect to the feasibility
18 and advisability of extending or expanding the
19 grant program.

20 (6) COLLECTION OF DATA.—

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

1 (B) MANNER OF COLLECTION.—Data de-
2 scribed in subparagraph (A) shall be collected
3 and analyzed using a scientific peer-reviewed
4 system and valid and reliable results-based re-
5 search methodologies.

6 (c) FUNDING.—

7 (1) GRANT AMOUNT.—A grant under this sec-
8 tion shall be in an amount that is not more than
9 \$100,000 for each of fiscal years 2018 through
10 2022. Subject to the preceding sentence, the Sec-
11 retary shall determine the amount of each grant.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to carry out
14 this section \$10,000,000 for each of fiscal years
15 2018 through 2022.

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

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

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

22 (2) by redesignating sections 581 through 584
23 as sections 596 through 596C, respectively.

24 (b) SCHOOL-BASED MENTAL HEALTH AND CHIL-
25 DREN AND VIOLENCE.—Section 581 of the Public Health

1 Service Act (42 U.S.C. 290hh) is amended to read as fol-
2 lows:

3 **“SEC. 581. SCHOOL-BASED MENTAL HEALTH AND CHIL-**
4 **DREN AND VIOLENCE.**

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

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

21 “(1) provide financial support to enable local
22 communities to implement a comprehensive cul-
23 turally and linguistically appropriate, trauma-in-
24 formed, and age-appropriate, school mental health
25 program that incorporates positive behavioral inter-

1 ventions, client treatment, and supports to foster the
2 health and development of children;

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

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

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

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

22 “(c) REQUIREMENTS.—

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

1 “(A) be a partnership between a local edu-
2 cation agency and at least one community pro-
3 gram or agency that is involved in mental
4 health; and

5 “(B) submit an application, that is en-
6 dorsed by all members of the partnership, that
7 contains the assurances described in paragraph
8 (2).

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

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

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

23 “(ii) that clearly states—

24 “(I) how school-employed mental
25 health professionals (such as school

1 psychologists, school counselors, and
2 school social workers) will be utilized
3 in the comprehensive school mental
4 health program;

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

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

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

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

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

23 “(ii) the reduction in the likelihood of
24 at-risk students developing social, emo-

1 tional, mental, and behavioral health prob-
2 lems, or substance use disorders;

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

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

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

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

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

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

1 in the school and in the community and to
2 follow-up when services are not available;

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

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

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

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

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

1 “(ii) the use of referral mechanisms
2 that effectively link such children to appro-
3 priate treatment and intervention services
4 in the school and in the community and
5 follow-up when such services are not avail-
6 able; and

7 “(iii) strategies that promote a school-
8 wide positive environment.

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

14 “(F) That the local education agency part-
15 nership involved is supported by the State edu-
16 cational and mental health system to ensure
17 that the sustainability of the programs is estab-
18 lished after funding under this section termi-
19 nates.

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

24 “(H) That the comprehensive school-based
25 mental health program carried out under this

1 section will be coordinated with early inter-
2 vening activities carried out under the Individ-
3 uals with Disabilities Education Act.

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

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

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

22 “(3) COORDINATOR.—Any entity that is a
23 member of a partnership described in paragraph
24 (1)(A) may serve as the coordinator of funding and

1 activities under the grant if all members of the part-
2 nership agree.

3 “(4) COMPLIANCE WITH HIPAA.—A grantee
4 under this section shall be deemed to be a covered
5 entity for purposes of compliance with the regula-
6 tions promulgated under section 264(c) of the
7 Health Insurance Portability and Accountability Act
8 of 1996 with respect to any patient records devel-
9 oped through activities under the grant.

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

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

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

24 “(1) DEVELOPMENT OF PROCESS.—The Ad-
25 ministrator shall develop a fiscally appropriate proc-

1 ess for evaluating activities carried out under this
2 section. Such process shall include—

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

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

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

13 “(2) MEASURES OF OUTCOMES.—

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

23 “(B) STUDENT AND FAMILY MEASURES OF
24 OUTCOMES.—The measures of outcomes devel-
25 oped under paragraph (1)(B) relating to stu-

1 dents and families shall, with respect to activi-
2 ties carried out under a program under this
3 section, at a minimum include provisions to
4 evaluate whether the program is effective in—

5 “(i) improving social, emotional, men-
6 tal, and behavioral health and wellness;

7 “(ii) increasing academic competency
8 (as defined by Secretary);

9 “(iii) reducing disruptive and aggres-
10 sive behaviors;

11 “(iv) improving child functioning;

12 “(v) reducing substance use disorders;

13 “(vi) reducing suspensions, truancy,
14 expulsions and violence;

15 “(vii) increasing graduation rates (de-
16 fined as the percentage of students who
17 graduate from secondary school with a reg-
18 ular diploma in the standard number of
19 years); and

20 “(viii) improving access to care for
21 mental health disorders.

22 “(C) LOCAL EDUCATIONAL OUTCOMES.—

23 The outcome measures developed under para-
24 graph (1)(B) relating to local educational sys-
25 tems shall, with respect to activities carried out

1 under a program under this section, at a min-
2 imum include provisions to evaluate—

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

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

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

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

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

23 “(vi) the improvement in case-finding
24 of students in need of more intensive serv-

1 ices and referral of identified students to
2 early intervention and clinical services;

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

8 “(viii) the increased successful matric-
9 ulation to postsecondary school; and

10 “(ix) reduced referrals to juvenile jus-
11 tice.

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

22 “(4) EVALUATION BY ADMINISTRATOR.—Based
23 on the data submitted under paragraph (3), the Ad-
24 ministrator shall annually submit to Congress a re-
25 port concerning the results and effectiveness of the

1 programs carried out with assistance received under
2 this section.

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

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

12 “(h) AMOUNT OF GRANTS AND AUTHORIZATION OF
13 APPROPRIATIONS.—

14 “(1) AMOUNT OF GRANTS.—A grant under this
15 section shall be in an amount that is not more than
16 \$1,000,000 for each of grant years 2018 through
17 2022. The Secretary shall determine the amount of
18 each such grant based on the population of children
19 up to age 21 of the area to be served under the
20 grant.

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this section, \$200,000,000 for each of fiscal years
24 2018 through 2022.”.

1 (c) CONFORMING AMENDMENT.—Part G of title V of
2 the Public Health Service Act (42 U.S.C. 290hh et seq.),
3 as amended by this section, is further amended by striking
4 the part heading and inserting the following:

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

6 **SEC. 103. HIGH UTILIZERS.**

7 Section 2991 of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (34 U.S.C. 10651) is amended—

9 (1) by redesignating subsections (m) through
10 (o) as subsections (n) through (p), respectively; and

11 (2) by inserting after subsection (l) the fol-
12 lowing:

13 “(m) DEMONSTRATION GRANTS RESPONDING TO
14 HIGH UTILIZERS.—

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

17 “(A) manifests obvious signs of mental ill-
18 ness or has been diagnosed by a qualified men-
19 tal health professional as having a mental ill-
20 ness; and

21 “(B) consumes a significantly dispropor-
22 tionate quantity of public resources, such as
23 emergency, housing, judicial, corrections, and
24 law enforcement services.

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

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

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

11 “(i) to develop or support multidisci-
12 plinary teams that coordinate, implement,
13 and administer community-based crisis re-
14 sponses and long-term plans for high uti-
15 lizers;

16 “(ii) to provide training on how to re-
17 spond appropriately to the unique issues
18 involving high utilizers for public service
19 personnel, including criminal justice, men-
20 tal health, substance abuse, emergency
21 room, healthcare, law enforcement, correc-
22 tions, and housing personnel;

23 “(iii) to develop or support alter-
24 natives to hospital and jail admissions for
25 high utilizers that provide treatment, sta-

1 bilization, and other appropriate supports
2 in the least restrictive, yet appropriate, en-
3 vironment; or

4 “(iv) to develop protocols and systems
5 among law enforcement, mental health,
6 substance abuse, housing, corrections, and
7 emergency medical service operations to
8 provide coordinated assistance to high uti-
9 lizers.

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

15 “(i) measures the performance of the
16 grant recipient in reducing the use of pub-
17 lic services by high utilizers; and

18 “(ii) provides a model set of practices,
19 systems, or procedures that other jurisdic-
20 tions can adopt to reduce the use of public
21 services by high utilizers.”.

1 **TITLE II—IMPROVING**
2 **RESEARCH ON VIOLENCE**

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

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services, in consultation with the Director of the
6 National Institutes of Health, shall expand and intensify
7 research on self-directed and other-directed violence asso-
8 ciated with mental illness and substance abuse disorders.

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

14 **TITLE III—UNDERSTANDING**
15 **THE EPIDEMIC OF GUN VIO-**
16 **LENCE**

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

18 The Secretary of Health and Human Services, acting
19 through the Director of the Centers for Disease Control
20 and Prevention, shall improve the National Violent Death
21 Reporting System, as authorized by title III of the Public
22 Health Service Act (42 U.S.C. 241 et seq.), particularly
23 through the expansion of the application of such system
24 to include the 50 States. Participation in the system by
25 the States shall be voluntary.

1 **SEC. 302. REAFFIRMING CENTERS FOR DISEASE CONTROL**
2 **AND PREVENTION'S AUTHORITY.**

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

5 (1) in subsection (a)(1), by striking “research
6 relating to the causes, mechanisms, prevention, diag-
7 nosis, treatment of injuries, and rehabilitation from
8 injuries;” and inserting “research, including data
9 collection, relating to—

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

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

14 (2) by adding at the end the following new sub-
15 section:

16 “(c) NO ADVOCACY OR PROMOTION OF GUN CON-
17 TROL.—Nothing in this section shall be construed to—

18 “(1) authorize the Secretary to give assistance,
19 make grants, or enter into cooperative agreements or
20 contracts for the purpose of advocating or promoting
21 gun control; or

22 “(2) permit a recipient of any assistance, grant,
23 cooperative agreement, or contract under this section
24 to use such assistance, grant, agreement, or contract
25 for the purpose of advocating or promoting gun con-
26 trol.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 394A(a) of the Public Health Service Act (42 U.S.C.
3 280b–3(a)) is amended by striking “authorized to be ap-
4 propriated” and all that follows through the end and in-
5 serting the following: “authorized to be appropriated such
6 sums as may be necessary for each of fiscal years 2018
7 through 2022.”.

8 **SEC. 303. PROTECTING CONFIDENTIAL DOCTOR-PATIENT**
9 **RELATIONSHIP.**

10 Section 2717(c) of the Public Health Service Act (42
11 U.S.C. 300gg–17(c)) is amended by adding at the end the
12 following new paragraph:

13 “(6) RULE OF CONSTRUCTION.—Notwith-
14 standing the previous provisions of this subsection,
15 none of the authorities provided to the Secretary
16 under this subsection, Public Law 111–148, or an
17 amendment made by such Public Law shall be con-
18 strued to prohibit a physician or other health care
19 provider from—

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

23 “(B) speaking to a patient about gun safe-
24 ty; or

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

3 **TITLE IV—ENSURING SAFE**
4 **COMMUNITIES**

5 **SEC. 401. BAN ON FIREARM POSSESSION BY PERSON COM-**
6 **MITTED INVOLUNTARILY TO MENTAL INSTI-**
7 **TUTION ON AN OUTPATIENT BASIS.**

8 Subsections (d)(4) and (g)(4) of section 922 of title
9 18, United States Code, are each amended by inserting
10 “on an involuntary inpatient or involuntary outpatient
11 basis” before the semicolon.

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

13 Section 506(b) of the Omnibus Crime Control and
14 Safe Streets Act of 1968 (34 U.S.C. 10157(b)) is amend-
15 ed—

16 (1) by striking “1 or more States or units of
17 local government, for 1 or more of the purposes
18 specified in section 501, pursuant to his determina-
19 tion that the same is necessary”;

20 (2) by inserting before paragraph (1) the fol-
21 lowing:

22 “(1) one or more States or units of local gov-
23 ernment, for one or more of the purposes specified
24 in section 501, pursuant to his determination that
25 the same is necessary—”;

1 (3) by redesignating the second paragraph (1)
2 as subparagraph (A);

3 (4) in paragraph (2)—

4 (A) by striking the period at the end and
5 inserting “; or”; and

6 (B) by redesignating paragraph (2) as sub-
7 paragraph (B); and

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

9 “(2) one or more States, if that State has dem-
10 onstrated, in the determination of the Attorney Gen-
11 eral, that the State has adopted policies, procedures,
12 protocols, laws or regulations pertaining to the pos-
13 session or transfer of firearms or ammunition that—

14 “(A)(i) give State and local law enforce-
15 ment the authority, to the extent allowable
16 under Federal laws and the United States Con-
17 stitution, to seize firearms or ammunition from
18 an individual pursuant to a warrant, where
19 there is probable cause to believe that the indi-
20 vidual in possession of such firearms or ammu-
21 nition poses an elevated risk of harm to himself
22 or herself or to another individual, which may
23 be determined by considering whether the indi-
24 vidual has caused harm to himself or herself or
25 another individual, has detailed plans to cause

1 harm to himself or herself or another indi-
2 vidual, has a history of substance abuse, or
3 lacks impulse control; and

4 “(ii) provide that not later than 14 days
5 after such a seizure, an individual from whom
6 a firearm or ammunition was so seized shall be
7 given an opportunity to contest such seizure in
8 court, and any firearm or ammunition so seized
9 shall be returned to the individual, unless a
10 State or local law enforcement officer dem-
11 onstrates in court by a preponderance of the
12 evidence that the individual from whom a fire-
13 arm or ammunition was seized poses an ele-
14 vated risk of harm to himself or herself or to
15 another individual; or

16 “(B) temporarily prohibit an individual
17 who has been involuntarily hospitalized for a
18 period of not less than 48 hours for mental ill-
19 ness on an emergency basis, from possessing a
20 firearm or ammunition;”.

1 **SEC. 403. NOTIFICATION OF STATE AND LOCAL LAW EN-**
2 **FORCEMENT AUTHORITIES OF ATTEMPT TO**
3 **PURCHASE FIREARM BY INELIGIBLE PER-**
4 **SON.**

5 (a) IN GENERAL.—The Attorney General shall estab-
6 lish a system for the prompt notification of the relevant
7 State and local enforcement agencies when the National
8 Instant Criminal Background Check System established
9 under section 103 of the Brady Handgun Violence Preven-
10 tion Act notifies a licensed dealer that the information
11 available to the system indicates that the possession of a
12 firearm by an individual attempting to obtain a firearm
13 from the licensed dealer would violate subsection (g) or
14 (n) of section 922 of title 18, United States Code, or State
15 law, except when it is determined, on a case-by-case basis,
16 that law enforcement purposes would best be served by
17 not providing such a notice.

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

22 **TITLE V—RESTORATION**

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

24 Section 101(c) of the NICS Improvement Amend-
25 ments Act of 2007 (34 U.S.C. 40911) is amended—

1 (1) in paragraph (2)(A)(i), by inserting after
2 “imposed by such subsections” the following: “if
3 such person is a person described in subparagraph
4 (C) and submits the opinion (and records and infor-
5 mation supporting the opinion) of a psychiatrist, a
6 clinical psychologist, or a licensed or qualified men-
7 tal health professional who can provide adequate in-
8 formation who has personally evaluated the person”;
9 and

10 (2) by adding at the end of paragraph (2) the
11 following:

12 “(C) PERSON DESCRIBED.—A person is
13 described in this subparagraph if, beginning not
14 earlier than 1 year after the person is subject
15 to the disabilities imposed by subsection (d)(4)
16 or (g)(4) of section 922 of title 18, United
17 States Code, and after affording the Federal
18 department or agency the opportunity to re-
19 quest an additional evaluation, by a psychia-
20 trist, a clinical psychologist, or a licensed or
21 qualified mental health professional who can
22 provide adequate information appointed by the
23 department or agency, the department or agen-
24 cy determines by a preponderance of the evi-
25 dence received that—

1 “(i) the person no longer manifests
2 the symptoms of mental disorder that re-
3 sulted in that person’s adjudication as in-
4 eligible due to disqualifying mental status
5 or involuntary commitment or that other-
6 wise significantly elevate the risk of harm
7 to self or others;

8 “(ii) the person has adhered consist-
9 ently to any prescribed treatment for a
10 substantial period of time preceding the
11 date of the application and has expressed
12 a willingness to continue treatment under
13 an appropriate mental health professional;

14 “(iii) if ongoing treatment is required,
15 that adherence to that treatment is likely
16 to minimize the risk that the person will
17 revert to a mental state that would present
18 a danger to self or others; and

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

21 **SEC. 502. STATE RELIEF PROGRAMS.**

22 (a) IN GENERAL.—Section 105 of the NICS Im-
23 provement Amendments Act of 2007 (34 U.S.C. 40915)
24 is amended—

1 (1) in subsection (a)(2), by striking “if the cir-
2 cumstances regarding the disabilities referred to in
3 paragraph (1), and the person’s record and reputa-
4 tion, are such that the person will not be likely to
5 act in a manner dangerous to public safety and that
6 the granting of the relief would not be contrary to
7 the public interest; and” and inserting the following:
8 “beginning not earlier than 1 year after the person
9 is first adjudicated as described in subsection (g)(4)
10 of section 922 of title 18, United States Code, if the
11 person submits the opinion (and records and infor-
12 mation supporting the opinion) of a psychiatrist, a
13 clinical psychologist, or a licensed or qualified men-
14 tal health professional who can provide adequate in-
15 formation who has personally evaluated the person,
16 and after affording the State the opportunity to re-
17 quest an additional evaluation, by a psychiatrist,
18 clinical psychologist, or other licensed or qualified
19 mental health professional who can provide adequate
20 information appointed by the court, board, commis-
21 sion, or other lawful authority, only if the court,
22 board, commission, or other lawful authority deter-
23 mines by a preponderance of the evidence received
24 that the person is a person described in subsection
25 (c); and”;

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

2 “(c) ELIGIBLE PERSON DESCRIBED.—A person de-
3 scribed in this subsection is any person who submits with
4 the application for relief under subsection (a)(1), the opin-
5 ion (and records and information supporting the opinion)
6 of a psychiatrist, a clinical psychologist, or a licensed or
7 qualified mental health professional who can provide ade-
8 quate information who has personally evaluated the peti-
9 tioner and which attests that—

10 “(1) the person no longer manifests the symp-
11 toms of disqualifying mental status that resulted in
12 that person’s adjudication as ineligible due to dis-
13 qualifying mental status or involuntary commitment;

14 “(2) the person appears to have adhered con-
15 sistently to any prescribed treatment for a substan-
16 tial period of time preceding the date of the applica-
17 tion and has expressed a willingness to continue
18 treatment under an appropriate mental health pro-
19 fessional;

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

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

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

6 (b) TRANSITION RULE.—The amendment made by
7 subsection (a) shall apply only beginning on the date that
8 is 5 years after the date of enactment of this Act, in the
9 case of any State that has a program described in section
10 105 of the NICS Improvement Amendments Act of 2007
11 (34 U.S.C. 40915) in effect on the date of enactment of
12 this Act.

13 **SEC. 503. INELIGIBILITY DUE TO DISQUALIFYING MENTAL**
14 **STATUS.**

15 (a) Section 922(d)(4) of title 18, United States Code,
16 is amended by striking “adjudicated as a mental defec-
17 tive” and inserting “adjudicated as ineligible due to dis-
18 qualifying mental status”.

19 (b) Section 922(g)(4) of title 18, United States Code,
20 is amended by striking “adjudicated as a mental defec-
21 tive” and inserting “adjudicated as ineligible due to dis-
22 qualifying mental status”.

23 (c) Section 922(s)(3)(B)(iv) of title 18, United States
24 Code, is amended by striking “adjudicated as a mental

1 defective” and inserting “adjudicated as ineligible due to
2 disqualifying mental status”.

3 (d) Section 175b(d)(2)(F) of title 18, United States
4 Code, is amended by striking “adjudicated as a mental
5 defective” and inserting “adjudicated as ineligible due to
6 disqualifying mental status”.

7 (e) Section 842(d)(6) of title 18, United States Code,
8 is amended by striking “adjudicated as a mental defec-
9 tive” and inserting “adjudicated as ineligible due to dis-
10 qualifying mental status”.

11 (f) Section 842(i)(4) of title 18, United States Code,
12 is amended by striking “adjudicated as a mental defec-
13 tive” and inserting “adjudicated as ineligible due to dis-
14 qualifying mental status”.

15 (g) Section 3(2) of the NICS Improvement Amend-
16 ments Act of 2007 (34 U.S.C. 40903) is amended by
17 striking “adjudicated as a mental defective” and inserting
18 “adjudicated as ineligible due to disqualifying mental sta-
19 tus”.

20 (h) Section 101(b)(2)(C)(ii) of the NICS Improve-
21 ment Amendments Act of 2007 (34 U.S.C. 40911) is
22 amended by striking “adjudicated as a mental defective”
23 and inserting “adjudicated as ineligible due to disquali-
24 fying mental status”.

1 (i) Section 101(c)(1)(C) of the NICS Improvement
2 Amendments Act of 2007 (34 U.S.C. 40911) is amended
3 by striking “adjudicated as a mental defective” and insert-
4 ing “adjudicated as ineligible due to disqualifying mental
5 status”.

6 (j) Section 101(c)(3) of the NICS Improvement
7 Amendments Act of 2007 (34 U.S.C. 40911) is amended
8 in the matter preceding subparagraph (A), by striking
9 “adjudicate a person as a mental defective,” and inserting
10 “adjudicate a person as ineligible due to disqualifying
11 mental status”.

12 (k) Section 101(c)(3)(A) of the NICS Improvement
13 Amendments Act of 2007 (34 U.S.C. 40911) is amended
14 by striking “adjudicate the person as a mental defective,”
15 and inserting “adjudicate the person as ineligible due to
16 disqualifying mental status”.

17 (l) Section 102(b)(1)(C)(iv) of the NICS Improve-
18 ment Amendments Act of 2007 (34 U.S.C. 40912) is
19 amended by striking “adjudicated as a mental defective”
20 and inserting “adjudicated as ineligible due to disquali-
21 fying mental status”.

1 **TITLE VI—SUBMISSION OF**
2 **RECORDS TO NATIONAL INSTANT**
3 **CRIMINAL BACKGROUND**
4 **CHECK SYSTEM**

5 **SEC. 601. REPORTS RELATING TO SUBMISSION OF INFOR-**
6 **MATION TO NICS.**

7 Section 201 of the NICS Improvement Amendments
8 Act of 2007 (34 U.S.C. 40931) is amended—

9 (1) by amending subsection (b) to read as fol-
10 lows:

11 “(b) REPORT ON PERSONS PROHIBITED FROM OB-
12 TAINING FIREARMS AS A RESULT OF A CONVICTION OF
13 A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—Not
14 later than January 31 of each year, the Director shall sub-
15 mit to Congress a report containing the number of persons
16 reported by each State to the National Instant Criminal
17 Background Check System who are prohibited from pos-
18 sessing or receiving a firearm under section 922(g)(9) of
19 title 18, United States Code.”;

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

21 (3) by inserting after subsection (c) the fol-
22 lowing:

23 “(d) REPORT ON PROMISING PRACTICES.—

24 “(1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of the Safer Commu-

1 nities Act of 2017, and annually thereafter, the Di-
2 rector shall submit to Congress and to each State
3 participating in the National Criminal History Im-
4 provement Program, a report of the practices of the
5 States that the Director considers to be promising
6 practices.

7 “(2) PROMISING PRACTICE DEFINED.—For
8 purposes of this subsection, the term ‘promising
9 practice’ means a program, activity, or strategy of a
10 State regarding the collection, maintenance, automa-
11 tion, and transmittal of information relevant to de-
12 termining whether a person is prohibited from pos-
13 sessing or receiving a firearm by Federal or State
14 law, by the State or any other agency, or any other
15 records relevant to the National Instant Criminal
16 Background Check System, that the Director deter-
17 mines—

18 “(A) has been used by a State or other
19 agency to successfully increase or expand its
20 ability to collect, maintain, automate, and
21 transmit the information described in the mat-
22 ter preceding this subparagraph;

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

1 “(C) may be replicated by other States or
2 agencies.”.

3 **SEC. 602. REAUTHORIZATION OF THE NATIONAL CRIMINAL**
4 **HISTORY RECORDS IMPROVEMENT PRO-**
5 **GRAM.**

6 Section 106(b) of Public Law 103–159 (34 U.S.C.
7 40302) is amended—

8 (1) in paragraph (1), in the matter preceding
9 subparagraph (A), by striking “of this Act” and in-
10 serting “of the Safer Communities Act of 2017”;
11 and

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

14 “(2) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated for grants
16 under this subsection \$100,000,000 for each of fis-
17 cal years 2019 through 2023.”.

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

19 Section 102(b) of the NICS Improvement Amend-
20 ments Act of 2007 (34 U.S.C. 40912) is amended to read
21 as follows:

22 “(b) IMPLEMENTATION PLAN.—

23 “(1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of the Safer Communities Act
25 of 2017, the Attorney General, in coordination with

1 the States, shall establish for each State or Indian
2 tribal government applying for a grant under section
3 103 a 4-year implementation plan to ensure max-
4 imum coordination and automation of the reporting
5 of records or making records available to the Na-
6 tional Instant Criminal Background Check System.

7 “(2) BENCHMARK REQUIREMENTS.—Each 4-
8 year plan established under paragraph (1) shall in-
9 clude annual benchmarks, including both qualitative
10 goals and quantitative measures, to assess imple-
11 mentation of the 4-year plan.

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

13 “(A) IN GENERAL.—During the 4-year pe-
14 riod covered by a 4-year plan established under
15 paragraph (1), the Attorney General shall with-
16 hold—

17 “(i) 10 percent of the amount that
18 would otherwise be allocated to a State
19 under section 505 of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (34
21 U.S.C. 10156) if the State does not meet
22 the benchmark established under para-
23 graph (2) for the first year in the 4-year
24 period;

1 “(ii) 11 percent of the amount that
2 would otherwise be allocated to a State
3 under section 505 of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (34
5 U.S.C. 10156) if the State does not meet
6 the benchmark established under para-
7 graph (2) for the second year in the 4-year
8 period;

9 “(iii) 13 percent of the amount that
10 would otherwise be allocated to a State
11 under section 505 of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (34
13 U.S.C. 10156) if the State does not meet
14 the benchmark established under para-
15 graph (2) for the third year in the 4-year
16 period; and

17 “(iv) 15 percent of the amount that
18 would otherwise be allocated to a State
19 under section 505 of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (34
21 U.S.C. 10156) if the State does not meet
22 the benchmark established under para-
23 graph (2) for the fourth year in the 4-year
24 period.

1 “(B) FAILURE TO ESTABLISH A PLAN.—A
2 State that fails to establish a plan under para-
3 graph (1) shall be treated as having not met
4 any benchmark established under paragraph
5 (2).”.

6 **SEC. 604. GRANTS TO STATES TO IMPROVE COORDINATION**
7 **AND AUTOMATION OF NICS RECORD REPORT-**
8 **ING.**

9 (a) IN GENERAL.—The NICS Improvement Amend-
10 ments Act of 2007 (34 U.S.C. 40901 et seq.) is amend-
11 ed—

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

14 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
15 **ORDINATION AND AUTOMATION OF NICS**
16 **RECORD REPORTING.**

17 “(a) AUTHORIZATION.—From amounts made avail-
18 able to carry out this section, the Attorney General shall
19 make grants to States, Indian Tribal governments, and
20 State court systems, in a manner consistent with the Na-
21 tional Criminal History Improvement Program and con-
22 sistent with State plans for integration, automation, and
23 accessibility of criminal history records, for use by the
24 State, or units of local government of the State, Indian
25 Tribal government, or State court system to improve the

1 automation and transmittal of mental health records and
2 criminal history dispositions, records relevant to deter-
3 mining whether a person has been convicted of a mis-
4 demeanor crime of domestic violence, court orders, and
5 mental health adjudications or commitments to Federal
6 and State record repositories in accordance with section
7 102 and the National Criminal History Improvement Pro-
8 gram.

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

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

18 “(2) implement policies, systems, and proce-
19 dures for the automation and transmission of arrest
20 and conviction records, court orders, and mental
21 health adjudications or commitments to Federal and
22 State record repositories;

23 “(3) create electronic systems that provide ac-
24 curate and up-to-date information which is directly
25 related to checks under the National Instant Crimi-

1 nal Background Check System, including court dis-
2 position and corrections records;

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

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

9 “(c) ELIGIBILITY.—

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

15 “(A) is not prohibited by State law or
16 court order from submitting mental health
17 records to the National Instant Criminal Back-
18 ground Check System; and

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

22 “(2) RELIEF FROM DISABILITIES PROGRAM.—
23 For purposes of obtaining a grant under this sec-
24 tion, a State, Indian Tribal government, or State
25 court system shall not be required to meet the eligi-

1 bility requirement described in paragraph (1)(B)
2 until the date that is 2 years after the date of enact-
3 ment of the Safer Communities Act of 2017.

4 “(d) FEDERAL SHARE.—

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

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

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

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out this section

1 \$100,000,000 for each of fiscal years 2018 through
2 2021.”;

3 (2) by striking title III; and

4 (3) in section 401(b), by inserting after “of this
5 Act” the following: “and 18 months after the date
6 of enactment of the Safer Communities Act of
7 2017”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—

9 The table of sections in section 1(b) of the NICS Improve-
10 ment Amendments Act of 2007 is amended by striking
11 the item relating to section 103 and inserting the fol-
12 lowing:

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

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

15 Section 101(b) of the NICS Improvement Act of
16 2007 (34 U.S.C. 40911) is amended—

17 (1) in paragraph (2)—

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

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

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

23 “(D) not later than 180 days after the
24 date of the enactment of the Safer Communities

1 Act of 2017, and annually thereafter, submit a
2 report to Congress on the compliance of the
3 heads of Federal departments and agencies
4 with the requirements of paragraphs (1) and
5 (3).”; and

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

7 “(3) OTHER FEDERAL DEPARTMENTS AND
8 AGENCIES.—The head of each Federal department
9 or agency in possession of records which are relevant
10 to a determination of whether a person is disquali-
11 fied from possessing or receiving a firearm under
12 subsection (g) or (n) of section 922 of title 18,
13 United States Code, shall make available to the At-
14 torney General, such records, updated not less than
15 quarterly, for use in the background checks per-
16 formed by the National Instant Criminal Back-
17 ground Check System.”.

○