

115TH CONGRESS
1ST SESSION

H. R. 4344

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

NOVEMBER 9, 2017

Mr. CICILLINE (for himself, Mr. KHANNA, Mr. MCGOVERN, and Mr. BLUMENAUER) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Purchase of Fire-
5 arms by Dangerous Individuals Act of 2017”.

1 **SEC. 2. STATE REPORTING SYSTEMS.**

2 (a) STATE REPORTING SYSTEMS AS CONDITION OF
3 RECEIVING FULL EDWARD BYRNE MEMORIAL JUSTICE
4 ASSISTANCE GRANTS AMOUNTS.—

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

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

12 (i) in accordance with paragraph (2),
13 information described in such paragraph
14 with respect to individuals described in
15 such paragraph;

16 (ii) in accordance with paragraph (3),
17 information described in such paragraph
18 with respect to individuals described in
19 such paragraph; and

20 (iii) in accordance with paragraph (4),
21 information described in such paragraph
22 with respect to individuals described in
23 such paragraph;

24 (B) establish under State law a process, in
25 accordance with the guidelines provided pursu-
26 ant to section 4(b), relating to temporarily com-

1 mitting individuals involuntarily to, or holding
2 individuals involuntarily at, mental health facili-
3 ties;

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

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

19 (i) update, correct, modify, or remove,
20 as applicable, the record from any data-
21 base that the Federal or State government
22 maintains and makes available to the Na-
23 tional Instant Criminal Background Check
24 System, consistent with the rules per-
25 taining to that database; and

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

5 (E) ensure that the information submitted
6 to the reporting system pursuant to this sub-
7 section—

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

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

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

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

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

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

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

16 (ii) upon determination that such indi-
17 vidual should not remain so disqualified, notify
18 the appropriate State entity that the informa-
19 tion so reported no longer applies for inclusion
20 in the reporting system or any database or
21 record described in subparagraph (D).

22 (2) INDIVIDUALS TEMPORARILY COMMITTED ON
23 A VOLUNTARY BASIS.—For purposes of subsection
24 (a)(1)(A)(i), in the case of an individual who is com-
25 mitted on a voluntary basis to a mental institution

(as defined for purposes of section 922(g)(4) of title 18, United States Code) in a State, the mental health professional who is primarily responsible for the individual's treatment at such institution—

(A) may report to the reporting system established by the State under paragraph (1)(A) information with respect to such individual that is sufficient for inclusion in the National Instant Criminal Background Check System and consistent with Federal and State privacy laws if such mental health professional determines, in accordance with the guidelines provided pursuant to section 4(a) and with section 5(c), such individual is a danger to the individual or to others; and

(B) upon discharge of such individual from such institution, shall notify the appropriate State entity that the information submitted under subparagraph (A) no longer applies for inclusion in the reporting system established under paragraph (1)(A) or any database or record described in paragraph (1)(D).

(3) INDIVIDUALS TEMPORARILY COMMITTED OR HELD ON AN INVOLUNTARY BASIS.—For purposes of subsection (a)(1)(A)(ii), in the case of an individual

1 who is temporarily committed or held on an involun-
2 tary basis, in accordance with a process described in
3 paragraph (1)(B), to a mental institution (as defined
4 for purposes of section 922(g)(4) of title 18, United
5 States Code) in a State, the mental health profes-
6 sional who is primarily responsible for the individ-
7 ual's treatment at such institution may report to the
8 reporting system established by the State under
9 paragraph (1)(A), as soon as is practicable after the
10 date the individual is released from such institution,
11 information with respect to such individual that is
12 sufficient for inclusion in the National Instant
13 Criminal Background Check System and consistent
14 with Federal and State privacy laws if such mental
15 health professional determines, in accordance with
16 the guidelines provided pursuant to section 4(a) and
17 with section 5(c), such individual is a danger to the
18 individual or to others. On the date that is 5 years
19 after the date of such release, for purposes of sub-
20 sections (a)(1)(D) and (b)(1), the appropriate State
21 entity and the Attorney General shall be deemed to
22 have been notified that the information submitted
23 under the previous sentence no longer applies for in-
24 clusion in the reporting system established under

1 paragraph (1)(A) or any database or record de-
2 scribed in paragraph (1)(D).

3 (4) INDIVIDUALS MAKING SPECIFIC THREAT TO
4 MENTAL HEALTH PROFESSIONAL.—For purposes of
5 subsection (a)(1)(A)(iii), in the case of an individual
6 who communicates to a mental health professional a
7 serious threat, as determined by the professional in
8 accordance with the guidance provided pursuant to
9 section 4(a), of physical violence against another in-
10 dividual who is reasonably identifiable, the mental
11 health professional may report to the reporting sys-
12 tem established by the State under paragraph
13 (1)(A), as soon as is practicable after the date of
14 such communication, information with respect to
15 such individual that is sufficient for inclusion in the
16 National Instant Criminal Background Check Sys-
17 tem and consistent with Federal and State privacy
18 laws. On the date that is 6 months after the date
19 of such report, for purposes of subsections (a)(1)(D)
20 and (b)(1), the appropriate State entity and the At-
21 torney General shall be deemed to have been notified
22 that the information submitted under the previous
23 sentence no longer applies for inclusion in the re-
24 porting system established under paragraph (1)(A)

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

3 (b) NATIONAL INSTANT CRIMINAL BACKGROUND
4 CHECK SYSTEM UPDATES REQUIRED.—

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

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

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

20 (B) with respect to an individual described
21 in paragraph (4) of subsection (a), is removed
22 from such system on the date described in the
23 second sentence of such paragraph.

24 (c) ENFORCEMENT.—

25 (1) ATTORNEY GENERAL REPORT.—

1 (A) IN GENERAL.—Not later than January
2 31 of each year, the Attorney General shall sub-
3 mit to the Committee on the Judiciary of the
4 Senate and the Committee on the Judiciary of
5 the House of Representatives a report on the
6 progress of the States in implementing and
7 maintaining the reporting system described in
8 subparagraph (A) of subsection (a)(1) and
9 process described in subparagraph (B) of such
10 subsection, and in providing that information
11 pursuant to the requirements of subparagraphs
12 (C) and (D) of such subsection.

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

18 (2) PENALTIES.—

19 (A) DISCRETIONARY REDUCTION.—

20 (i) For each year during the 2-year
21 period beginning 3 years after the date of
22 enactment of this Act, the Attorney Gen-
23 eral may withhold not more than 3 percent
24 of the amount that would otherwise be al-
25 located to a State for such year under sec-

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

(ii) For each year during the 5-year period after the expiration of the period referred to in clause (i), the Attorney General may withhold not more than 4 percent of the amount that would otherwise be allocated to a State for such year under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State is not in compliance with each requirement under subsection (a)(1) with respect to such year.

(B) MANDATORY REDUCTION.—For each year after the expiration of the periods referred to in subparagraph (A), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State for such year under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755), if the State is not in compliance

with each requirement under subsection (a)(1)
with respect to such year.

(C) WAIVER BY ATTORNEY GENERAL.—

The Attorney General may waive the applicability of subparagraph (B) to a State with respect to the requirements described in subparagraphs (A), (B), and (C) of subsection (a)(1) if the State provides substantial evidence, as determined by the Attorney General, that the State is making a reasonable effort to comply with such requirements.

(3) REALLOCATION.—Any funds that are not allocated under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) to a State pursuant to paragraph (2) because of the failure of the State to comply with the requirements of subsection (a)(1) shall be reallocated under such section to States that meet such requirements.

SEC. 3. ADDITIONAL FIREARMS PROHIBITIONS TO FEDERAL NICS SYSTEM BASED ON STATE REPORTING SYSTEMS.

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

(1) in subsection (d)—

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

3 “(4) has been—

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

5 “(B) committed to any mental institution,

6 and—

7 “(i) in the case of a voluntary com-
8 mitment—

9 “(I) has been determined by a
10 mental health professional, in accord-
11 ance with section 5(c) of the End
12 Purchase of Firearms by Dangerous
13 Individuals Act of 2017, to present a
14 danger to others; and

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

17 “(ii) in the case of a temporary invol-
18 untary commitment or hold through a
19 process established pursuant to section
20 2(a)(1)(B) of the End Purchase of Fire-
21 arms by Dangerous Individuals Act of
22 2017—

23 “(I) has been determined by a
24 mental health professional, in accord-
25 ance with section 5(c) of the End

1 Purchase of Firearms by Dangerous
2 Individuals Act of 2017, to present a
3 danger to others; and

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

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

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

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

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

19 “(10) during the prior 6-month period, has
20 communicated to a mental health professional a seri-
21 ous threat to commit an act of physical violence
22 against another identifiable person.”; and

23 (2) in subsection (g)—

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

1 “(4) who has been—

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

3 “(B) committed to any mental institution,

4 and—

5 “(i) in the case of a voluntary com-
6 mitment—

7 “(I) has been determined by a
8 mental health professional, in accord-
9 ance with section 5(c) of the End
10 Purchase of Firearms by Dangerous
11 Individuals Act of 2017, to present a
12 danger to others; and

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

15 “(ii) in the case of a temporary invol-
16 untary commitment or hold through a
17 process established pursuant to section
18 2(a)(1)(B) of the End Purchase of Fire-
19 arms by Dangerous Individuals Act of
20 2017—

21 “(I) has been determined by a
22 mental health professional, in accord-
23 ance with section 5(c) of the End
24 Purchase of Firearms by Dangerous

1 Individuals Act of 2017, to present a
 2 danger to others; and

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

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

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

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

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

18 “(10) who has communicated to a mental
 19 health professional a serious threat to commit an act
 20 of physical violence against another identifiable per-
 21 son, for a period of 6 months after making such a
 22 threat,”.

23 **SEC. 4. GUIDELINES.**

24 (a) GENERAL GUIDELINES FOR STATE REPORTING
 25 SYSTEMS.—Not later than 16 months after the date of

1 the enactment of this Act, the Secretary of Health and
2 Human Services shall, pursuant to rulemaking and in ac-
3 cordance with subsection (d), establish guidelines for
4 States and mental health professionals, with respect to es-
5 tablishing reporting systems under section 2(a)(1)—

6 (1) to ensure determinations described in para-
7 graphs (2) and (3) of section 2(a) of dangerousness
8 and determinations described in section 2(a)(4) of
9 serious threat for purposes of reporting information
10 under section 2(a)(1) are administered properly;

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

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

19 (4) to ensure all reporting to law enforcement
20 officials, State-based databases, and National In-
21 stant Criminal Background Check System are com-
22 pliant with applicable Federal and State privacy and
23 security protections and standards;

24 (5) to recommend the process by which quali-
25 fied professionals should assess an individual to de-

1 termine dangerousness for purposes described in sec-
2 tion 2; and

3 (6) for any other purpose deemed necessary by
4 the Secretary.

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

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

18 (2) QUALIFIED PROFESSIONALS.—Guidelines to
19 determine which mental health professionals are
20 qualified to handle the responsibilities provided such
21 professionals under section 2.

22 (3) RECOMMENDATIONS IN ASSESSING PA-
23 TIENTS.—Guidelines recommending the process by
24 which qualified professionals should assess an indi-

vidual to determine dangerousness for purposes described in section 2.

(4) TREATMENTS.—

(A) IN GENERAL.—Guidelines for how any individual designated to be temporarily involuntary committed or held and who is receiving medication as a result of the mental illness of such individual must be advised about the probable effects and possible side effects of the medication.

(B) INFORMATION ON MEDICATION.—Guidelines for requiring the following information related to medications to be given to such an individual:

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

(ii) The likelihood of such mental illness or behavior improving or not improving without the medication.

(iii) Reasonable alternative treatments available.

(iv) The name and type, frequency amount, and method of dispensing the

1 medication, and the probable length of
2 time the medication will be taken.

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

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

15 (B) VERIFICATION FROM SECOND PROFES-
16 SIONAL.—A second mental health professional
17 shall independently verify the appropriateness
18 of the temporary involuntary detention or hold.

19 (6) ADVISEMENT.—Guidelines related to advis-
20 ing such an individual orally and in written form
21 during the following steps in the process of the indi-
22 vidual being temporarily involuntarily committed or
23 held:

24 (A) TRANSPORT.—After an initial deten-
25 tion by a qualified professional (as defined by

1 the State) to transport a patient to a facility,
2 an oral advisement containing critical informa-
3 tion as determined by the Secretary must be
4 given to the individual being transported to a
5 facility for an assessment.

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

12 (7) ADDITIONAL GUIDELINES.—Any other
13 guidelines deemed necessary by the Secretary for
14 purposes of this Act.

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

21 (d) CONSULTATION WITH STAKEHOLDERS.—In es-
22 tablishing guidelines described in paragraphs (1), (2), and
23 (5) of subsection (a) and paragraphs (2), (3), (4), and
24 (5) of subsection (b), the Secretary of Health and Human
25 Services shall consult with relevant mental health profes-

1 sional organizations and stakeholders, such as the Amer-
2 ican Psychological Association and the American Psy-
3 chiatric Association.

4 **SEC. 5. MISCELLANEOUS.**

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

16 (b) LIMITING LIABILITY FOR MENTAL HEALTH PRO-
17 FESSIONALS.—Any mental health professional who does
18 not report under a reporting system established under sec-
19 tion 2(a)(1), in accordance with guidelines established
20 under section 4(a), information described in paragraph
21 (2), (3), or (4) of section 2(a), with respect to an indi-
22 vidual described in such respective paragraph, shall not
23 be held liable in any civil action in State or Federal court
24 for any damages resulting from such failure to report such
25 information.

1 (c) DETERMINATION OF DANGEROUSNESS.—For
2 purposes of this Act, a determination of dangerousness,
3 with respect to an individual, shall be predicated on the
4 presence of either—

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

8 (2) a substantial risk of physical harm to an-
9 other individual as manifested by evidence of homi-
10 cidal or other violent behavior or evidence that such
11 other individual is placed in reasonable fear of vio-
12 lent behavior and physical harm to such other indi-
13 vidual.

14 (d) STUDY ON EXISTING STATE STATUTES.—

15 (1) STUDY.—The Secretary of Health and
16 Human Services (in this subsection referred to as
17 the “Secretary”) shall enter into an agreement with
18 the Institute of Medicine (or if the Institute declines
19 to enter into such an agreement, another appro-
20 priate entity) to conduct a comprehensive study on
21 State statutes, enacted before the date of the enact-
22 ment of this Act, that require mental health profes-
23 sionals to directly report certain individuals into
24 State firearm prohibition databases.

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

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

7 (B) How such State statutes impact a pa-
8 tient’s decision to access mental health treat-
9 ment.

10 (C) The effectiveness of such State stat-
11 utes as interventions for preventing firearm-re-
12 lated violence.

13 (D) Any other relevant considerations, as
14 determined by the Institute of Medicine (or, if
15 applicable, the other appropriate entity de-
16 scribed in paragraph (1)).

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

20 (A) the study under subparagraph (1) is
21 completed; and

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

1 (e) AMENDING REFERENCES FROM PERSONS ADJU-
2 DICATED AS A MENTAL DEFECTIVE TO INELIGIBLE DUE
3 TO DISQUALIFYING MENTAL STATUS.—

4 (1) IN GENERAL.—

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

10 (B) Section 842 of title 18, United States
11 Code, is amended—

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

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

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

23 (i) in subsection (d)(4)(A), by striking
24 “adjudicated as a mental defective,” and

1 inserting “adjudicated as ineligible due to
2 disqualifying mental status”;

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

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

11 (D) The NICS Improvement Amendments
12 Act of 2007 (18 U.S.C. 922 note) is amended—

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

17 (ii) in section 101—

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

23 (II) in subsection (c)(1)(C), by
24 striking “adjudicated as a mental de-
25 fective,” and inserting “adjudicated as

1 ineligible due to disqualifying mental
2 status”;

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

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

14 (iii) in section 102—

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

20 (II) in subsection (c)(3), by strik-
21 ing “adjudicated as a mental defec-
22 tive,” and inserting “adjudicated as
23 ineligible due to disqualifying mental
24 status”.

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

8 (3) REGULATIONS.—For purposes of regula-
9 tions issued to carry out a provision amended by
10 paragraph (1)—

11 (A) before the regulations are amended to
12 carry out this subsection a reference in the reg-
13 ulations to a person adjudicated as a mental de-
14 fective shall be considered to be a reference to
15 a person adjudicated as ineligible due to dis-
16 qualifying mental status; and

17 (B) in amending the regulations to carry
18 out this subsection, a Federal agency shall en-
19 sure that the regulations clearly state that per-
20 sons adjudicated as ineligible due to disquali-
21 fying mental status were formerly termed per-
22 sons adjudicated as a mental defective.

23 (4) RULE OF CONSTRUCTION.—Nothing in this
24 subsection shall be construed to alter or otherwise
25 affect the definition of persons previously termed

- 1 “adjudicated as a mental defective” under provisions
- 2 amended by paragraph (1).

