

114TH CONGRESS
1ST SESSION

H. R. 3722

To strengthen our mental health system and improve public safety.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2015

Ms. MCSALLY (for herself, Mr. ASHFORD, Mr. CUELLAR, Mr. PETERSON, Mr. MCCAUL, Mrs. MIMI WALTERS of California, Mr. WALZ, and Mr. CURBELO of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Science, Space, and Technology, Veterans' Affairs, Appropriations, and Armed Services, 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 strengthen our mental health system and improve public safety.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Mental Health and Safe Communities Act of 2015”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MENTAL HEALTH AND SAFE COMMUNITIES

- Sec. 101. Law enforcement grants for crisis intervention teams, mental health purposes, and fixing the background check system.
- Sec. 102. Assisted outpatient treatment programs.
- Sec. 103. Federal drug and mental health courts.
- Sec. 104. Mental health in the judicial system.
- Sec. 105. Forensic assertive community treatment initiatives.
- Sec. 106. Assistance for individuals transitioning out of systems.
- Sec. 107. Co-occurring substance abuse and mental health challenges in drug courts.
- Sec. 108. Mental health training for Federal uniformed services.
- Sec. 109. Advancing mental health as part of offender reentry.
- Sec. 110. School mental health crisis intervention teams.
- Sec. 111. Active-shooter training for law enforcement.
- Sec. 112. Co-occurring substance abuse and mental health challenges in residential substance abuse treatment programs.
- Sec. 113. Mental health and drug treatment alternatives to incarceration programs.
- Sec. 114. National criminal justice and mental health training and technical assistance.
- Sec. 115. Improving Department of Justice data collection on mental illness involved in crime.
- Sec. 116. Reports on the number of mentally ill offenders in prison.

TITLE II—COMPREHENSIVE JUSTICE AND MENTAL HEALTH ACT

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Sequential intercept model.
- Sec. 204. Veterans treatment courts.
- Sec. 205. Prison and jails.
- Sec. 206. Allowable uses.
- Sec. 207. Law enforcement training.
- Sec. 208. Federal law enforcement training.
- Sec. 209. GAO report.
- Sec. 210. Evidence-based practices.
- Sec. 211. Transparency, program accountability, and enhancement of local authority.
- Sec. 212. Grant accountability.

TITLE III—NICS REAUTHORIZATION AND NICS IMPROVEMENT

- Sec. 301. Reauthorization of NICS.
- Sec. 302. Definitions relating to mental health.
- Sec. 303. Incentives for State compliance with NICS mental health record requirements.
- Sec. 304. Protecting the second amendment rights of veterans.
- Sec. 305. Applicability of amendments.
- Sec. 306. Clarification that Federal court information is to be made available to the national instant criminal background check system.

TITLE IV—REAUTHORIZATIONS AND OFFSET

- Sec. 401. Reauthorization of appropriations.
- Sec. 402. Offset.

1 **TITLE I—MENTAL HEALTH AND**
2 **SAFE COMMUNITIES**

3 **SEC. 101. LAW ENFORCEMENT GRANTS FOR CRISIS INTER-**
4 **VENTION TEAMS, MENTAL HEALTH PUR-**
5 **POSES, AND FIXING THE BACKGROUND**
6 **CHECK SYSTEM.**

7 (a) EDWARD BYRNE MEMORIAL JUSTICE ASSIST-
8 ANCE GRANT PROGRAM.—Section 501(a)(1) of title I of
9 the Omnibus Crime Control and Safe Streets Act of 1968
10 (42 U.S.C. 3751(a)(1)) is amended by adding at the end
11 the following:

12 “(H) Mental health programs and related
13 law enforcement and corrections programs, in-
14 cluding behavioral programs and crisis interven-
15 tion teams.

16 “(I) Achieving compliance with the mental
17 health records requirements of the NICS Im-
18 provement Amendments Act of 2007 (Public
19 Law 110–180; 121 Stat. 2259).”.

20 (b) COMMUNITY ORIENTED POLICING SERVICES
21 PROGRAM.—Section 1701(b) of title I of the Omnibus
22 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
23 3796dd(b)) is amended—

24 (1) in paragraph (16), by striking “and” at the
25 end;

1 (2) by redesignating paragraph (17) as para-
2 graph (21);

3 (3) by inserting after paragraph (16) the fol-
4 lowing:

5 “(17) to provide specialized training to law en-
6 forcement officers to—

7 “(A) recognize individuals who have a
8 mental illness; and

9 “(B) properly interact with individuals who
10 have a mental illness, including strategies for
11 verbal de-escalation of crises;

12 “(18) to establish collaborative programs that
13 enhance the ability of law enforcement agencies to
14 address the mental health, behavioral, and substance
15 abuse problems of individuals encountered by law
16 enforcement officers in the line of duty;

17 “(19) to provide specialized training to correc-
18 tions officers to recognize individuals who have a
19 mental illness;

20 “(20) to enhance the ability of corrections offi-
21 cers to address the mental health of individuals
22 under the care and custody of jails and prisons, in-
23 cluding specialized training and strategies for verbal
24 de-escalation of crises; and”;

1 (4) in paragraph (21), as redesignated, by
2 striking “through (16)” and inserting “through
3 (20)”.

4 (c) **MODIFICATIONS TO THE STAFFING FOR ADE-**
5 **QUATE FIRE AND EMERGENCY RESPONSE GRANTS.**—Sec-
6 tion 34(a)(1)(B) of the Federal Fire Prevention and Con-
7 trol Act of 1974 (15 U.S.C. 2229a(a)(1)(B)) is amended
8 by inserting before the period at the end the following:
9 “and to provide specialized training to paramedics, emer-
10 gency medical services workers, and other first responders
11 to recognize individuals who have mental illness and how
12 to properly intervene with individuals with mental illness,
13 including strategies for verbal de-escalation of crises”.

14 **SEC. 102. ASSISTED OUTPATIENT TREATMENT PROGRAMS.**

15 Section 2201 of title I of the Omnibus Crime Control
16 and Safe Streets Act of 1968 (42 U.S.C. 3796ii) is amend-
17 ed—

18 (1) by inserting “(a) **IN GENERAL.**—” before
19 “**The Attorney General**”;

20 (2) in paragraph (2)(B), by inserting before the
21 semicolon the following: “, or court-ordered assisted
22 outpatient treatment when the court has determined
23 such treatment to be necessary”; and

24 (3) by adding at the end the following:

25 “(b) **DEFINITIONS.**—In this section:

1 “(1) COURT-ORDERED ASSISTED OUTPATIENT
2 TREATMENT.—The term ‘court-ordered assisted out-
3 patient treatment’ means a program through which
4 a court may order a treatment plan for an eligible
5 patient that—

6 “(A) requires such patient to obtain out-
7 patient mental health treatment while the pa-
8 tient is living in a community; and

9 “(B) is designed to improve access and ad-
10 herence by such patient to intensive behavioral
11 health services in order to—

12 “(i) avert relapse, repeated hos-
13 pitalizations, arrest, incarceration, suicide,
14 property destruction, and violent behavior;
15 and

16 “(ii) provide such patient with the op-
17 portunity to live in a less restrictive alter-
18 native to incarceration or involuntary hos-
19 pitalization.

20 “(2) ELIGIBLE PATIENT.—The term ‘eligible
21 patient’ means an adult, mentally ill person who, as
22 determined by a court—

23 “(A) has a history of violence, incarcer-
24 ation, or medically unnecessary hospitalizations;

1 “(B) without supervision and treatment,
2 may be a danger to self or others in the com-
3 munity;

4 “(C) is substantially unlikely to voluntarily
5 participate in treatment;

6 “(D) may be unable, for reasons other
7 than indigence, to provide for any of his or her
8 basic needs, such as food, clothing, shelter,
9 health, or safety;

10 “(E) has a history of mental illness or con-
11 dition that is likely to substantially deteriorate
12 if the patient is not provided with timely treat-
13 ment; or

14 “(F) due to mental illness, lacks capacity
15 to fully understand or lacks judgment to make
16 informed decisions regarding his or her need for
17 treatment, care, or supervision.”.

18 **SEC. 103. FEDERAL DRUG AND MENTAL HEALTH COURTS.**

19 (a) DEFINITIONS.—In this section—

20 (1) the term “eligible offender” means a person
21 who—

22 (A)(i) previously or currently has been di-
23 agnosed by a qualified mental health profes-
24 sional as having a mental illness, mental retar-

1 dation, or co-occurring mental illness and sub-
2 stance abuse disorders; or

3 (ii) manifests obvious signs of mental ill-
4 ness, mental retardation, or co-occurring mental
5 illness and substance abuse disorders during ar-
6 rest or confinement or before any court; and

7 (B) is determined by a judge to be eligible;
8 and

9 (2) the term “mental illness” means a
10 diagnosable mental, behavioral, or emotional dis-
11 order—

12 (A) of sufficient duration to meet diag-
13 nostic criteria within the most recent edition of
14 the Diagnostic and Statistical Manual of Men-
15 tal Disorders published by the American Psy-
16 chiatric Association; and

17 (B) that has resulted in functional impair-
18 ment that substantially interferes with or limits
19 1 or more major life activities.

20 (b) ESTABLISHMENT OF PROGRAM.—Not later than
21 1 year after the date of enactment of this Act, the Attor-
22 ney General shall establish a pilot program to determine
23 the effectiveness of diverting eligible offenders from Fed-
24 eral prosecution, Federal probation, or a Bureau of Pris-

1 ons facility, and placing such eligible offenders in drug or
2 mental health courts.

3 (c) PROGRAM SPECIFICATIONS.—The pilot program
4 established under subsection (b) shall involve—

5 (1) continuing judicial supervision, including
6 periodic review, of program participants who have a
7 substance abuse problem or mental illness; and

8 (2) the integrated administration of services
9 and sanctions, which shall include—

10 (A) mandatory periodic testing, as appro-
11 priate, for the use of controlled substances or
12 other addictive substances during any period of
13 supervised release or probation for each pro-
14 gram participant;

15 (B) substance abuse treatment for each
16 program participant who requires such services;

17 (C) diversion, probation, or other super-
18 vised release with the possibility of prosecution,
19 confinement, or incarceration based on non-
20 compliance with program requirements or fail-
21 ure to show satisfactory progress;

22 (D) programmatic offender management,
23 including case management, and aftercare serv-
24 ices, such as relapse prevention, health care,
25 education, vocational training, job placement,

1 housing placement, and child care or other fam-
2 ily support services for each program partici-
3 pant who requires such services;

4 (E) outpatient or inpatient mental health
5 treatment, as ordered by the court, that carries
6 with it the possibility of dismissal of charges or
7 reduced sentencing upon successful completion
8 of such treatment;

9 (F) centralized case management, includ-
10 ing—

11 (i) the consolidation of all cases, in-
12 cluding violations of probations, of the pro-
13 gram participant; and

14 (ii) coordination of all mental health
15 treatment plans and social services, includ-
16 ing life skills and vocational training, hous-
17 ing and job placement, education, health
18 care, and relapse prevention for each pro-
19 gram participant who requires such serv-
20 ices; and

21 (G) continuing supervision of treatment
22 plan compliance by the program participant for
23 a term not to exceed the maximum allowable
24 sentence or probation period for the charged or
25 relevant offense and, to the extent practicable,

1 continuity of psychiatric care at the end of the
2 supervised period.

3 (d) IMPLEMENTATION; DURATION.—The pilot pro-
4 gram established under subsection (b) shall be con-
5 ducted—

6 (1) in not less than 1 United States judicial
7 district, designated by the Attorney General in con-
8 sultation with the Director of the Administrative Of-
9 fice of the United States Courts, as appropriate for
10 the pilot program; and

11 (2) during fiscal year 2017 through fiscal year
12 2020.

13 (e) CRITERIA FOR DESIGNATION.—Before making a
14 designation under subsection (d)(1), the Attorney General
15 shall—

16 (1) obtain the approval, in writing, of the
17 United States Attorney for the United States judi-
18 cial district being designated;

19 (2) obtain the approval, in writing, of the chief
20 judge for the United States judicial district being
21 designated; and

22 (3) determine that the United States judicial
23 district being designated has adequate behavioral
24 health systems for treatment, including substance
25 abuse and mental health treatment.

1 (f) ASSISTANCE FROM OTHER FEDERAL ENTI-
2 TIES.—The Administrative Office of the United States
3 Courts and the United States Probation Offices shall pro-
4 vide such assistance and carry out such functions as the
5 Attorney General may request in monitoring, supervising,
6 providing services to, and evaluating eligible offenders
7 placed in a drug or mental health court under this section.

8 (g) REPORTS.—The Attorney General, in consulta-
9 tion with the Director of the Administrative Office of the
10 United States Courts, shall monitor the drug and mental
11 health courts under this section, and shall submit a report
12 to Congress on the outcomes of the program at the end
13 of the period described in subsection (d)(2).

14 **SEC. 104. MENTAL HEALTH IN THE JUDICIAL SYSTEM.**

15 Part V of title I of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3796ii et seq.) is
17 amended by inserting at the end the following:

18 **“SEC. 2209. MENTAL HEALTH RESPONSES IN THE JUDICIAL**
19 **SYSTEM.**

20 “(a) PRETRIAL SCREENING AND SUPERVISION.—

21 “(1) IN GENERAL.—The Attorney General may
22 award grants to States, units of local government,
23 territories, Indian Tribes, nonprofit agencies, or any
24 combination thereof, to develop, implement, or ex-
25 pand pretrial services programs to improve the iden-

1 tification and outcomes of individuals with mental
2 illness.

3 “(2) ALLOWABLE USES.—Grants awarded
4 under this subsection may be used for—

5 “(A) universal behavioral health needs and
6 risk screening of defendants, including
7 verification of interview information, mental
8 health evaluation, and criminal history screen-
9 ing;

10 “(B) assessment of risk of pretrial mis-
11 conduct through objective, statistically validated
12 means, and presentation to the court of rec-
13 ommendations based on such assessment, in-
14 cluding services that will reduce the risk of pre-
15 trial misconduct;

16 “(C) follow-up review of defendants unable
17 to meet the conditions of release;

18 “(D) evaluation of process and results of
19 pretrial service programs;

20 “(E) supervision of defendants who are on
21 pretrial release, including reminders to defend-
22 ants of scheduled court dates;

23 “(F) reporting on process and results of
24 pretrial services programs to relevant public
25 and private mental health stakeholders; and

1 “(G) data collection and analysis necessary
2 to make available information required for as-
3 sessment of risk.

4 “(b) BEHAVIORAL HEALTH ASSESSMENTS AND
5 INTERVENTION.—

6 “(1) IN GENERAL.—The Attorney General may
7 award grants to States, units of local government,
8 territories, Indian Tribes, nonprofit agencies, or any
9 combination thereof, to develop, implement, or ex-
10 pand a behavioral health screening and assessment
11 program framework for State or local criminal jus-
12 tice systems.

13 “(2) ALLOWABLE USES.—Grants awarded
14 under this subsection may be used for—

15 “(A) promotion of the use of validated as-
16 sessment tools to gauge the criminogenic risk,
17 substance abuse needs, and mental health needs
18 of individuals;

19 “(B) initiatives to match the risk factors
20 and needs of individuals to programs and prac-
21 tices associated with research-based, positive
22 outcomes;

23 “(C) implementing methods for identifying
24 and treating individuals who are most likely to
25 benefit from coordinated supervision and treat-

1 ment strategies, and identifying individuals who
2 can do well with fewer interventions; and

3 “(D) collaborative decisionmaking among
4 system leaders, including the relevant criminal
5 justice agencies, mental health systems, judicial
6 systems, and substance abuse systems, for de-
7 termining how treatment and intensive super-
8 vision services should be allocated in order to
9 maximize benefits, and developing and utilizing
10 capacity accordingly.

11 “(c) RESTRICTIONS ON USE OF GRANT FUNDS.—

12 “(1) IN GENERAL.—A State, unit of local gov-
13 ernment, territory, Indian Tribe, or nonprofit agency
14 that receives a grant under this section shall, in ac-
15 cordance with subsection (b)(2), use grant funds for
16 the expenses of a treatment program, including—

17 “(A) salaries, personnel costs, equipment
18 costs, and other costs directly related to the op-
19 eration of the program, including costs relating
20 to enforcement;

21 “(B) payments for treatment providers
22 that are approved by the State or Indian Tribe
23 and licensed, if necessary, to provide needed
24 treatment to program participants, including

1 aftercare supervision, vocational training, edu-
2 cation, and job placement; and

3 “(C) payments to public and nonprofit pri-
4 vate entities that are approved by the State or
5 Indian Tribe and licensed, if necessary, to pro-
6 vide alcohol and drug addiction treatment to of-
7 fenders participating in the program.

8 “(d) SUPPLEMENT OF NON-FEDERAL FUNDS.—

9 “(1) IN GENERAL.—Grants awarded under this
10 section shall be used to supplement, and not sup-
11 plant, non-Federal funds that would otherwise be
12 available for programs described in this section.

13 “(2) FEDERAL SHARE.—The Federal share of a
14 grant made under this section may not exceed 50
15 percent of the total costs of the program described
16 in an application under subsection (e).

17 “(e) APPLICATIONS.—To request a grant under this
18 section, a State, unit of local government, territory, Indian
19 Tribe, or nonprofit agency shall submit an application to
20 the Attorney General in such form and containing such
21 information as the Attorney General may reasonably re-
22 quire.

23 “(f) GEOGRAPHIC DISTRIBUTION.—The Attorney
24 General shall ensure that, to the extent practicable, the

1 distribution of grants under this section is equitable and
2 includes—

3 “(1) each State; and

4 “(2) a unit of local government, territory, In-
5 dian Tribe, or nonprofit agency—

6 “(A) in each State; and

7 “(B) in rural, suburban, Tribal, and urban
8 jurisdictions.

9 “(g) REPORTS AND EVALUATIONS.—For each fiscal
10 year, each grantee under this section during that fiscal
11 year shall submit to the Attorney General a report on the
12 effectiveness of activities carried out using such grant.
13 Each report shall include an evaluation in such form and
14 containing such information as the Attorney General may
15 reasonably require. The Attorney General shall specify the
16 dates on which such reports shall be submitted.

17 “(h) ACCOUNTABILITY.—Grants awarded under this
18 section shall be subject to the following accountability pro-
19 visions:

20 “(1) AUDIT REQUIREMENT.—

21 “(A) DEFINITION.—In this paragraph, the
22 term ‘unresolved audit finding’ means a finding
23 in the final audit report of the Inspector Gen-
24 eral of the Department of Justice under sub-
25 paragraph (C) that the audited grantee has

1 used grant funds for an unauthorized expendi-
2 ture or otherwise unallowable cost that is not
3 closed or resolved within 1 year after the date
4 on which final audit report is issued.

5 “(B) AUDITS.—Beginning in the first fis-
6 cal year beginning after the date of enactment
7 of this section, and in each fiscal year there-
8 after, the Inspector General of the Department
9 of Justice shall conduct audits of grantees
10 under this section to prevent waste, fraud, and
11 abuse of funds by grantees. The Inspector Gen-
12 eral shall determine the appropriate number of
13 grantees to be audited each year.

14 “(C) FINAL AUDIT REPORT.—The Inspec-
15 tor General of the Department of Justice shall
16 submit a final report on each audit conducted
17 under subparagraph (B).

18 “(D) MANDATORY EXCLUSION.—Grantees
19 under this section about which there is an unre-
20 solved audit finding shall not be eligible to re-
21 ceive a grant under this section during the 2
22 fiscal years beginning after the end of the 1-
23 year period described in subparagraph (A).

24 “(E) PRIORITY.—In making grants under
25 this section, the Attorney General shall give pri-

1 ority to applicants that did not have an unre-
2 solved audit finding during the 3 fiscal years
3 before submitting an application for a grant
4 under this section.

5 “(F) REIMBURSEMENT.—If an entity re-
6 ceives a grant under this section during the 2-
7 fiscal-year period during which the entity is
8 prohibited from receiving grants under subpara-
9 graph (D), the Attorney General shall—

10 “(i) deposit an amount equal to the
11 amount of the grant that was improperly
12 awarded to the grantee into the General
13 Fund of the Treasury; and

14 “(ii) seek to recoup the costs of the
15 repayment under clause (i) from the grant-
16 ee that was erroneously awarded grant
17 funds.

18 “(2) NONPROFIT AGENCY REQUIREMENTS.—

19 “(A) DEFINITION.—For purposes of this
20 paragraph and the grant program under this
21 section, the term ‘nonprofit agency’ means an
22 organization that is described in section
23 501(c)(3) of the Internal Revenue Code of 1986
24 (26 U.S.C. 501(c)(3)) and is exempt from tax-

1 ation under section 501(a) of the Internal Rev-
2 enue Code of 1986 (26 U.S.C. 501(a)).

3 “(B) PROHIBITION.—The Attorney Gen-
4 eral may not award a grant under this section
5 to a nonprofit agency that holds money in an
6 offshore account for the purpose of avoiding
7 paying the tax described in section 511(a) of
8 the Internal Revenue Code of 1986 (26 U.S.C.
9 511(a)).

10 “(C) DISCLOSURE.—Each nonprofit agen-
11 cy that is awarded a grant under this section
12 and uses the procedures prescribed in regula-
13 tions to create a rebuttable presumption of rea-
14 sonableness for the compensation of its officers,
15 directors, trustees, and key employees, shall dis-
16 close to the Attorney General, in the application
17 for the grant, the process for determining such
18 compensation, including the independent per-
19 sons involved in reviewing and approving such
20 compensation, the comparability data used, and
21 contemporaneous substantiation of the delibera-
22 tion and decision. Upon request, the Attorney
23 General shall make the information disclosed
24 under this subparagraph available for public in-
25 spection.

1 “(3) CONFERENCE EXPENDITURES.—

2 “(A) LIMITATION.—Not more than
3 \$20,000 of the amounts made available to the
4 Department of Justice to carry out this section
5 may be used by the Attorney General, or by any
6 individual or entity awarded a grant under this
7 section to host, or make any expenditures relat-
8 ing to, a conference unless the Deputy Attorney
9 General provides prior written authorization
10 that the funds may be expended to host the
11 conference or make such expenditure.

12 “(B) WRITTEN APPROVAL.—Written ap-
13 proval under subparagraph (A) shall include a
14 written estimate of all costs associated with the
15 conference, including the cost of all food, bev-
16 erages, audio-visual equipment, honoraria for
17 speakers, and entertainment.

18 “(C) REPORT.—The Deputy Attorney Gen-
19 eral shall submit an annual report to the Com-
20 mittee on the Judiciary of the Senate and the
21 Committee on the Judiciary of the House of
22 Representatives on all conference expenditures
23 approved under this paragraph.

24 “(4) ANNUAL CERTIFICATION.—Beginning in
25 the first fiscal year beginning after the date of en-

1 actment of this subsection, the Attorney General
2 shall submit to the Committee on the Judiciary and
3 the Committee on Appropriations of the Senate and
4 the Committee on the Judiciary and the Committee
5 on Appropriations of the House of Representatives
6 an annual certification—

7 “(A) indicating whether—

8 “(i) all final audit reports issued by
9 the Office of the Inspector General under
10 paragraph (1) have been completed and re-
11 viewed by the appropriate Assistant Attor-
12 ney General or Director;

13 “(ii) all mandatory exclusions required
14 under paragraph (1)(D) have been issued;
15 and

16 “(iii) any reimbursements required
17 under paragraph (1)(F) have been made;
18 and

19 “(B) that includes a list of any grantees
20 excluded under paragraph (1)(D) from the pre-
21 vious year.

22 “(i) PREVENTING DUPLICATIVE GRANTS.—

23 “(1) IN GENERAL.—Before the Attorney Gen-
24 eral awards a grant to an applicant under this sec-
25 tion, the Attorney General shall compare the pos-

1 sible grant with any other grants awarded to the ap-
2 plicant under this Act to determine whether the
3 grants are for the same purpose.

4 “(2) REPORT.—If the Attorney General awards
5 multiple grants to the same applicant for the same
6 purpose, the Attorney General shall submit to the
7 Committee on the Judiciary of the Senate and the
8 Committee on the Judiciary of the House of Rep-
9 resentatives a report that includes—

10 “(A) a list of all duplicate grants awarded,
11 including the total dollar amount of any such
12 grants awarded; and

13 “(B) the reason the Attorney General
14 awarded the duplicate grants.”.

15 **SEC. 105. FORENSIC ASSERTIVE COMMUNITY TREATMENT**
16 **INITIATIVES.**

17 Section 2991 of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3797aa) is amended by
19 inserting after subsection (k), as added by section 205,
20 the following:

21 “(1) FORENSIC ASSERTIVE COMMUNITY TREATMENT
22 (FACT) INITIATIVE PROGRAM.—

23 “(1) IN GENERAL.—The Attorney General may
24 make grants to States, units of local government,
25 territories, Indian Tribes, nonprofit agencies, or any

1 combination thereof, to develop, implement, or ex-
2 pand Assertive Community Treatment initiatives to
3 develop forensic assertive community treatment (re-
4 ferred to in this subsection as ‘FACT’) programs
5 that provide high-intensity services in the community
6 for individuals with mental illness with involvement
7 in the criminal justice system to prevent future in-
8 carcerations.

9 “(2) ALLOWABLE USES.—Grant funds awarded
10 under this subsection may be used for—

11 “(A) multidisciplinary team initiatives for
12 individuals with mental illnesses with criminal
13 justice involvement that addresses criminal jus-
14 tice involvement as part of treatment protocols;

15 “(B) FACT initiatives that involve mental
16 health professionals, criminal justice agencies,
17 chemical dependency specialists, nurses, psychi-
18 atrists, vocational specialists, forensic peer spe-
19 cialists, forensic specialists, and dedicated ad-
20 ministrative support staff who work together to
21 provide recovery-oriented, 24/7 wraparound
22 services;

23 “(C) services such as integrated evidence-
24 based practices for the treatment of co-occur-
25 ring mental health and substance-related dis-

1 orders, assertive outreach and engagement,
2 community-based service provision at partici-
3 pants' residence or in the community, psy-
4 chiatric rehabilitation, recovery-oriented serv-
5 ices, services to address criminogenic risk fac-
6 tors, and community tenure;

7 “(D) payments for treatment providers
8 that are approved by the State or Indian Tribe
9 and licensed, if necessary, to provide needed
10 treatment to eligible offenders participating in
11 the program, including behavioral health serv-
12 ices and aftercare supervision; and

13 “(E) training for all FACT teams to pro-
14 mote high-fidelity practice principles and tech-
15 nical assistance to support effective and con-
16 tinuing integration with criminal justice agency
17 partners.

18 “(3) SUPPLEMENT AND NOT SUPPLANT.—
19 Grants made under this subsection shall be used to
20 supplement, and not supplant, non-Federal funds
21 that would otherwise be available for programs de-
22 scribed in this subsection.

23 “(4) APPLICATIONS.—To request a grant under
24 this subsection, a State, unit of local government,
25 territory, Indian Tribe, or nonprofit agency shall

1 submit an application to the Attorney General in
2 such form and containing such information as the
3 Attorney General may reasonably require.”.

4 **SEC. 106. ASSISTANCE FOR INDIVIDUALS TRANSITIONING**
5 **OUT OF SYSTEMS.**

6 Section 2976(f) of title I of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 (42 U.S.C. 3797w(f))
8 is amended—

9 (1) in paragraph (5), by striking “and” at the
10 end; and

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

12 “(7) provide mental health treatment and tran-
13 sitional services for those with mental illnesses or
14 with co-occurring disorders, including housing place-
15 ment or assistance; and”.

16 **SEC. 107. CO-OCCURRING SUBSTANCE ABUSE AND MENTAL**
17 **HEALTH CHALLENGES IN DRUG COURTS.**

18 Part EE of title I of Omnibus Crime Control and
19 Safe Streets Act of 1968 (42 U.S.C. 3797u et seq.) is
20 amended—

21 (1) in section 2951(a)(1) (42 U.S.C.
22 3797u(a)(1)), by inserting “, including co-occurring
23 substance abuse and mental health problems,” after
24 “problems”; and

1 (2) in section 2959(a) (42 U.S.C. 3797u–8(a)),
2 by inserting “, including training for drug court per-
3 sonnel and officials on identifying and addressing co-
4 occurring substance abuse and mental health prob-
5 lems” after “part”.

6 **SEC. 108. MENTAL HEALTH TRAINING FOR FEDERAL UNI-**
7 **FORMED SERVICES.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Secretary of Defense,
10 the Secretary of Homeland Security, the Secretary of
11 Health and Human Services, and the Secretary of Com-
12 merce shall provide the following to each of the uniformed
13 services (as that term is defined in section 101 of title
14 10, United States Code) under their direction:

15 (1) TRAINING PROGRAMS.—Programs that offer
16 specialized and comprehensive training in procedures
17 to identify and respond appropriately to incidents in
18 which the unique needs of individuals with mental
19 illnesses are involved.

20 (2) IMPROVED TECHNOLOGY.—Computerized
21 information systems or technological improvements
22 to provide timely information to Federal law enforce-
23 ment personnel, other branches of the uniformed
24 services, and criminal justice system personnel to

1 improve the Federal response to mentally ill individ-
2 uals.

3 (3) COOPERATIVE PROGRAMS.—The establish-
4 ment and expansion of cooperative efforts to pro-
5 mote public safety through the use of effective inter-
6 vention with respect to mentally ill individuals en-
7 countered by members of the uniformed services.

8 **SEC. 109. ADVANCING MENTAL HEALTH AS PART OF OF-**
9 **FENDER REENTRY.**

10 (a) REENTRY DEMONSTRATION PROJECTS.—Section
11 2976(f) of title I of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (42 U.S.C. 3797w(f)), as amended
13 by section 106, is amended—

14 (1) in paragraph (3)(C), by inserting “mental
15 health services,” before “drug treatment”; and

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

17 “(8) target offenders with histories of homeless-
18 ness, substance abuse, or mental illness, including a
19 prerelease assessment of the housing status of the
20 offender and behavioral health needs of the offender
21 with clear coordination with mental health, sub-
22 stance abuse, and homelessness services systems to
23 achieve stable and permanent housing outcomes with
24 appropriate support service.”.

1 (b) MENTORING GRANTS.—Section 211(b)(2) of the
2 Second Chance Act of 2007 (42 U.S.C. 17531(b)(2)) is
3 amended by inserting “, including mental health care”
4 after “community”.

5 **SEC. 110. SCHOOL MENTAL HEALTH CRISIS INTERVENTION**
6 **TEAMS.**

7 Section 2701 of title I of Omnibus Crime Control and
8 Safe Streets Act of 1968 (42 U.S.C. 3797a(b)) is amended
9 by—

10 (1) redesignating paragraphs (4) and (5) as
11 paragraphs (5) and (6), respectively; and

12 (2) inserting after paragraph (3) the following:

13 “(4) the development and operation of crisis
14 intervention teams that may include coordination
15 with law enforcement agencies and specialized train-
16 ing for school officials in responding to mental
17 health crises.”.

18 **SEC. 111. ACTIVE-SHOOTER TRAINING FOR LAW ENFORCE-**
19 **MENT.**

20 The Attorney General, as part of the Preventing Vio-
21 lence Against Law Enforcement and Ensuring Officer Re-
22 silience and Survivability Initiative (VALOR) of the De-
23 partment of Justice, may provide safety training and tech-
24 nical assistance to local law enforcement agencies, includ-
25 ing active-shooter response training.

1 **SEC. 112. CO-OCCURRING SUBSTANCE ABUSE AND MENTAL**
2 **HEALTH CHALLENGES IN RESIDENTIAL SUB-**
3 **STANCE ABUSE TREATMENT PROGRAMS.**

4 Section 1901(a) of title I of Omnibus Crime Control
5 and Safe Streets Act of 1968 (42 U.S.C. 3796ff(a)) is
6 amended—

7 (1) in paragraph (1), by striking “and” at the
8 end;

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

11 (3) by adding at the end the following:

12 “(3) developing and implementing specialized
13 residential substance abuse treatment programs that
14 identify and provide appropriate treatment to in-
15 mates with co-occurring mental health and sub-
16 stance abuse disorders or challenges.”.

17 **SEC. 113. MENTAL HEALTH AND DRUG TREATMENT ALTER-**
18 **NATIVES TO INCARCERATION PROGRAMS.**

19 Title I of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
21 by striking part CC and inserting the following:

1 **“PART CC—MENTAL HEALTH AND DRUG TREAT-**
2 **MENT ALTERNATIVES TO INCARCERATION**
3 **PROGRAMS**

4 **“SEC. 2901. MENTAL HEALTH AND DRUG TREATMENT AL-**
5 **TERNATIVES TO INCARCERATION PRO-**
6 **GRAMS.**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘eligible entity’ means a State,
9 unit of local government, Indian Tribe, or nonprofit
10 organization; and

11 “(2) the term ‘eligible participant’ means an in-
12 dividual who—

13 “(A) comes into contact with the criminal
14 justice system or is charged with an offense;

15 “(B) has a history of or a current—

16 “(i) substance use disorder;

17 “(ii) mental illness; or

18 “(iii) co-occurring mental illness and
19 substance use disorders; and

20 “(C) has been approved for participation in
21 a program funded under this section by, the rel-
22 evant law enforcement agency, prosecuting at-
23 torney, defense attorney, probation official, cor-
24 rections official, judge, representative of a men-
25 tal health agency, or representative of a sub-
26 stance abuse agency.

1 “(b) PROGRAM AUTHORIZED.—The Attorney General
2 may make grants to eligible entities to develop, implement,
3 or expand a treatment alternative to incarceration pro-
4 gram for eligible participants, including—

5 “(1) pre-booking treatment alternative to incar-
6 ceration programs, including—

7 “(A) law enforcement training on sub-
8 stance use disorders, mental illness, and co-oc-
9 ccurring mental illness and substance use dis-
10 orders;

11 “(B) receiving centers as alternatives to in-
12 carceration of eligible participants;

13 “(C) specialized response units for calls re-
14 lated to substance use disorders, mental illness,
15 or co-occurring mental illness and substance
16 use disorders; and

17 “(D) other arrest and pre-booking treat-
18 ment alternatives to incarceration models; or

19 “(2) post-booking treatment alternative to in-
20 carceration programs, including—

21 “(A) specialized clinical case management;

22 “(B) pretrial services related to substance
23 use disorders, mental illness, and co-occurring
24 mental illness and substance use disorders;

1 “(C) prosecutor and defender based pro-
2 grams;

3 “(D) specialized probation;

4 “(E) treatment and rehabilitation pro-
5 grams; and

6 “(F) problem-solving courts, including
7 mental health courts, drug courts, co-occurring
8 mental health and substance abuse courts, DWI
9 courts, and veterans treatment courts.

10 “(c) APPLICATION.—

11 “(1) IN GENERAL.—An eligible entity desiring a
12 grant under this section shall submit an application
13 to the Attorney General—

14 “(A) that meets the criteria under para-
15 graph (2); and

16 “(B) at such time, in such manner, and
17 accompanied by such information as the Attor-
18 ney General may require.

19 “(2) CRITERIA.—An eligible entity, in submit-
20 ting an application under paragraph (1), shall—

21 “(A) provide extensive evidence of collabo-
22 ration with State and local government agencies
23 overseeing health, community corrections,
24 courts, prosecution, substance abuse, mental

1 health, victims services, and employment serv-
2 ices, and with local law enforcement agencies;

3 “(B) demonstrate consultation with the
4 Single State Authority for Substance Abuse;

5 “(C) demonstrate that evidence-based
6 treatment practices will be utilized; and

7 “(D) demonstrate that evidenced-based
8 screening and assessment tools will be used to
9 place participants in the treatment alternative
10 to incarceration program.

11 “(d) REQUIREMENTS.—Each eligible entity awarded
12 a grant for a treatment alternative to incarceration pro-
13 gram under this section shall—

14 “(1) determine the terms and conditions of par-
15 ticipation in the program by eligible participants,
16 taking into consideration the collateral consequences
17 of an arrest, prosecution or criminal conviction;

18 “(2) ensure that each substance abuse and
19 mental health treatment component is licensed and
20 qualified by the relevant jurisdiction;

21 “(3) for programs described in subsection
22 (b)(2), organize an enforcement unit comprised of
23 appropriately trained law enforcement professionals
24 under the supervision of the State, Tribal, or local

1 criminal justice agency involved, the duties of which
2 shall include—

3 “(A) the verification of addresses and
4 other contacts of each eligible participant who
5 participates or desires to participate in the pro-
6 gram; and

7 “(B) if necessary, the location, apprehen-
8 sion, arrest, and return to court of an eligible
9 participant in the program who has absconded
10 from the facility of a treatment provider or has
11 otherwise significantly violated the terms and
12 conditions of the program, consistent with Fed-
13 eral and State confidentiality requirements;

14 “(4) notify the relevant criminal justice entity if
15 any eligible participant in the program absconds
16 from the facility of the treatment provider or other-
17 wise violates the terms and conditions of the pro-
18 gram, consistent with Federal and State confiden-
19 tiality requirements;

20 “(5) submit periodic reports on the progress of
21 treatment or other measured outcomes from partici-
22 pation in the program of each eligible offender par-
23 ticipating in the program to the relevant State, Trib-
24 al, or local criminal justice agency, including mental
25 health courts, drug courts, co-occurring mental

1 health and substance abuse courts, DWI courts, and
2 veterans treatment courts;

3 “(6) describe the evidence-based methodology
4 and outcome measurements that will be used to
5 evaluate the program, and specifically explain how
6 such measurements will provide valid measures of
7 the impact of the program; and

8 “(7) describe how the program could be broadly
9 replicated if demonstrated to be effective.

10 “(e) USE OF FUNDS.—An eligible entity shall use a
11 grant received under this section for expenses of a treat-
12 ment alternative to incarceration program, including—

13 “(1) salaries, personnel costs, equipment costs,
14 and other costs directly related to the operation of
15 the program, including the enforcement unit;

16 “(2) payments for treatment providers that are
17 approved by the relevant State or Tribal jurisdiction
18 and licensed, if necessary, to provide needed treat-
19 ment to eligible offenders participating in the pro-
20 gram, including aftercare supervision, vocational
21 training, education, and job placement; and

22 “(3) payments to public and nonprofit private
23 entities that are approved by the State or Tribal ju-
24 risdiction and licensed, if necessary, to provide alco-

1 hol and drug addiction treatment to eligible offend-
2 ers participating in the program.

3 “(f) SUPPLEMENT NOT SUPPLANT.—An eligible enti-
4 ty shall use Federal funds received under this section only
5 to supplement the funds that would, in the absence of
6 those Federal funds, be made available from other Federal
7 and non-Federal sources for the activities described in this
8 section, and not to supplant those funds. The Federal
9 share of a grant made under this section may not exceed
10 50 percent of the total costs of the program described in
11 an application under subsection (d).

12 “(g) GEOGRAPHIC DISTRIBUTION.—The Attorney
13 General shall ensure that, to the extent practicable, the
14 geographical distribution of grants under this section is
15 equitable and includes a grant to an eligible entity in—

16 “(1) each State;

17 “(2) rural, suburban, and urban areas; and

18 “(3) Tribal jurisdictions.

19 “(h) REPORTS AND EVALUATIONS.—Each fiscal
20 year, each recipient of a grant under this section during
21 that fiscal year shall submit to the Attorney General a
22 report on the outcomes of activities carried out using that
23 grant in such form, containing such information, and on
24 such dates as the Attorney General shall specify.

1 “(i) ACCOUNTABILITY.—All grants awarded by the
2 Attorney General under this section shall be subject to the
3 following accountability provisions:

4 “(1) AUDIT REQUIREMENT.—

5 “(A) DEFINITION.—In this paragraph, the
6 term ‘unresolved audit finding’ means a finding
7 in the final audit report of the Inspector Gen-
8 eral of the Department of Justice that the au-
9 dited grantee has utilized grant funds for an
10 unauthorized expenditure or otherwise unallow-
11 able cost that is not closed or resolved within
12 12 months from the date on which the final
13 audit report is issued.

14 “(B) AUDITS.—Beginning in the first fis-
15 cal year beginning after the date of enactment
16 of this subsection, and in each fiscal year there-
17 after, the Inspector General of the Department
18 of Justice shall conduct audits of recipients of
19 grants under this section to prevent waste,
20 fraud, and abuse of funds by grantees. The In-
21 spector General shall determine the appropriate
22 number of grantees to be audited each year.

23 “(C) MANDATORY EXCLUSION.—A recipi-
24 ent of grant funds under this section that is
25 found to have an unresolved audit finding shall

1 not be eligible to receive grant funds under this
2 section during the first 2 fiscal years beginning
3 after the end of the 12-month period described
4 in subparagraph (A).

5 “(D) PRIORITY.—In awarding grants
6 under this section, the Attorney General shall
7 give priority to eligible applicants that did not
8 have an unresolved audit finding during the 3
9 fiscal years before submitting an application for
10 a grant under this section.

11 “(E) REIMBURSEMENT.—If an entity is
12 awarded grant funds under this section during
13 the 2-fiscal-year period during which the entity
14 is barred from receiving grants under subpara-
15 graph (C), the Attorney General shall—

16 “(i) deposit an amount equal to the
17 amount of the grant funds that were im-
18 properly awarded to the grantee into the
19 General Fund of the Treasury; and

20 “(ii) seek to recoup the costs of the
21 repayment to the fund from the grant re-
22 cipient that was erroneously awarded grant
23 funds.

24 “(2) NONPROFIT ORGANIZATION REQUIRE-
25 MENTS.—

1 “(A) DEFINITION.—For purposes of this
2 paragraph and the grant programs under this
3 part, the term ‘nonprofit organization’ means
4 an organization that is described in section
5 501(c)(3) of the Internal Revenue Code of 1986
6 and is exempt from taxation under section
7 501(a) of such Code.

8 “(B) PROHIBITION.—The Attorney Gen-
9 eral may not award a grant under this part to
10 a nonprofit organization that holds money in
11 offshore accounts for the purpose of avoiding
12 paying the tax described in section 511(a) of
13 the Internal Revenue Code of 1986.

14 “(C) DISCLOSURE.—Each nonprofit orga-
15 nization that is awarded a grant under this sec-
16 tion and uses the procedures prescribed in regu-
17 lations to create a rebuttable presumption of
18 reasonableness for the compensation of its offi-
19 cers, directors, trustees, and key employees,
20 shall disclose to the Attorney General, in the
21 application for the grant, the process for deter-
22 mining such compensation, including the inde-
23 pendent persons involved in reviewing and ap-
24 proving such compensation, the comparability
25 data used, and contemporaneous substantiation

1 of the deliberation and decision. Upon request,
2 the Attorney General shall make the informa-
3 tion disclosed under this subparagraph available
4 for public inspection.

5 “(3) CONFERENCE EXPENDITURES.—

6 “(A) LIMITATION.—No amounts made
7 available to the Department of Justice under
8 this section may be used by the Attorney Gen-
9 eral, or by any individual or entity awarded dis-
10 cretionary funds through a cooperative agree-
11 ment under this section, to host or support any
12 expenditure for conferences that uses more than
13 \$20,000 in funds made available by the Depart-
14 ment of Justice, unless the head of the relevant
15 agency or department, provides prior written
16 authorization that the funds may be expended
17 to host the conference.

18 “(B) WRITTEN APPROVAL.—Written ap-
19 proval under subparagraph (A) shall include a
20 written estimate of all costs associated with the
21 conference, including the cost of all food, bev-
22 erages, audio-visual equipment, honoraria for
23 speakers, and entertainment.

24 “(C) REPORT.—The Deputy Attorney Gen-
25 eral shall submit an annual report to the Com-

1 mittee on the Judiciary of the Senate and the
2 Committee on the Judiciary of the House of
3 Representatives on all conference expenditures
4 approved under this paragraph.

5 “(4) ANNUAL CERTIFICATION.—Beginning in
6 the first fiscal year beginning after the date of en-
7 actment of this subsection, the Attorney General
8 shall submit, to the Committee on the Judiciary and
9 the Committee on Appropriations of the Senate and
10 the Committee on the Judiciary and the Committee
11 on Appropriations of the House of Representatives,
12 an annual certification—

13 “(A) indicating whether—

14 “(i) all audits issued by the Office of
15 the Inspector General under paragraph (1)
16 have been completed and reviewed by the
17 appropriate Assistant Attorney General or
18 Director;

19 “(ii) all mandatory exclusions required
20 under paragraph (1)(C) have been issued;
21 and

22 “(iii) all reimbursements required
23 under paragraph (1)(E) have been made;
24 and

1 “(B) that includes a list of any grant re-
2 recipients excluded under paragraph (1) from the
3 previous year.

4 “(5) PREVENTING DUPLICATIVE GRANTS.—

5 “(A) IN GENERAL.—Before the Attorney
6 General awards a grant to an applicant under
7 this section, the Attorney General shall compare
8 potential grant awards with other grants
9 awarded under this Act to determine if dupli-
10 cate grant awards are awarded for the same
11 purpose.

12 “(B) REPORT.—If the Attorney General
13 awards duplicate grants to the same applicant
14 for the same purpose the Attorney General shall
15 submit to the Committee on the Judiciary of
16 the Senate and the Committee on the Judiciary
17 of the House of Representatives a report that
18 includes—

19 “(i) a list of all duplicate grants
20 awarded, including the total dollar amount
21 of any duplicate grants awarded; and

22 “(ii) the reason the Attorney General
23 awarded the duplicate grants.”.

1 **SEC. 114. NATIONAL CRIMINAL JUSTICE AND MENTAL**
2 **HEALTH TRAINING AND TECHNICAL ASSIST-**
3 **ANCE.**

4 Part HH of title I of the Omnibus Crime Control and
5 Safe Streets Act of 1968 (42 U.S.C. 3797aa et seq.) is
6 amended by adding at the end the following:

7 **“SEC. 2992. NATIONAL CRIMINAL JUSTICE AND MENTAL**
8 **HEALTH TRAINING AND TECHNICAL ASSIST-**
9 **ANCE.**

10 “(a) **AUTHORITY.**—The Attorney General may make
11 grants to eligible organizations to provide for the estab-
12 lishment of a National Criminal Justice and Mental
13 Health Training and Technical Assistance Center.

14 “(b) **ELIGIBLE ORGANIZATION.**—For purposes of
15 subsection (a), the term ‘eligible organization’ means a na-
16 tional nonprofit organization that provides technical as-
17 sistance and training to, and has special expertise and
18 broad, national-level experience in, mental health, crisis
19 intervention, criminal justice systems, law enforcement,
20 translating evidence into practice, training, and research,
21 and education and support of people with mental illness
22 and the families of such individuals.

23 “(c) **USE OF FUNDS.**—Any organization that receives
24 a grant under subsection (a) shall establish and operate
25 a National Criminal Justice and Mental Health Training
26 and Technical Assistance Center to—

1 “(1) provide law enforcement officer training
2 regarding mental health and working with individ-
3 uals with mental illnesses, with an emphasis on de-
4 escalation of encounters between law enforcement of-
5 ficers and those with mental disorders or in crisis,
6 which shall include support of the development of in-
7 person and technical information exchanges between
8 systems and the individuals working in those sys-
9 tems in support of the concepts identified in the
10 training;

11 “(2) provide education, training, and technical
12 assistance for States, Indian Tribes, territories,
13 units of local government, service providers, non-
14 profit organizations, probation or parole officers,
15 prosecutors, defense attorneys, emergency response
16 providers, and corrections institutions to advance
17 practice and knowledge relating to mental health cri-
18 sis and approaches to mental health and criminal
19 justice across systems;

20 “(3) provide training and best practices around
21 relating to diversion initiatives, jail and prison strat-
22 egies, reentry of individuals with mental illnesses in
23 into the community, and dispatch protocols and
24 triage capabilities, including the establishment of
25 learning sites;

1 “(4) develop suicide prevention and crisis inter-
2 vention training and technical assistance for criminal
3 justice agencies;

4 “(5) develop a receiving center system and pilot
5 strategy that provides a single point of entry into
6 the mental health and substance abuse system for
7 assessments and appropriate placement of individ-
8 uals experiencing a crisis;

9 “(6) collect data and best practices in mental
10 health and criminal health and criminal justice ini-
11 tiatives and policies from grantees under this part,
12 other recipients of grants under this section, Fed-
13 eral, State, and local agencies involved in the provi-
14 sion of mental health services, and non-governmental
15 organizations involved in the provision of mental
16 health services;

17 “(7) develop and disseminate evaluation tools,
18 mechanisms, and measures to better assess and doc-
19 ument performance measures and outcomes;

20 “(8) disseminate information to States, units of
21 local government, criminal justice agencies, law en-
22 forcement agencies, and other relevant entities about
23 best practices, policy standards, and research find-
24 ings; and

1 “(9) provide education and support to individ-
2 uals with mental illness involved with, or at risk of
3 involvement with, the criminal justice system, includ-
4 ing the families of such individuals.

5 “(d) ACCOUNTABILITY.—Grants awarded under this
6 section shall be subject to the following accountability pro-
7 visions:

8 “(1) AUDIT REQUIREMENT.—

9 “(A) DEFINITION.—In this paragraph, the
10 term ‘unresolved audit finding’ means a finding
11 in the final audit report of the Inspector Gen-
12 eral of the Department of Justice under sub-
13 paragraph (C) that the audited grantee has
14 used grant funds for an unauthorized expendi-
15 ture or otherwise unallowable cost that is not
16 closed or resolved within 1 year after the date
17 on which the final audit report is issued.

18 “(B) AUDITS.—Beginning in the first fis-
19 cal year beginning after the date of enactment
20 of this section, and in each fiscal year there-
21 after, the Inspector General of the Department
22 of Justice shall conduct audits of grantees
23 under this section to prevent waste, fraud, and
24 abuse of funds by grantees. The Inspector Gen-

1 eral shall determine the appropriate number of
2 grantees to be audited each year.

3 “(C) FINAL AUDIT REPORT.—The Inspec-
4 tor General of the Department of Justice shall
5 submit a final report on each audit conducted
6 under subparagraph (B).

7 “(D) MANDATORY EXCLUSION.—Grantees
8 under this section about which there is an unre-
9 solved audit finding shall not be eligible to re-
10 ceive a grant under this section during the 2
11 fiscal years beginning after the end of the 1-
12 year period described in subparagraph (A).

13 “(E) PRIORITY.—In making grants under
14 this section, the Attorney General shall give pri-
15 ority to applicants that did not have an unre-
16 solved audit finding during the 3 fiscal years
17 before submitting an application for a grant
18 under this section.

19 “(F) REIMBURSEMENT.—If an entity re-
20 ceives a grant under this section during the 2-
21 fiscal-year period during which the entity is
22 prohibited from receiving grants under subpara-
23 graph (D), the Attorney General shall—

24 “(i) deposit an amount equal to the
25 amount of the grant that was improperly

1 awarded to the grantee into the General
2 Fund of the Treasury; and

3 “(ii) seek to recoup the costs of the
4 repayment under clause (i) from the grant-
5 ee that was erroneously awarded grant
6 funds.

7 “(2) NONPROFIT AGENCY REQUIREMENTS.—

8 “(A) DEFINITION.—For purposes of this
9 paragraph and the grant program under this
10 section, the term ‘nonprofit agency’ means an
11 organization that is described in section
12 501(c)(3) of the Internal Revenue Code of 1986
13 (26 U.S.C. 501(c)(3)) and is exempt from tax-
14 ation under section 501(a) of the Internal Rev-
15 enue Code of 1986 (26 U.S.C. 501(a)).

16 “(B) PROHIBITION.—The Attorney Gen-
17 eral may not award a grant under this section
18 to a nonprofit agency that holds money in an
19 offshore account for the purpose of avoiding
20 paying the tax described in section 511(a) of
21 the Internal Revenue Code of 1986 (26 U.S.C.
22 511(a)).

23 “(C) DISCLOSURE.—Each nonprofit agen-
24 cy that is awarded a grant under this section
25 and uses the procedures prescribed in regula-

1 tions to create a rebuttable presumption of rea-
2 sonableness for the compensation of its officers,
3 directors, trustees, and key employees, shall dis-
4 close to the Attorney General, in the application
5 for the grant, the process for determining such
6 compensation, including the independent per-
7 sons involved in reviewing and approving such
8 compensation, the comparability data used, and
9 contemporaneous substantiation of the delibera-
10 tion and decision. Upon request, the Attorney
11 General shall make the information disclosed
12 under this subparagraph available for public in-
13 spection.

14 “(3) CONFERENCE EXPENDITURES.—

15 “(A) LIMITATION.—No amounts made
16 available to the Department of Justice under
17 this section may be used by the Attorney Gen-
18 eral, or by any individual or entity awarded dis-
19 cretionary funds through a cooperative agree-
20 ment under this section, to host or support any
21 expenditure for conferences that use more than
22 \$20,000 in funds made available by the Depart-
23 ment of Justice, unless the head of the relevant
24 agency or department, provides prior written

1 authorization that the funds may be expended
2 to host the conference.

3 “(B) WRITTEN APPROVAL.—Written ap-
4 proval under subparagraph (A) shall include a
5 written estimate of all costs associated with the
6 conference, including the cost of all food, bev-
7 erages, audio-visual equipment, honoraria for
8 speakers, and entertainment.

9 “(C) REPORT.—The Deputy Attorney Gen-
10 eral shall submit an annual report to the Com-
11 mittee on the Judiciary of the Senate and the
12 Committee on the Judiciary of the House of
13 Representatives on all conference expenditures
14 approved under this paragraph.

15 “(4) ANNUAL CERTIFICATION.—Beginning in
16 the first fiscal year beginning after the date of en-
17 actment of this subsection, the Attorney General
18 shall submit to the Committee on the Judiciary and
19 the Committee on Appropriations of the Senate and
20 the Committee on the Judiciary and the Committee
21 on Appropriations of the House of Representatives
22 an annual certification—

23 “(A) indicating whether—

24 “(i) all final audit reports issued by
25 the Office of the Inspector General under

1 paragraph (1) have been completed and re-
2 viewed by the appropriate Assistant Attor-
3 ney General or Director;

4 “(ii) all mandatory exclusions required
5 under paragraph (1)(D) have been issued;
6 and

7 “(iii) any reimbursements required
8 under paragraph (1)(F) have been made;
9 and

10 “(B) that includes a list of any grantees
11 excluded under paragraph (1)(D) from the pre-
12 vious year.

13 “(5) PREVENTING DUPLICATIVE GRANTS.—

14 “(A) IN GENERAL.—Before the Attorney
15 General awards a grant to an applicant under
16 this section, the Attorney General shall compare
17 potential grant awards with other grants
18 awarded under this Act to determine if dupli-
19 cate grant awards are awarded for the same
20 purpose.

21 “(B) REPORT.—If the Attorney General
22 awards duplicate grants to the same applicant
23 for the same purpose the Attorney General shall
24 submit to the Committee on the Judiciary of
25 the Senate and the Committee on the Judiciary

1 of the House of Representatives a report that
2 includes—

3 “(i) a list of all duplicate grants
4 awarded, including the total dollar amount
5 of any duplicate grants awarded; and

6 “(ii) the reason the Attorney General
7 awarded the duplicate grants.”.

8 **SEC. 115. IMPROVING DEPARTMENT OF JUSTICE DATA COL-**
9 **LECTION ON MENTAL ILLNESS INVOLVED IN**
10 **CRIME.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, on or after the date that is 90 days after the
13 date on which the Attorney General promulgates regula-
14 tions under subsection (b), any data prepared by, or sub-
15 mitted to, the Attorney General or the Director of the
16 Federal Bureau of Investigation with respect to the
17 incidences of homicides, law enforcement officers killed,
18 seriously injured, and assaulted, or individuals killed or
19 seriously injured by law enforcement officers shall include
20 data with respect to the involvement of mental illness in
21 such incidences, if any.

22 (b) REGULATIONS.—Not later than 90 days after the
23 date of the enactment of this Act, the Attorney General
24 shall promulgate or revise regulations as necessary to
25 carry out subsection (a).

1 **SEC. 116. REPORTS ON THE NUMBER OF MENTALLY ILL OF-**
2 **FENDERS IN PRISON.**

3 (a) REPORT ON THE COST OF TREATING THE MEN-
4 TALLY ILL IN THE CRIMINAL JUSTICE SYSTEM.—Not
5 later than 12 months after the date of enactment of this
6 Act, the Comptroller General of the United States shall
7 submit to Congress a report detailing the cost of imprison-
8 ment for individuals who have serious mental illness by
9 the Federal Government or a State or unit of local govern-
10 ment, which shall include—

11 (1) the number and type of crimes committed
12 by individuals with serious mental illness each year;
13 and

14 (2) detailed strategies or ideas for preventing
15 crimes by those individuals with serious mental ill-
16 ness from occurring.

17 (b) DEFINITION.—For purposes of this section, the
18 Attorney General, in consultation with the Assistant Sec-
19 retary of Mental Health and Substance Use Disorders
20 shall defined “serious mental illness” based on the
21 “Health Care Reform for Americans with Severe Mental
22 Illnesses: Report of the National Advisory Mental Health
23 Council”, American Journal of Psychiatry 1993;
24 150:1447–1465.

1 **TITLE II—COMPREHENSIVE JUS-**
2 **TICE AND MENTAL HEALTH**
3 **ACT**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Comprehensive Justice
6 and Mental Health Act of 2015”.

7 **SEC. 202. FINDINGS.**

8 Congress finds the following:

9 (1) An estimated 2,000,000 individuals with se-
10 rious mental illnesses are booked into jails each
11 year, resulting in prevalence rates of serious mental
12 illness in jails that are 3 to 6 times higher than in
13 the general population. An even greater number of
14 individuals who are detained in jails each year have
15 mental health problems that do not rise to the level
16 of a serious mental illness but may still require a re-
17 source-intensive response.

18 (2) Adults with mental illnesses cycle through
19 jails more often than individuals without mental ill-
20 nesses, and tend to stay longer (including before
21 trial, during trial, and after sentencing).

22 (3) According to estimates, almost $\frac{3}{4}$ of jail de-
23 tainees with serious mental illnesses have co-occur-
24 ring substance use disorders, and individuals with

1 mental illnesses are also much more likely to have
2 serious physical health needs.

3 (4) Among individuals under probation super-
4 vision, individuals with mental disorders are nearly
5 twice as likely as other individuals to have their
6 community sentence revoked, furthering their in-
7 volvement in the criminal justice system. Reasons
8 for revocation may be directly or indirectly related to
9 an individual’s mental disorder.

10 **SEC. 203. SEQUENTIAL INTERCEPT MODEL.**

11 (a) REDESIGNATION.—Section 2991 of the Omnibus
12 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
13 3797aa) is amended by redesignating subsection (i) as
14 subsection (o).

15 (b) SEQUENTIAL INTERCEPT MODEL.—Section 2991
16 of the Omnibus Crime Control and Safe Streets Act of
17 1968 (42 U.S.C. 3797aa) is amended by inserting after
18 subsection (h) the following:

19 “(i) SEQUENTIAL INTERCEPT GRANTS.—

20 “(1) DEFINITION.—In this subsection, the term
21 ‘eligible entity’ means a State, unit of local govern-
22 ment, Indian Tribe, or Tribal organization.

23 “(2) AUTHORIZATION.—The Attorney General
24 may make grants under this subsection to an eligible

1 entity for sequential intercept mapping and imple-
2 mentation in accordance with paragraph (3).

3 “(3) SEQUENTIAL INTERCEPT MAPPING; IMPLE-
4 MENTATION.—An eligible entity that receives a
5 grant under this subsection may use funds for—

6 “(A) sequential intercept mapping,
7 which—

8 “(i) shall consist of—

9 “(I) convening mental health and
10 criminal justice stakeholders to—

11 “(aa) develop a shared un-
12 derstanding of the flow of justice-
13 involved individuals with mental
14 illnesses through the criminal
15 justice system; and

16 “(bb) identify opportunities
17 for improved collaborative re-
18 sponses to the risks and needs of
19 individuals described in item
20 (aa); and

21 “(II) developing strategies to ad-
22 dress gaps in services and bring inno-
23 vative and effective programs to scale
24 along multiple intercepts, including—

1 “(aa) emergency and crisis
2 services;

3 “(bb) specialized police-
4 based responses;

5 “(cc) court hearings and dis-
6 position alternatives;

7 “(dd) reentry from jails and
8 prisons; and

9 “(ee) community super-
10 vision, treatment and support
11 services; and

12 “(ii) may serve as a starting point for
13 the development of strategic plans to
14 achieve positive public health and safety
15 outcomes; and

16 “(B) implementation, which shall—

17 “(i) be derived from the strategic
18 plans described in subparagraph (A)(ii);
19 and

20 “(ii) consist of—

21 “(I) hiring and training per-
22 sonnel;

23 “(II) identifying the eligible enti-
24 ty’s target population;

1 “(III) providing services and sup-
2 ports to reduce unnecessary penetra-
3 tion into the criminal justice system;

4 “(IV) reducing recidivism;

5 “(V) evaluating the impact of the
6 eligible entity’s approach; and

7 “(VI) planning for the sustain-
8 ability of effective interventions.”.

9 **SEC. 204. VETERANS TREATMENT COURTS.**

10 Section 2991 of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3797aa) is amended by
12 inserting after subsection (i), as added by section 203, the
13 following:

14 “(j) ASSISTING VETERANS.—

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) PEER TO PEER SERVICES OR PRO-
17 GRAMS.—The term ‘peer to peer services or
18 programs’ means services or programs that con-
19 nect qualified veterans with other veterans for
20 the purpose of providing support and
21 mentorship to assist qualified veterans in ob-
22 taining treatment, recovery, stabilization, or re-
23 habilitation.

1 “(B) QUALIFIED VETERAN.—The term
2 ‘qualified veteran’ means a preliminarily quali-
3 fied offender who—

4 “(i) served on active duty in any
5 branch of the Armed Forces, including the
6 National Guard or Reserves; and

7 “(ii) was discharged or released from
8 such service under conditions other than
9 dishonorable.

10 “(C) VETERANS TREATMENT COURT PRO-
11 GRAM.—The term ‘veterans treatment court
12 program’ means a court program involving col-
13 laboration among criminal justice, veterans, and
14 mental health and substance abuse agencies
15 that provides qualified veterans with—

16 “(i) intensive judicial supervision and
17 case management, which may include ran-
18 dom and frequent drug testing where ap-
19 propriate;

20 “(ii) a full continuum of treatment
21 services, including mental health services,
22 substance abuse services, medical services,
23 and services to address trauma;

24 “(iii) alternatives to incarceration;
25 and

1 “(iv) other appropriate services, in-
2 cluding housing, transportation, mentoring,
3 employment, job training, education, and
4 assistance in applying for and obtaining
5 available benefits.

6 “(2) VETERANS ASSISTANCE PROGRAM.—

7 “(A) IN GENERAL.—The Attorney General,
8 in consultation with the Secretary of Veterans
9 Affairs, may award grants under this sub-
10 section to applicants to establish or expand—

11 “(i) veterans treatment court pro-
12 grams;

13 “(ii) peer to peer services or programs
14 for qualified veterans;

15 “(iii) practices that identify and pro-
16 vide treatment, rehabilitation, legal, transi-
17 tional, and other appropriate services to
18 qualified veterans who have been incarcerated;
19 and

20 “(iv) training programs to teach
21 criminal justice, law enforcement, correc-
22 tions, mental health, and substance abuse
23 personnel how to identify and appro-
24 priately respond to incidents involving
25 qualified veterans.

1 “(B) PRIORITY.—In awarding grants
2 under this subsection, the Attorney General
3 shall give priority to applications that—

4 “(i) demonstrate collaboration be-
5 tween and joint investments by criminal
6 justice, mental health, substance abuse,
7 and veterans service agencies;

8 “(ii) promote effective strategies to
9 identify and reduce the risk of harm to
10 qualified veterans and public safety; and

11 “(iii) propose interventions with em-
12 pirical support to improve outcomes for
13 qualified veterans.”.

14 **SEC. 205. PRISON AND JAILS.**

15 Section 2991 of the Omnibus Crime Control and Safe
16 Streets Act of 1968 (42 U.S.C. 3797aa) is amended by
17 inserting after subsection (j), as added by section 204, the
18 following:

19 “(k) CORRECTIONAL FACILITIES.—

20 “(1) DEFINITIONS.—

21 “(A) CORRECTIONAL FACILITY.—The term
22 ‘correctional facility’ means a jail, prison, or
23 other detention facility used to house people
24 who have been arrested, detained, held, or con-
25 victed by a criminal justice agency or a court.

1 “(B) ELIGIBLE INMATE.—The term ‘eligi-
2 ble inmate’ means an individual who—

3 “(i) is being held, detained, or incar-
4 cerated in a correctional facility; and

5 “(ii) manifests obvious signs of a
6 mental illness or has been diagnosed by a
7 qualified mental health professional as hav-
8 ing a mental illness.

9 “(2) CORRECTIONAL FACILITY GRANTS.—The
10 Attorney General may award grants to applicants to
11 enhance the capabilities of a correctional facility—

12 “(A) to identify and screen for eligible in-
13 mates;

14 “(B) to plan and provide—

15 “(i) initial and periodic assessments of
16 the clinical, medical, and social needs of in-
17 mates; and

18 “(ii) appropriate treatment and serv-
19 ices that address the mental health and
20 substance abuse needs of inmates;

21 “(C) to develop, implement, and enhance—

22 “(i) post-release transition plans for
23 eligible inmates that, in a comprehensive
24 manner, coordinate health, housing, med-

1 ical, employment, and other appropriate
2 services and public benefits;

3 “(ii) the availability of mental health
4 care services and substance abuse treat-
5 ment services; and

6 “(iii) alternatives to solitary confine-
7 ment and segregated housing and mental
8 health screening and treatment for inmates
9 placed in solitary confinement or seg-
10 regated housing; and

11 “(D) to train each employee of the correc-
12 tional facility to identify and appropriately re-
13 spond to incidents involving inmates with men-
14 tal health or co-occurring mental health and
15 substance abuse disorders.”.

16 **SEC. 206. ALLOWABLE USES.**

17 Section 2991(b)(5)(I) of the Omnibus Crime Control
18 and Safe Streets Act of 1968 (42 U.S.C. 3797aa(b)(5)(I))
19 is amended by adding at the end the following:

20 “(v) TEAMS ADDRESSING FREQUENT
21 USERS OF CRISIS SERVICES.—Multidisci-
22 plinary teams that—

23 “(I) coordinate, implement, and
24 administer community-based crisis re-

1 sponses and long-term plans for fre-
2 quent users of crisis services;

3 “(II) provide training on how to
4 respond appropriately to the unique
5 issues involving frequent users of cri-
6 sis services for public service per-
7 sonnel, including criminal justice,
8 mental health, substance abuse, emer-
9 gency room, healthcare, law enforce-
10 ment, corrections, and housing per-
11 sonnel;

12 “(III) develop or support alter-
13 natives to hospital and jail admissions
14 for frequent users of crisis services
15 that provide treatment, stabilization,
16 and other appropriate supports in the
17 least restrictive, yet appropriate, envi-
18 ronment; and

19 “(IV) develop protocols and sys-
20 tems among law enforcement, mental
21 health, substance abuse, housing, cor-
22 rections, and emergency medical serv-
23 ice operations to provide coordinated
24 assistance to frequent users of crisis
25 services.”.

1 **SEC. 207. LAW ENFORCEMENT TRAINING.**

2 Section 2991(h) of the Omnibus Crime Control and
3 Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amend-
4 ed—

5 (1) in paragraph (1), by adding at the end the
6 following:

7 “(F) ACADEMY TRAINING.—To provide
8 support for academy curricula, law enforcement
9 officer orientation programs, continuing edu-
10 cation training, and other programs that teach
11 law enforcement personnel how to identify and
12 respond to incidents involving persons with
13 mental health disorders or co-occurring mental
14 health and substance abuse disorders.”; and

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

16 “(4) PRIORITY CONSIDERATION.—The Attorney
17 General, in awarding grants under this subsection,
18 shall give priority to programs that law enforcement
19 personnel and members of the mental health and
20 substance abuse professions develop and administer
21 cooperatively.”.

22 **SEC. 208. FEDERAL LAW ENFORCEMENT TRAINING.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Attorney General shall provide direction
25 and guidance for the following:

1 (1) TRAINING PROGRAMS.—Programs that offer
2 specialized and comprehensive training, in proce-
3 dures to identify and appropriately respond to inci-
4 dents in which the unique needs of individuals who
5 have a mental illness are involved, to first respond-
6 ers and tactical units of—

7 (A) Federal law enforcement agencies; and

8 (B) other Federal criminal justice agencies
9 such as the Bureau of Prisons, the Administra-
10 tive Office of the United States Courts, and
11 other agencies that the Attorney General deter-
12 mines appropriate.

13 (2) IMPROVED TECHNOLOGY.—The establish-
14 ment of, or improvement of existing, computerized
15 information systems to provide timely information to
16 employees of Federal law enforcement agencies, and
17 Federal criminal justice agencies to improve the re-
18 sponse of such employees to situations involving in-
19 dividuals who have a mental illness.

20 **SEC. 209. GAO REPORT.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Comptroller General of the United States,
23 in coordination with the Attorney General, shall submit
24 to Congress a report on—

1 (1) the practices that Federal first responders,
2 tactical units, and corrections officers are trained to
3 use in responding to individuals with mental illness;

4 (2) procedures to identify and appropriately re-
5 spond to incidents in which the unique needs of indi-
6 viduals who have a mental illness are involved, to
7 Federal first responders and tactical units;

8 (3) the application of evidence-based practices
9 in criminal justice settings to better address individ-
10 uals with mental illnesses; and

11 (4) recommendations on how the Department of
12 Justice can expand and improve information sharing
13 and dissemination of best practices.

14 **SEC. 210. EVIDENCE-BASED PRACTICES.**

15 Section 2991(c) of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3797aa(c)) is amend-
17 ed—

18 (1) in paragraph (3), by striking “or” at the
19 end;

20 (2) by redesignating paragraph (4) as para-
21 graph (6); and

22 (3) by inserting after paragraph (3), the fol-
23 lowing:

24 “(4) propose interventions that have been
25 shown by empirical evidence to reduce recidivism;

1 “(5) when appropriate, use validated assess-
2 ment tools to target preliminarily qualified offenders
3 with a moderate or high risk of recidivism and a
4 need for treatment and services; or”.

5 **SEC. 211. TRANSPARENCY, PROGRAM ACCOUNTABILITY,**
6 **AND ENHANCEMENT OF LOCAL AUTHORITY.**

7 (a) IN GENERAL.—Section 2991(a) of the Omnibus
8 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
9 3797aa(a)) is amended—

10 (1) in paragraph (7)—

11 (A) in the heading, by striking “MENTAL
12 ILLNESS” and inserting “MENTAL ILLNESS;
13 MENTAL HEALTH DISORDER”; and

14 (B) by striking “term ‘mental illness’
15 means” and inserting “terms ‘mental illness’
16 and ‘mental health disorder’ mean”; and

17 (2) by striking paragraph (9) and inserting the
18 following:

19 “(9) PRELIMINARILY QUALIFIED OFFENDER.—

20 “(A) IN GENERAL.—The term ‘prelimi-
21 narily qualified offender’ means an adult or ju-
22 venile accused of an offense who—

23 “(i)(I) previously or currently has
24 been diagnosed by a qualified mental
25 health professional as having a mental ill-

1 ness or co-occurring mental illness and
2 substance abuse disorders;

3 “(II) manifests obvious signs of men-
4 tal illness or co-occurring mental illness
5 and substance abuse disorders during ar-
6 rest or confinement or before any court; or

7 “(III) in the case of a veterans treat-
8 ment court provided under subsection (i),
9 has been diagnosed with, or manifests ob-
10 vious signs of, mental illness or a sub-
11 stance abuse disorder or co-occurring men-
12 tal illness and substance abuse disorder;

13 “(ii) has been unanimously approved
14 for participation in a program funded
15 under this section by, when appropriate—

16 “(I) the relevant—

17 “(aa) prosecuting attorney;

18 “(bb) defense attorney;

19 “(cc) probation or correc-
20 tions official; and

21 “(dd) judge; and

22 “(II) a representative from the
23 relevant mental health agency de-
24 scribed in subsection (b)(5)(B)(i);

1 “(iii) has been determined, by each
2 person described in clause (ii) who is in-
3 volved in approving the adult or juvenile
4 for participation in a program funded
5 under this section, to not pose a risk of vi-
6 olence to any person in the program, or
7 the public, if selected to participate in the
8 program; and

9 “(iv) has not been charged with or
10 convicted of—

11 “(I) any sex offense (as defined
12 in section 111 of the Sex Offender
13 Registration and Notification Act (42
14 U.S.C. 16911)) or any offense relat-
15 ing to the sexual exploitation of chil-
16 dren; or

17 “(II) murder or assault with in-
18 tent to commit murder.

19 “(B) DETERMINATION.—In determining
20 whether to designate a defendant as a prelimi-
21 narily qualified offender, the relevant pros-
22 ecuting attorney, defense attorney, probation or
23 corrections official, judge, and mental health or
24 substance abuse agency representative shall
25 take into account—

1 “(i) whether the participation of the
2 defendant in the program would pose a
3 substantial risk of violence to the commu-
4 nity;

5 “(ii) the criminal history of the de-
6 fendant and the nature and severity of the
7 offense for which the defendant is charged;

8 “(iii) the views of any relevant victims
9 to the offense;

10 “(iv) the extent to which the defend-
11 ant would benefit from participation in the
12 program;

13 “(v) the extent to which the commu-
14 nity would realize cost savings because of
15 the defendant’s participation in the pro-
16 gram; and

17 “(vi) whether the defendant satisfies
18 the eligibility criteria for program partici-
19 pation unanimously established by the rel-
20 evant prosecuting attorney, defense attor-
21 ney, probation or corrections official, judge
22 and mental health or substance abuse
23 agency representative.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—
25 Section 2927(2) of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3797s–6(2)) is amended
2 by striking “has the meaning given that term in section
3 2991(a).” and inserting “means an offense that—

4 “(A) does not have as an element the use,
5 attempted use, or threatened use of physical
6 force against the person or property of another;
7 or

8 “(B) is not a felony that by its nature in-
9 volves a substantial risk that physical force
10 against the person or property of another may
11 be used in the course of committing the of-
12 fense.”.

13 **SEC. 212. GRANT ACCOUNTABILITY.**

14 Section 2991 of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C. 3797aa) is amended by
16 inserting after subsection (k), as added by section 205,
17 the following:

18 “(m) ACCOUNTABILITY.—All grants awarded by the
19 Attorney General under this section shall be subject to the
20 following accountability provisions:

21 “(1) AUDIT REQUIREMENT.—

22 “(A) DEFINITION.—In this paragraph, the
23 term ‘unresolved audit finding’ means a finding
24 in the final audit report of the Inspector Gen-
25 eral of the Department of Justice that the au-

1 dited grantee has utilized grant funds for an
2 unauthorized expenditure or otherwise unallow-
3 able cost that is not closed or resolved within
4 12 months from the date when the final audit
5 report is issued.

6 “(B) AUDITS.—Beginning in the first fis-
7 cal year beginning after the date of enactment
8 of this subsection, and in each fiscal year there-
9 after, the Inspector General of the Department
10 of Justice shall conduct audits of recipients of
11 grants under this section to prevent waste,
12 fraud, and abuse of funds by grantees. The In-
13 spector General shall determine the appropriate
14 number of grantees to be audited each year.

15 “(C) MANDATORY EXCLUSION.—A recipi-
16 ent of grant funds under this section that is
17 found to have an unresolved audit finding shall
18 not be eligible to receive grant funds under this
19 section during the first 2 fiscal years beginning
20 after the end of the 12-month period described
21 in subparagraph (A).

22 “(D) PRIORITY.—In awarding grants
23 under this section, the Attorney General shall
24 give priority to eligible applicants that did not
25 have an unresolved audit finding during the 3

1 fiscal years before submitting an application for
2 a grant under this section.

3 “(E) REIMBURSEMENT.—If an entity is
4 awarded grant funds under this section during
5 the 2-fiscal-year period during which the entity
6 is barred from receiving grants under subpara-
7 graph (C), the Attorney General shall—

8 “(i) deposit an amount equal to the
9 amount of the grant funds that were im-
10 properly awarded to the grantee into the
11 General Fund of the Treasury; and

12 “(ii) seek to recoup the costs of the
13 repayment to the fund from the grant re-
14 cipient that was erroneously awarded grant
15 funds.

16 “(2) NONPROFIT ORGANIZATION REQUIRE-
17 MENTS.—

18 “(A) DEFINITION.—For purposes of this
19 paragraph and the grant programs under this
20 part, the term ‘nonprofit organization’ means
21 an organization that is described in section
22 501(c)(3) of the Internal Revenue Code of 1986
23 and is exempt from taxation under section
24 501(a) of such Code.

1 “(B) PROHIBITION.—The Attorney Gen-
2 eral may not award a grant under this part to
3 a nonprofit organization that holds money in
4 offshore accounts for the purpose of avoiding
5 paying the tax described in section 511(a) of
6 the Internal Revenue Code of 1986.

7 “(C) DISCLOSURE.—Each nonprofit orga-
8 nization that is awarded a grant under this sec-
9 tion and uses the procedures prescribed in regu-
10 lations to create a rebuttable presumption of
11 reasonableness for the compensation of its offi-
12 cers, directors, trustees, and key employees,
13 shall disclose to the Attorney General, in the
14 application for the grant, the process for deter-
15 mining such compensation, including the inde-
16 pendent persons involved in reviewing and ap-
17 proving such compensation, the comparability
18 data used, and contemporaneous substantiation
19 of the deliberation and decision. Upon request,
20 the Attorney General shall make the informa-
21 tion disclosed under this subparagraph available
22 for public inspection.

23 “(3) CONFERENCE EXPENDITURES.—

24 “(A) LIMITATION.—No amounts made
25 available to the Department of Justice under

1 this section may be used by the Attorney Gen-
2 eral, or by any individual or entity awarded dis-
3 cretionary funds through a cooperative agree-
4 ment under this section, to host or support any
5 expenditure for conferences that use more than
6 \$20,000 in funds made available by the Depart-
7 ment of Justice, unless the head of the relevant
8 agency or department, provides prior written
9 authorization that the funds may be expended
10 to host the conference.

11 “(B) WRITTEN APPROVAL.—Written ap-
12 proval under subparagraph (A) shall include a
13 written estimate of all costs associated with the
14 conference, including the cost of all food, bev-
15 erages, audio-visual equipment, honoraria for
16 speakers, and entertainment.

17 “(C) REPORT.—The Deputy Attorney Gen-
18 eral shall submit an annual report to the Com-
19 mittee on the Judiciary of the Senate and the
20 Committee on the Judiciary of the House of
21 Representatives on all conference expenditures
22 approved under this paragraph.

23 “(4) ANNUAL CERTIFICATION.—Beginning in
24 the first fiscal year beginning after the date of en-
25 actment of this subsection, the Attorney General

1 shall submit, to the Committee on the Judiciary and
2 the Committee on Appropriations of the Senate and
3 the Committee on the Judiciary and the Committee
4 on Appropriations of the House of Representatives,
5 an annual certification—

6 “(A) indicating whether—

7 “(i) all audits issued by the Office of
8 the Inspector General under paragraph (1)
9 have been completed and reviewed by the
10 appropriate Assistant Attorney General or
11 Director;

12 “(ii) all mandatory exclusions required
13 under paragraph (1)(C) have been issued;
14 and

15 “(iii) all reimbursements required
16 under paragraph (1)(E) have been made;
17 and

18 “(B) that includes a list of any grant re-
19 cipients excluded under paragraph (1) from the
20 previous year.

21 “(n) PREVENTING DUPLICATIVE GRANTS.—

22 “(1) IN GENERAL.—Before the Attorney Gen-
23 eral awards a grant to an applicant under this sec-
24 tion, the Attorney General shall compare potential
25 grant awards with other grants awarded under this

1 Act to determine if duplicate grant awards are
2 awarded for the same purpose.

3 “(2) REPORT.—If the Attorney General awards
4 duplicate grants to the same applicant for the same
5 purpose the Attorney General shall submit to the
6 Committee on the Judiciary of the Senate and the
7 Committee on the Judiciary of the House of Rep-
8 resentatives a report that includes—

9 “(A) a list of all duplicate grants awarded,
10 including the total dollar amount of any dupli-
11 cate grants awarded; and

12 “(B) the reason the Attorney General
13 awarded the duplicate grants.”.

14 **TITLE III—NICS REAUTHORIZA-**
15 **TION AND NICS IMPROVE-**
16 **MENT**

17 **SEC. 301. REAUTHORIZATION OF NICS.**

18 (a) IN GENERAL.—Section 103(e) of the NICS Im-
19 provement Amendments Act of 2007 (18 U.S.C. 922 note)
20 is amended by striking “fiscal year 2013” and inserting
21 “each of fiscal years 2016 through 2020”.

22 **SEC. 302. DEFINITIONS RELATING TO MENTAL HEALTH.**

23 (a) TITLE 18 DEFINITIONS.—Chapter 44 of title 18,
24 United States Code, is amended—

1 (1) in section 921(a), by adding at the end the
2 following:

3 “(36)(A) Subject to subparagraph (B), the
4 term ‘has been adjudicated mentally incompetent or
5 has been committed to a psychiatric hospital’, with
6 respect to a person—

7 “(i) means the person is the subject of an
8 order or finding by a judicial officer, court,
9 board, commission, or other adjudicative
10 body—

11 “(I) that was issued after—

12 “(aa) a hearing—

13 “(AA) of which the person
14 received actual notice; and

15 “(BB) at which the person
16 had an opportunity to participate
17 with counsel; or

18 “(bb) the person knowingly and
19 intelligently waived the opportunity
20 for a hearing—

21 “(AA) of which the person
22 received actual notice; and

23 “(BB) at which the person
24 would have had an opportunity to
25 participate with counsel; and

1 “(II) that found that the person, as a
2 result of marked subnormal intelligence,
3 mental impairment, mental illness, incom-
4 petency, condition, or disease—

5 “(aa) was a danger to himself or
6 herself or to others;

7 “(bb) was guilty but mentally ill
8 in a criminal case, in a jurisdiction
9 that provides for such a verdict;

10 “(cc) was not guilty in a criminal
11 case by reason of insanity or mental
12 disease or defect;

13 “(dd) was incompetent to stand
14 trial in a criminal case;

15 “(ee) was not guilty by reason of
16 lack of mental responsibility under
17 section 850a of title 10 (article 50a of
18 the Uniform Code of Military Jus-
19 tice);

20 “(ff) required involuntary inpa-
21 tient treatment by a psychiatric hos-
22 pital for any reason, including sub-
23 stance abuse; or

24 “(gg) required involuntary out-
25 patient treatment by a psychiatric

1 hospital based on a finding that the
2 person is a danger to himself or her-
3 self or to others; and

4 “(ii) does not include—

5 “(I) an admission to a psychiatric
6 hospital for observation; or

7 “(II) a voluntary admission to a psy-
8 chiatric hospital.

9 “(B) In this paragraph, the term ‘order or find-
10 ing’ does not include—

11 “(i) an order or finding that has expired or
12 has been set aside or expunged;

13 “(ii) an order or finding that is no longer
14 applicable because a judicial officer, court,
15 board, commission, or other adjudicative body
16 has found that the person who is the subject of
17 the order or finding—

18 “(I) does not present a danger to him-
19 self or herself or to others;

20 “(II) has been restored to sanity or
21 cured of mental disease or defect;

22 “(III) has been restored to com-
23 petency; or

1 “(IV) no longer requires involuntary
2 inpatient or outpatient treatment by a psy-
3 chiatric hospital; or

4 “(iii) an order or finding with respect to
5 which the person who is subject to the order or
6 finding has been granted relief from disabilities
7 under section 925(c), under a program de-
8 scribed in section 101(c)(2)(A) or 105 of the
9 NICS Improvement Amendments Act of 2007
10 (18 U.S.C. 922 note), or under any other State-
11 authorized relief from disabilities program of
12 the State in which the original commitment or
13 adjudication occurred.

14 “(37) The term ‘psychiatric hospital’ includes a
15 mental health facility, a mental hospital, a sani-
16 tarium, a psychiatric facility, and any other facility
17 that provides diagnoses or treatment by licensed pro-
18 fessionals of mental retardation or mental illness, in-
19 cluding a psychiatric ward in a general hospital.”;
20 and

21 (2) in section 922—

22 (A) in subsection (d)(4)—

23 (i) by striking “as a mental defective”
24 and inserting “mentally incompetent”; and

1 (ii) by striking “any mental institu-
2 tion” and inserting “a psychiatric hos-
3 pital”; and

4 (B) in subsection (g)(4)—

5 (i) by striking “as a mental defective
6 or who has” and inserting “mentally in-
7 competent or has”; and

8 (ii) by striking “mental institution”
9 and inserting “psychiatric hospital”.

10 (b) TECHNICAL AND CONFORMING AMENDMENT.—
11 The NICS Improvement Amendments Act of 2007 (18
12 U.S.C. 922 note) is amended—

13 (1) by striking “as a mental defective” each
14 place that term appears and inserting “mentally in-
15 competent”;

16 (2) by striking “mental institution” each place
17 that term appears and inserting “psychiatric hos-
18 pital”;

19 (3) in section 101(c)—

20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A), by striking “to the
22 mental health of a person” and inserting “to
23 whether a person is mentally incompetent”; and

24 (B) in paragraph (2)—

1 (i) in subparagraph (A)(i), by striking
2 “to the mental health of a person” and in-
3 sserting “to whether a person is mentally
4 incompetent”; and

5 (ii) in subparagraph (B), by striking
6 “to the mental health of a person” and in-
7 sserting “to whether a person is mentally
8 incompetent”; and

9 (4) in section 102(c)(3)—

10 (A) in the paragraph heading, by striking
11 “AS A MENTAL DEFECTIVE OR COMMITTED TO
12 A MENTAL INSTITUTION” and inserting “MEN-
13 TALLY INCOMPETENT OR COMMITTED TO A PSY-
14 CHIATRIC HOSPITAL”; and

15 (B) by striking “mental institutions” and
16 inserting “psychiatric hospitals”.

17 **SEC. 303. INCENTIVES FOR STATE COMPLIANCE WITH NICS**
18 **MENTAL HEALTH RECORD REQUIREMENTS.**

19 Section 104(b) of the NICS Improvement Amend-
20 ments Act of 2007 (18 U.S.C. 922 note) is amended—

21 (1) by striking paragraphs (1) and (2);

22 (2) by redesignating paragraph (3) as para-
23 graph (2);

1 (3) in paragraph (2), as redesignated, by strik-
2 ing “of paragraph (2)” and inserting “of paragraph
3 (1)”; and

4 (4) by inserting before paragraph (2), as redesi-
5 gnated, the following:

6 “(1) INCENTIVES FOR PROVIDING MENTAL
7 HEALTH RECORDS AND FIXING THE BACKGROUND
8 CHECK SYSTEM.—

9 “(A) DEFINITION OF COMPLIANT STATE.—

10 In this paragraph, the term ‘compliant State’
11 means a State that has—

12 “(i) provided not less than 90 percent
13 of the records required to be provided
14 under sections 102 and 103; or

15 “(ii) in effect a statute that—

16 “(I) requires the State to provide
17 the records required to be provided
18 under sections 102 and 103; and

19 “(II) implements a relief from
20 disabilities program in accordance
21 with section 105.

22 “(B) INCENTIVES FOR COMPLIANCE.—

23 During the period beginning on the date that is
24 18 months after the enactment of the Mental
25 Health and Safe Communities Act of 2015 and

1 ending on the date that is 5 years after the
2 date of enactment of such Act, the Attorney
3 General—

4 “(i) shall use funds appropriated to
5 carry out section 103 of this Act, the ex-
6 cess unobligated balances of the Depart-
7 ment of Justice and funds withheld under
8 clause (ii), or any combination thereof, to
9 increase the amounts available under sec-
10 tion 505 of title I of the Omnibus Crime
11 Control and Safe Streets Act of 1968 (42
12 U.S.C. 3755) for each compliant State in
13 an amount that is not less than 2 percent
14 nor more than 5 percent of the amount
15 that was allocated to such State under
16 such section 505 in the previous fiscal
17 year; and

18 “(ii) may withhold an amount not to
19 exceed the amount described in clause (i)
20 that would otherwise be allocated to a
21 State under any section of the Omnibus
22 Crime Control and Safe Streets Act of
23 1968 (42 U.S.C. 3711 et seq.) if the
24 State—

1 “(I) is not a compliant State;
2 and

3 “(II) does not submit an assur-
4 ance to the Attorney General that—

5 “(aa) an amount that is not
6 less than the amount described in
7 clause (i) will be used solely for
8 the purpose of enabling the State
9 to become a compliant State; or

10 “(bb) the State will hold in
11 abeyance an amount that is not
12 less than the amount described in
13 clause (i) until such State has be-
14 come a compliant State.

15 “(C) REGULATIONS.—Not later than 180
16 days after the enactment of the Mental Health
17 and Safe Communities Act of 2015, the Attor-
18 ney General shall issue regulations imple-
19 menting this paragraph.”.

20 **SEC. 304. PROTECTING THE SECOND AMENDMENT RIGHTS**
21 **OF VETERANS.**

22 (a) IN GENERAL.—Chapter 55 of title 38, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“§ 5511. Conditions for treatment of certain persons**
2 **as adjudicated mentally incompetent for**
3 **certain purposes**

4 “(a) PROTECTING RIGHTS OF VETERANS WITH EX-
5 ISTING RECORDS.—Not later than 90 days after the date
6 of enactment of the Mental Health and Safe Communities
7 Act of 2015, the Secretary shall provide written notice in
8 accordance with subsection (b) of the opportunity for ad-
9 ministrative review under subsection (c) to all persons
10 who, on the date of enactment of the Mental Health and
11 Safe Communities Act of 2015, are considered to have
12 been adjudicated mentally incompetent or committed to a
13 psychiatric hospital under subsection (d)(4) or (g)(4) of
14 section 922 of title 18 as a result of having been found
15 by the Department to be mentally incompetent.

16 “(b) NOTICE.—The Secretary shall provide notice
17 under this section to a person described in subsection (a)
18 that notifies the person of—

19 “(1) the determination made by the Secretary;

20 “(2) a description of the implications of being
21 considered to have been adjudicated mentally incom-
22 petent or committed to a psychiatric hospital under
23 subsection (d)(4) or (g)(4) of section 922 of title 18;
24 and

25 “(3) the right of the person to request a review
26 under subsection (c)(1).

1 “(c) ADMINISTRATIVE REVIEW.—

2 “(1) REQUEST.—Not later than 30 days after
3 the date on which a person described in subsection
4 (a) receives notice in accordance with subsection (b),
5 such person may request a review by the board de-
6 signed or established under paragraph (2) or by a
7 court of competent jurisdiction to assess whether the
8 person is a danger to himself or herself or to others.
9 In such assessment, the board may consider the per-
10 son’s honorable discharge or decorations.

11 “(2) BOARD.—Not later than 180 days after
12 the date of enactment of the Mental Health and
13 Safe Communities Act of 2015, the Secretary shall
14 designate or establish a board that shall, upon re-
15 quest of a person under paragraph (1), assess
16 whether the person is a danger to himself or herself
17 or to others.

18 “(d) JUDICIAL REVIEW.—A person may file a peti-
19 tion with a Federal court of competent jurisdiction for ju-
20 dicial review of an assessment of the person under sub-
21 section (c) by the board designated or established under
22 subsection (c)(2).”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for chapter 55 of title 38, United States Code, is amended
25 by adding at the end the following:

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

1 **SEC. 305. APPLICABILITY OF AMENDMENTS.**

2 With respect to any record of a person prohibited
3 from possessing or receiving a firearm under subsection
4 (d)(4) or (g)(4) of section 922 of title 18, United States
5 Code, before the date of enactment of this Act, the Attor-
6 ney General shall remove such a record from the National
7 Instant Criminal Background Check System—

8 (1) upon being made aware that the person is
9 no longer considered as adjudicated mentally incom-
10 petent or committed to a psychiatric hospital accord-
11 ing to the criteria under paragraph (36)(A)(i)(II) of
12 section 921(a) of title 18, United States Code (as
13 added by this title), and is therefore no longer pro-
14 hibited from possessing or receiving a firearm;

15 (2) upon being made aware that any order or
16 finding that the record is based on is an order or
17 finding described in paragraph (36)(B) of section
18 921(a) of title 18, United States Code (as added by
19 this title); or

20 (3) upon being made aware that the person has
21 been found competent to possess a firearm after an
22 administrative or judicial review under subsection (c)
23 or (d) of section 5511 of title 38, United States
24 Code (as added by this title).

1 **SEC. 306. CLARIFICATION THAT FEDERAL COURT INFOR-**
2 **MATION IS TO BE MADE AVAILABLE TO THE**
3 **NATIONAL INSTANT CRIMINAL BACKGROUND**
4 **CHECK SYSTEM.**

5 Section 103(e)(1) of the Brady Handgun Violence
6 Prevention Act (18 U.S.C. 922 note) is amended by add-
7 ing at the end the following:

8 “(F) APPLICATION TO FEDERAL
9 COURTS.—In this paragraph—

10 “(i) the terms ‘department or agency
11 of the United States’ and ‘Federal depart-
12 ment or agency’ include a Federal court;
13 and

14 “(ii) for purposes of any request, sub-
15 mission, or notification, the Director of the
16 Administrative Office of the United States
17 Courts shall perform the functions of the
18 head of the department or agency.”.

19 **TITLE IV—REAUTHORIZATIONS**
20 **AND OFFSET**

21 **SEC. 401. REAUTHORIZATION OF APPROPRIATIONS.**

22 (a) ADULT AND JUVENILE COLLABORATION PRO-
23 GRAMS.—Subsection (o) of section 2991 of the Omnibus
24 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
25 3797aa), as redesignated by section 203, is amended—

1 (1) in paragraph (1)(C), by striking “2009
2 through 2014” and inserting “2016 through 2020”;
3 and

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

5 “(3) LIMITATION.—Not more than 20 percent of the
6 funds authorized to be appropriated under this section
7 may be used for purposes described in subsection (j) (re-
8 lating to veterans).”.

9 (b) MENTAL HEALTH COURTS AND QUALIFIED
10 DRUG TREATMENT PROGRAMS.—Section 1001(a) of the
11 Omnibus Crime Control and Safe Streets Act of 1968 (42
12 U.S.C. 3793(a)) is amended—

13 (1) in paragraph (20), by striking “2001
14 through 2004” and inserting “2016 through 2020”;
15 and

16 (2) in paragraph (26), by striking “2009 and
17 2010” and inserting “2016 through 2020”.

18 **SEC. 402. OFFSET.**

19 (a) DEFINITION.—In this subsection, the term “cov-
20 ered amounts” means the unobligated balances of discre-
21 tionary appropriations accounts, except for the discre-
22 tionary appropriations accounts of the Department of De-
23 fense, the Department of Veterans Affairs, and the De-
24 partment of Homeland Security.

25 (b) RESCISSION.—

1 (1) IN GENERAL.—Effective on the first day of
2 each of fiscal years 2016 through 2020, there are re-
3 scinded from covered amounts, on a pro rata basis,
4 the amount described in paragraph (2).

5 (2) AMOUNT OF RESCISSION.—The amount de-
6 scribed in this subparagraph is the sum of the
7 amounts authorized to be appropriated under para-
8 graphs (20) and (26) of section 1001(a) of title I of
9 the Omnibus Crime Control and Safe Streets Act of
10 1968 (42 U.S.C. 3793(a)).

11 (3) REPORT.—Not later 60 days after the first
12 day of each of fiscal years 2016 through 2020, the
13 Director of the Office of Management and Budget
14 shall submit to Congress and the Secretary of the
15 Treasury a report specifying the account and
16 amount of each rescission under this subsection.

○