

109TH CONGRESS
1ST SESSION

H. R. 1415

To improve the National Instant Criminal Background Check System, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mrs. MCCARTHY (for herself and Mr. DINGELL) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To improve the National Instant Criminal Background Check
System, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “NICS Improvement Act of 2005”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—TRANSMITTAL OF RECORDS

- Sec. 101. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.
- Sec. 102. Requirements to obtain waiver.
- Sec. 103. Implementation assistance to States.
- Sec. 104. Penalties for noncompliance.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE
IMPROVEMENT OF RELEVANT RECORDS

- Sec. 201. Continuing evaluations.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IM-
PROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSI-
TION RECORDS

- Sec. 301. Disposition records automation and transmittal improvement grants.

TITLE IV—GAO AUDIT

- Sec. 401. GAO audit.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

3 (1) Approximately 790,000 individuals were
4 prohibited from purchasing a firearm for failing a
5 background check between November 30, 1998, (the
6 date the National Instant Criminal Background
7 Check System (NICS) began operating) and Decem-
8 ber 31, 2003.

9 (2) From November 30, 1998, through Decem-
10 ber 31, 2003, over 40,800,000 Brady background
11 checks were processed through NICS.

12 (3) Although most Brady background checks
13 are processed through NICS in seconds, many back-
14 ground checks are delayed if the Federal Bureau of
15 Investigation (FBI) does not have automated access
16 to complete information from the States concerning

1 persons prohibited from possessing or receiving a
2 firearm under Federal or State law.

3 (4) Approximately 24,000,000 criminal records
4 are either not automated or not accessible by NICS
5 and another 16,000,000 criminal records that are
6 automated and accessible are missing critical data,
7 such as arrest dispositions.

8 (5) The primary cause of delay in NICS back-
9 ground checks is the failure of the States to—

10 (A) update and make available criminal
11 disposition records; and

12 (B) provide automated access to informa-
13 tion concerning persons prohibited from pos-
14 sessing or receiving a firearm because of mental
15 illness, restraining orders, or misdemeanor con-
16 victions for domestic violence.

17 (6) The failure of the States to provide auto-
18 mated access to this information is principally
19 caused by the States' failure to—

20 (A) computerize information relating to
21 criminal history, criminal dispositions, mental
22 illness, restraining orders, and misdemeanor
23 convictions for domestic violence; or

24 (B) make such information available to
25 NICS in a usable format.

1 (7) Helping States to automate these records
2 will reduce delays for law-abiding gun purchasers.

3 (8) Twenty-three States have failed to automate
4 all of their felony criminal conviction records.

5 (9) Only forty-five percent of the criminal his-
6 tory records in the Interstate Identification Index,
7 maintained by the FBI and used by the NICS, have
8 disposition information included.

9 (10) Many States do not submit fingerprint-
10 based records of misdemeanor convictions that may
11 disqualify a person from possessing or receiving a
12 firearm under section 922(g)(9) of title 18, United
13 States Code.

14 (11) Forty States do not automate or make ac-
15 cessible disqualifying mental health records.

16 (12) Only ten States have provided disquali-
17 fying mental health records to NICS. Of this group,
18 8 States have provided less than 40 such records, 1
19 State has provided approximately 1,600 such
20 records, and only 1 State has provided close to com-
21 plete records by having submitted more than 50,000
22 such records.

23 (13) Five States and 4 territories do not auto-
24 mate or make accessible domestic violence restrain-
25 ing order records to NICS.

1 (14) Of the States that provide domestic vio-
2 lence restraining orders to NICS, records from 18
3 States are not complete and accurate.

4 (15) Fourteen States do not automate or make
5 accessible domestic violence misdemeanor conviction
6 records.

7 (16) Of the States that provide domestic vio-
8 lence misdemeanor conviction records to NICS,
9 records from 29 States are not complete or accurate.

10 (17) On March 12, 2002, the senseless shoot-
11 ing, which took the lives of a priest and a parish-
12 ioner at the Our Lady of Peace Church in Lynbrook,
13 New York, brought attention to the lack of informa-
14 tion sharing enabling Federal and State law enforce-
15 ment agencies to conduct a complete background
16 check on a potential firearm purchaser. The man
17 who committed this double murder had a prior dis-
18 qualifying mental health commitment and a restrain-
19 ing order against him, but passed a Brady back-
20 ground check because NICS did not have the nec-
21 essary information to determine that he was ineli-
22 gible to purchase a firearm under Federal or State
23 law.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act, the following definitions shall
3 apply:

4 (1) COURT ORDER.—The term “court order”
5 includes—

6 (A) a court order (as described in section
7 922(g)(8) of title 18, United States Code); and

8 (B) a protection order (as defined in sec-
9 tion 2266(5) of title 18, United States Code).

10 (2) MENTAL HEALTH TERMS.—The terms “ad-
11 judicated as a mental defective”, “committed to a
12 mental institution”, and related terms have the
13 meanings given those terms in regulations imple-
14 menting section 922(g)(4) of title 18, United States
15 Code, as in effect on the date of the enactment of
16 this Act.

17 (3) MISDEMEANOR CRIME OF DOMESTIC VIO-
18 LENCE.—The term “misdemeanor crime of domestic
19 violence”—

20 (A) has the meaning given the term in sec-
21 tion 921(a)(33) of title 18, United States Code;

22 (B) includes any Federal, State, or local
23 offense that—

24 (i) is a misdemeanor under Federal,
25 State, local, or tribal law or, in a State
26 that does not classify offenses as mis-

1 demeanors, is an offense punishable by im-
2 prisonment for a term of 1 year or less or
3 punishable only by a fine regardless of
4 whether or not the State statute specifi-
5 cally defines the offense as a crime of do-
6 mestic violence;

7 (ii) has, as an element of the offense,
8 the use or attempted use of physical force,
9 such as assault and battery, or the threat-
10 ened use of a deadly weapon; and

11 (iii) was committed by a current or
12 former spouse, parent, or guardian of the
13 victim, by a person with whom the victim
14 shares a child in common, by a person who
15 is cohabiting with or has cohabited with
16 the victim as a spouse, parent, or guard-
17 ian, or a person similarly situated to a
18 spouse, parent, or guardian of the victim;
19 and

20 (C) does not include a crime described
21 under subparagraph (A) if—

22 (i) the person was not convicted by
23 the jurisdiction in which the proceeding
24 was held;

1 (ii) the person was not represented by
2 counsel in the case and did not knowingly
3 or intelligently waive the right to counsel
4 in the case;

5 (iii) in the case of a prosecution for
6 which a person was entitled to a jury trial
7 in the jurisdiction in which the case was
8 tried—

9 (I) the case was not tried by a
10 jury; and

11 (II) the person did not knowingly
12 or intelligently waive the right to have
13 the case tried by a jury, by guilty
14 plea, or otherwise; or

15 (iv) the conviction has been expunged
16 or set aside, or is an offense for which the
17 person has been pardoned or has had civil
18 rights restored unless—

19 (I) the pardon, expungement, or
20 restoration of civil rights expressly
21 provides that the person may not ship,
22 transport, possess, or receive firearms;
23 or

24 (II) the person is otherwise pro-
25 hibited by the law of the jurisdiction

1 in which the proceedings were held
2 from receiving or possessing any fire-
3 arms.

4 **TITLE I—TRANSMITTAL OF**
5 **RECORDS**

6 **SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FED-**
7 **ERAL DEPARTMENTS AND AGENCIES PRO-**
8 **VIDE RELEVANT INFORMATION TO THE NA-**
9 **TIONAL INSTANT CRIMINAL BACKGROUND**
10 **CHECK SYSTEM.**

11 (a) IN GENERAL.—Section 103(e)(1) of the Brady
12 Handgun Violence Prevention Act (18 U.S.C. 922 note)
13 is amended—

14 (1) by striking “Notwithstanding” and insert-
15 ing the following:

16 “(A) IN GENERAL.—Notwithstanding”;

17 (2) by striking “On request” and inserting the
18 following:

19 “(B) REQUEST OF ATTORNEY GENERAL.—
20 On request”;

21 (3) by striking “furnish such information” and
22 inserting “furnish electronic versions of the informa-
23 tion described under subparagraph (A)”;

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

1 “(C) QUARTERLY SUBMISSION TO ATTOR-
2 NEY GENERAL.—If a department or agency
3 under subparagraph (A) has any record of any
4 person demonstrating that the person falls
5 within one of the categories described in sub-
6 section (g) or (n) of section 922 of title 18,
7 United States Code, the head of such depart-
8 ment or agency shall, not less frequently than
9 quarterly, provide the pertinent information
10 contained in such record to the Attorney Gen-
11 eral.

12 “(D) INFORMATION UPDATES.—The agen-
13 cy, on being made aware that the basis under
14 which a record was made available under sub-
15 paragraph (A) does not apply, or no longer ap-
16 plies, shall—

17 “(i) update, correct, modify, or re-
18 move the record from any database that
19 the agency maintains and makes available
20 to the Attorney General, in accordance
21 with the rules pertaining to that database;
22 or

23 “(ii) notify the Attorney General that
24 such basis no longer applies so that the

1 National Instant Criminal Background
2 Check System is kept up to date.

3 “(E) ANNUAL REPORT.—The Attorney
4 General shall submit an annual report to Con-
5 gress that describes the compliance of each de-
6 partment or agency with the provisions of this
7 paragraph.”.

8 (b) PROVISION AND MAINTENANCE OF NICS
9 RECORDS.—

10 (1) DEPARTMENT OF HOMELAND SECURITY.—
11 The Secretary of Homeland Security shall make
12 available to the Attorney General—

13 (A) records, updated not less than quar-
14 terly, which are relevant to a determination of
15 whether a person is disqualified from possessing
16 or receiving a firearm under subsection (g) or
17 (n) of section 922 of title 18, United States
18 Code, for use in background checks performed
19 by the National Instant Criminal Background
20 Check System; and

21 (B) information regarding all the persons
22 described in subparagraph (A) of this para-
23 graph who have changed their status to a cat-
24 egory not identified under section 922(g)(5) of
25 title 18, United States Code, for removal, when

1 applicable, from the National Instant Criminal
2 Background Check System.

3 (2) DEPARTMENT OF JUSTICE.—The Attorney
4 General shall—

5 (A) ensure that any information submitted
6 to, or maintained by, the Attorney General
7 under this section is kept accurate and con-
8 fidential, as required by the laws, regulations,
9 policies, or procedures governing the applicable
10 record system;

11 (B) provide for the timely removal and de-
12 struction of obsolete and erroneous names and
13 information from the National Instant Criminal
14 Background Check System; and

15 (C) work with States to encourage the de-
16 velopment of computer systems, which would
17 permit electronic notification to the Attorney
18 General when—

19 (i) a court order has been issued, lift-
20 ed, or otherwise removed by order of the
21 court; or

22 (ii) a person has been adjudicated as
23 mentally defective or committed to a men-
24 tal institution.

1 **SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.**

2 (a) IN GENERAL.—Beginning 3 years after the date
3 of enactment of this Act, a State shall be eligible to receive
4 a waiver of the 10 percent matching requirement for Na-
5 tional Criminal History Improvement Grants under the
6 Crime Identification Technology Act of 1988 (42 U.S.C.
7 14601) if the State provides at least 90 percent of the
8 information described in subsection (c). The length of such
9 a waiver shall not exceed 2 years.

10 (b) STATE ESTIMATES.—

11 (1) IN GENERAL.—To assist the Attorney Gen-
12 eral in making a determination under subsection (a)
13 of this section, and under section 104, concerning
14 the compliance of the States in providing informa-
15 tion to the Attorney General for the purpose of re-
16 ceiving a waiver under subsection (a) of this section,
17 or facing a loss of funds under section 104, each
18 State shall provide the Attorney General with a rea-
19 sonable estimate, as calculated by a method deter-
20 mined by the Attorney General, of the number of—

21 (A) criminal history records for mis-
22 demeanors and felonies;

23 (B) State criminal history records with dis-
24 position information;

25 (C) active court orders in the State; and

1 (D) State records of persons adjudicated
2 mentally defective or committed to a mental in-
3 stitution.

4 (2) SCOPE.—The Attorney General, in deter-
5 mining the compliance of a State under this section
6 or section 104 of this Act for the purpose of grant-
7 ing a waiver or imposing a loss of Federal funds,
8 shall assess the total percentage of records provided
9 by the State concerning any event occurring within
10 the prior 30 years, which would disqualify a person
11 from possessing a firearm under subsection (g) or
12 (n) of section 922 of title 18, United States Code.

13 (3) CLARIFICATION.—Notwithstanding para-
14 graph (2), States shall endeavor to provide the Na-
15 tional Instant Criminal Background Check System
16 with all records concerning persons who are prohib-
17 ited from possessing or receiving a firearm under
18 subsection (g) or (n) of section 922 of title 18,
19 United States Code, regardless of the elapsed time
20 since the disqualifying event.

21 (c) ELIGIBILITY OF STATE RECORDS FOR SUBMIS-
22 SION TO THE NATIONAL INSTANT CRIMINAL BACK-
23 GROUND CHECK SYSTEM.—

24 (1) REQUIREMENTS FOR ELIGIBILITY.—

1 (A) IN GENERAL.—From information col-
2 lected by a State, the State shall make elec-
3 tronically available to the Attorney General
4 records relevant to a determination of whether
5 a person is disqualified from possessing or re-
6 ceiving a firearm under subsection (g) or (n) of
7 section 922 of title 18, United States Code, or
8 applicable State law.

9 (B) NICS UPDATES.—The State, on being
10 made aware that the basis under which a record
11 was made available under subparagraph (A)
12 does not apply, or no longer applies, shall, as
13 soon as practicable—

14 (i) update, correct, modify, or remove
15 the record from any database that the
16 Federal or State government maintains
17 and makes available to the National In-
18 stant Criminal Background Check System,
19 consistent with the rules pertaining to that
20 database; or

21 (ii) notify the Attorney General that
22 such basis no longer applies so that the
23 record system in which the record is main-
24 tained is kept up to date.

1 (C) CERTIFICATION.—To remain eligible
2 for a waiver under subsection (a), a State shall
3 certify to the Attorney General, not less than
4 once during each 2-year period, that at least 90
5 percent of all information described in subpara-
6 graph (A) has been made electronically avail-
7 able to the Attorney General in accordance with
8 subparagraph (A).

9 (D) INCLUSION OF ALL RECORDS.—The
10 State shall make every effort to identify and in-
11 clude all of the records described under sub-
12 paragraph (A) without regard to the age of the
13 record.

14 (2) APPLICATION TO PERSONS CONVICTED OF
15 MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—
16 The State shall make available to the Attorney Gen-
17 eral, for use by the National Instant Criminal Back-
18 ground Check System, records relevant to a deter-
19 mination of whether a person has been convicted in
20 any court of a misdemeanor crime of domestic vio-
21 lence. With respect to records relating to such
22 crimes, the State shall provide information specifi-
23 cally describing the offense and the specific section
24 or subsection of the offense for which the defendant

1 has been convicted and the relationship of the de-
2 fendant to the victim in each case.

3 (3) APPLICATION TO PERSONS WHO HAVE BEEN
4 ADJUDICATED AS A MENTAL DEFECTIVE OR COM-
5 MITTED TO A MENTAL INSTITUTION.—The State
6 shall make available to the Attorney General, for use
7 by the National Instant Criminal Background Check
8 System, the name and other relevant identifying in-
9 formation of persons adjudicated as mentally defec-
10 tive or those committed to mental institutions to as-
11 sist the Attorney General in enforcing section
12 922(g)(4) of title 18, United States Code.

13 (d) PRIVACY PROTECTIONS.—For any information
14 provided to the Attorney General for use by the National
15 Instant Criminal Background Check System, relating to
16 persons prohibited from possessing or receiving a firearm
17 under section 922(g)(4) of title 18, United States Code,
18 the Attorney General shall work with States and local law
19 enforcement and the mental health community to establish
20 regulations and protocols for protecting the privacy of in-
21 formation provided to the system. The Attorney General
22 shall make every effort to meet with any mental health
23 group seeking to express its views concerning these regula-
24 tions and protocols and shall seek to develop regulations
25 as expeditiously as practicable.

1 (e) ATTORNEY GENERAL REPORT.—Not later than
2 January 31 of each year, the Attorney General shall sub-
3 mit to the Committee on the Judiciary of the Senate and
4 the Committee on the Judiciary of the House of Rep-
5 resentatives a report on the progress of States in auto-
6 mating the databases containing the information described
7 in subsection (b) and in making that information elec-
8 tronically available to the Attorney General pursuant to
9 the requirements of subsection (c).

10 **SEC. 103. IMPLEMENTATION ASSISTANCE TO STATES.**

11 (a) AUTHORIZATION.—

12 (1) IN GENERAL.—From amounts made avail-
13 able to carry out this section, the Attorney General
14 shall make grants to States and Indian tribal gov-
15 ernments, in a manner consistent with the National
16 Criminal History Improvement Program, which shall
17 be used by the States and Indian tribal govern-
18 ments, in conjunction with units of local government
19 and State and local courts, to establish or upgrade
20 information and identification technologies for fire-
21 arms eligibility determinations.

22 (2) GRANTS TO INDIAN TRIBES.—Up to 5 per-
23 cent of the grant funding available under this sec-
24 tion may be reserved for Indian tribal governments,
25 including tribal judicial systems.

1 (b) USE OF GRANT AMOUNTS.—Grants awarded to
2 States or Indian tribes under this section may only be
3 used to—

4 (1) create electronic systems, which provide ac-
5 curate and up-to-date information which is directly
6 related to checks under the National Instant Crimi-
7 nal Background Check System (referred to in this
8 section as “NICS”), including court disposition and
9 corrections records;

10 (2) assist States in establishing or enhancing
11 their own capacities to perform NICS background
12 checks;

13 (3) supply accurate and timely information to
14 the Attorney General concerning final dispositions of
15 criminal records to databases accessed by NICS;

16 (4) supply accurate and timely information to
17 the Attorney General concerning the identity of per-
18 sons who are prohibited from obtaining a firearm
19 under section 922(g)(4) of title 18, United States
20 Code, to be used by the Federal Bureau of Inves-
21 tigation solely to conduct NICS background checks;

22 (5) supply accurate and timely court orders and
23 records of misdemeanor crimes of domestic violence
24 for inclusion in Federal and State law enforcement

1 databases used to conduct NICS background checks;
2 and

3 (6) collect and analyze data needed to dem-
4 onstrate levels of State compliance with this Act.

5 (c) CONDITION.—As a condition of receiving a grant
6 under this section, a State shall specify the projects for
7 which grant amounts will be used, and shall use such
8 amounts only as specified. A State that violates this sub-
9 section shall be liable to the Attorney General for the full
10 amount of the grant received under this section.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$250,000,000 for each of the fiscal years 2006 through
14 2008.

15 (e) USER FEE.—The Federal Bureau of Investiga-
16 tion shall not charge a user fee for background checks pur-
17 suant to section 922(t) of title 18, United States Code.

18 **SEC. 104. PENALTIES FOR NONCOMPLIANCE.**

19 (a) ATTORNEY GENERAL REPORT.—

20 (1) IN GENERAL.—Not later than January 31
21 of each year, the Attorney General shall submit to
22 the Committee on the Judiciary of the Senate and
23 the Committee on the Judiciary of the House of
24 Representatives a report on the progress of the
25 States in automating the databases containing infor-

1 mation described under sections 102 and 103, and
2 in providing that information pursuant to the re-
3 quirements of sections 102 and 103.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—

5 There are authorized to be appropriated to the De-
6 partment of Justice, such funds as may be necessary
7 to carry out paragraph (1).

8 (b) PENALTIES.—

9 (1) DISCRETIONARY REDUCTION.—During the
10 2-year period beginning 3 years after the date of en-
11 actment of this Act, the Attorney General may with-
12 hold not more than 3 percent of the amount that
13 would otherwise be allocated to a State under sec-
14 tion 506 of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C. 3756) if the State
16 provides less than 60 percent of the information re-
17 quired to be provided under sections 102 and 103.

18 (2) MANDATORY REDUCTION.—After the expi-
19 ration of the period referred to in paragraph (1), the
20 Attorney General shall withhold 5 percent of the
21 amount that would otherwise be allocated to a State
22 under section 506 of the Omnibus Crime Control
23 and Safe Streets Act of 1968 (42 U.S.C. 3756), if
24 the State provides less than 90 percent of the infor-

1 mation required to be provided under sections 102
2 and 103.

3 (3) WAIVER BY ATTORNEY GENERAL.—The At-
4 torney General may waive the applicability of para-
5 graph (2) to a State if the State provides substantial
6 evidence, as determined by the Attorney General,
7 that the State is making a reasonable effort to com-
8 ply with the requirements of sections 102 and 103.

9 (c) REALLOCATION.—Any funds that are not allo-
10 cated to a State because of the failure of the State to com-
11 ply with the requirements of this title shall be reallocated
12 to States that meet such requirements.

13 **TITLE II—FOCUSING FEDERAL**
14 **ASSISTANCE ON THE IM-**
15 **PROVEMENT OF RELEVANT**
16 **RECORDS**

17 **SEC. 201. CONTINUING EVALUATIONS.**

18 (a) EVALUATION REQUIRED.—The Director of the
19 Bureau of Justice Statistics (referred to in this section
20 as the “Director”) shall study and evaluate the operations
21 of the National Instant Criminal Background Check Sys-
22 tem. Such study and evaluation shall include compilations
23 and analyses of the operations and record systems of the
24 agencies and organizations necessary to support such Sys-
25 tem.

1 (b) REPORT ON GRANTS.—Not later than January
2 31 of each year, the Director shall submit to Congress
3 a report containing the estimates submitted by the States
4 under section 102(b).

5 (c) REPORT ON BEST PRACTICES.—Not later than
6 January 31 of each year, the Director shall submit to Con-
7 gress, and to each State participating in the National
8 Criminal History Improvement Program, a report of the
9 practices of the States regarding the collection, mainte-
10 nance, automation, and transmittal of information rel-
11 evant to determining whether a person is prohibited from
12 possessing or receiving a firearm by Federal or State law,
13 by the State or any other agency, or any other records
14 relevant to the National Instant Criminal Background
15 Check System, that the Director considers to be best prac-
16 tices.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary for each of the fiscal years 2006 through 2008
20 to complete the studies, evaluations, and reports required
21 under this section.

1 **TITLE III—GRANTS TO STATE**
2 **COURT SYSTEMS FOR THE IM-**
3 **PROVEMENT IN AUTOMATION**
4 **AND TRANSMITTAL OF DIS-**
5 **POSITION RECORDS**

6 **SEC. 301. DISPOSITION RECORDS AUTOMATION AND**
7 **TRANSMITTAL IMPROVEMENT GRANTS.**

8 (a) GRANTS AUTHORIZED.—From amounts made
9 available to carry out this section, the Attorney General
10 shall make grants to each State, consistent with State
11 plans for the integration, automation, and accessibility of
12 criminal history records, for use by the State court system
13 to improve the automation and transmittal of criminal his-
14 tory dispositions, records relevant to determining whether
15 a person has been convicted of a misdemeanor crime of
16 domestic violence, court orders, and mental health adju-
17 dications or commitments, to Federal and State record re-
18 positories in accordance with sections 102 and 103 and
19 the National Criminal History Improvement Program.

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

24 (c) USE OF FUNDS.—Amounts granted under this
25 section shall be used by the State court system only—

1 (1) to carry out, as necessary, assessments of
2 the capabilities of the courts of the State for the au-
3 tomation and transmission of arrest and conviction
4 records, court orders, and mental health adjudica-
5 tions or commitments to Federal and State record
6 repositories; and

7 (2) to implement policies, systems, and proce-
8 dures for the automation and transmission of arrest
9 and conviction records, court orders, and mental
10 health adjudications or commitments to Federal and
11 State record repositories.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Attorney General
14 to carry out this section \$125,000,000 for each of the fis-
15 cal years 2006 through 2008.

16 **TITLE IV—GAO AUDIT**

17 **SEC. 401. GAO AUDIT.**

18 (a) IN GENERAL.—The Comptroller General of the
19 United States shall conduct an audit of the expenditure
20 of all funds appropriated for criminal records improve-
21 ment pursuant to section 106(b) of the Brady Handgun
22 Violence Prevention Act (Public Law 103–159) to deter-
23 mine if the funds were expended for the purposes author-
24 ized by the Act and how those funds were expended for
25 those purposes or were otherwise expended.

1 (b) REPORT.—Not later than 6 months after the date
2 of enactment of this Act, the Comptroller General shall
3 submit a report to Congress describing the findings of the
4 audit conducted pursuant to subsection (a).

○