

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the identification number; and

(III) immediately destroy all records of the system with respect to the contact (other than the identification number and the date the number was assigned) and all records of the system relating to the transferee or the transfer or derived therefrom; or

(i) if the receipt would be such a violation—

(I) notify the licensee that the receipt would be such a violation; and

(II) maintain the records created by the system with respect to the proposed transfer.

(2) SPECIAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer and the system is unable to comply with paragraph (1) during the contact or by return contact without delay, then the system shall comply with paragraph (1) not later than the end of the next business day.

In section 4(a) of the Committee amendment—

(1) strike all that precedes "Section 509(b)" and insert "(a) USE OF FORMULA GRANTS.—"

(2) strike "(A) in" and insert "(1) in";

(3) strike "(B) in" and insert "(2) in";

(4) strike "(C) by" and insert "(3) by";

(5) strike "(2) ADDITIONAL FUNDING" and insert "(b) ADDITIONAL FUNDING";

(6) strike "(A) GRANTS" and insert "(1) GRANTS";

(7) strike "(i)" and insert "(A)";

(8) strike "(ii)" and insert "(B)";

(9) strike "(iii)" and insert "(C)";

(10) strike "(B) AUTHORIZATION" and insert "(2) AUTHORIZATION"; and

(11) strike "subparagraph (A)" and insert "paragraph (1)"

In section 4 of the Committee amendment, strike subsection (b).

The SPEAKER pro tempore, Mr. MURTHA, announced that the yeas had it.

Mr. WALKER demanded a recorded vote on agreeing to said amendment, as modified, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 238 Nays 192

132.17 [Roll No. 562] AYES—238

- Allard Callahan Dreier
Andrews (TX) Calvert Duncan
Applegate Camp Dunn
Archer Canady Edwards (TX)
Armey Carr Emerson
Bachus (AL) Chapman English (OK)
Baker (CA) Clinger Everett
Baker (LA) Clyburn Ewing
Ballenger Coble Fields (TX)
Barca Coleman Fish
Barcia Collins (GA) Franks (CT)
Barlow Combest Frost
Barrett (NE) Condit Gallegly
Bartlett Cooper Gekas
Barton Costello Geren
Bevill Cox Gillmor
Bilbray Cramer Gingrich
Bilirakis Crane Goodlatte
Bishop Crapo Goodling
Bliley Cunningham Gordon
Blute Danner Goss
Boehner Darden Grams
Bonilla de la Garza Green
Boucher Deal Greenwood
Brewster DeFazio Gunderson
Brooks DeLay Hall (TX)
Browder Dickey Hamilton
Bunning Dingell Hancock
Burton Doolittle Hansen
Buyer Dornan Hastert

- Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kopetski
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Lloyd
Long
Machtley
Manzullo
Martinez
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McNulty
Mica
Michel
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Rahall
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Rohrabacher
Rose
Roth
Rowland
Royce
Sanders
Santorum
Sarpalius
Schaefer
Schiff
Sharp
Shaw
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Tucker
Unsöld
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Young (AK)
Zeliff
Zimmer

- Reynolds
Roemer
Ros-Lehtinen
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Stark
Stokes
Studds
Synar
Thomas (CA)
Thompson
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—3

- Moakley
Murphy
Shuster

So the amendment, as modified, was agreed to.

The following amendment, as amended, was then agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brady Handgun Violence Prevention Act".

SEC. 2. FEDERAL FIREARMS LICENSEE REQUIRED TO CONDUCT CRIMINAL BACKGROUND CHECK BEFORE TRANSFER OF FIREARM TO NON-LICENSEE.

(a) INTERIM PROVISION.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that is 60 months after such date of enactment it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identity of the transferee by examining the identification document presented;

"(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) 5 business days (as defined by days in which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of

NOES—192

- Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Blackwell
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Cardin
Castle
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Grandy
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hinchev
Hoagland
Hochbrueckner
Hoyer
Hughes
Hyde
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kreidler
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDade
McDermott
McHale
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Molinari
Moran
Morella
Nadler
Neal (MA)
Olver
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Porter
Price (NC)
Quinn
Rangel
Reed

the transferee or of any member of the household of the transferee;

“(C)(i) the transferee has presented to the transferor a permit that—

“(I) allows the transferee to possess a handgun; and

“(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

“(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

“(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

“(E) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

“(F) on application of the transferor, the Secretary has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

“(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

“(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

“(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

“(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether the transferee has a criminal record or whether there is any other legal impediment to the transferee's receiving a handgun, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

“(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

“(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

“(B) a statement that transferee—

“(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

“(ii) is not a fugitive from justice;

“(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

“(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

“(v) is not an alien who is illegally or unlawfully in the United States;

“(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

“(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

“(C) the date the statement is made; and

“(D) notice that the transferee intends to obtain a handgun from the transferor.

“(4) Any transferor of a handgun who, after such transfer, receives a report from a chief

law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

“(A) the chief law enforcement officer of the place of business of the transferor; and

“(B) the chief law enforcement officer of the place of residence of the transferee.

“(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

“(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

“(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

“(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement and any record containing information derived from the statement;

“(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

“(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

“(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reasons for the determination, the officer shall provide such reasons to the individual within 20 business days after receipt of the request.

“(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

“(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

“(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

“(8) For purposes of this subsection, the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

“(9) The Secretary shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.”.

(2) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

“(29) The term ‘handgun’ means—

“(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

“(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.”.

(b) PERMANENT PROVISION.—Section 922 of title 18, United States Code, as amended by subsection (a)(1) of this section, is amended by adding at the end the following:

“(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 3(e) of the Brady

Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not such a licensee, unless—

“(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 3 of such Act;

“(B)(i) the system provides the licensee with a unique identification number; or

“(ii) 1 business day (as defined in subsection (s)(8)(B)) has elapsed since the end of the business day on which the licensee contacted the system, and the system has not notified the licensee that the receipt of the handgun by such other person would violate subsection (g) or (n) of this section or any State or local law; and

“(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

“(2) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

“(A)(i) such other person has presented to the licensee a permit that—

“(I) allows such other person to possess a firearm; and

“(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

“(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

“(B) the Secretary has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

“(C) on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

“(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

“(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

“(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

“(3) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n), and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

“(4) In addition to the authority provided under section 923(e), if the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and

may impose on the licensee a civil fine of not more than \$5,000.

“(5) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

“(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

“(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.”.

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (2) or (3) of”; and

(2) by adding at the end the following:

“(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined not more than \$1,000, imprisoned for not more than 1 year, or both.”.

SEC. 3. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—Not later than 60 months after the date of the enactment of this Act, the Attorney General of the United States shall establish a national instant criminal background check system that any licensee may contact for information on whether receipt of a firearm by a prospective transferee thereof would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law.

(b) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;

(2) the development of hardware and software systems to link State criminal history check systems into the national instant criminal background check system established by the Attorney General pursuant to this section; and

(3) the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.

(c) PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall—

(1) determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system, which shall be based upon the Interstate Identification Index (“III”) unless the Attorney General finds that the III will not provide a satisfactory basis for the national instant criminal background check system;

(2) investigate the criminal records system of each State and determine for each State a timetable by which the State should be able to provide criminal records on an on line capacity basis to the national system; and

(3) notify each State of the determinations made pursuant to paragraphs (1) and (2).

(d) OPERATION OF THE SYSTEM.—

(1) GENERAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearm transfer, the system shall, during the contact or by return contact without delay—

(A) review available criminal history records to determine whether receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 of

title 18, United States Code, or any State or local law; and

(B)(i) if the receipt would not be such a violation—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the identification number; and

(III) immediately destroy all records of the system with respect to the contact (other than the identification number and the date the number was assigned) and all records of the system relating to the transferee or the transfer or derived therefrom; or

(ii) if the receipt would be such a violation—

(I) notify the licensee that the receipt would be such a violation; and

(II) maintain the records created by the system with respect to the proposed transfer.

(2) SPECIAL RULE.—If a licensee contacts the national instant criminal background check system with respect to a firearms transfer and the system is unable to comply with paragraph (1) during the contact or by return contact without delay, then the system shall comply with paragraph (1) not later than the end of the next business day.

(e) NOTIFICATION OF LICENSEES.—On establishment of the system under this section, the Attorney General shall notify each licensee and the chief law enforcement officer of each State of the existence and purpose of the system and the means to be used to contact the system.

(f) ADMINISTRATIVE PROVISIONS.—

(1) AUTHORITY TO OBTAIN OFFICIAL INFORMATION.—Notwithstanding any other law, the Attorney General may secure directly from any department or agency of the United States such information on persons for whom receipt of a firearm would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, as is necessary to enable the system to operate in accordance with this section. On request of the Attorney General, the head of such department or agency shall furnish such information to the system.

(2) OTHER AUTHORITY.—The Attorney General shall develop such computer software, design and obtain such telecommunications and computer hardware, and employ such personnel, as are necessary to establish and operate the system in accordance with this section.

(g) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.—If the system established under this section informs an individual contacting the system that receipt of a firearm by a prospective transferee would violate subsection (g) or (n) of section 922 of title 18, United States Code, or any State or local law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(h) REGULATIONS.—After 90 days notice to the public and an opportunity for hearing by interested parties, the Attorney General shall prescribe regulations to ensure the privacy and security of the information of the system established under this section.

(i) PROHIBITIONS RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agen-

cy, officer, or employee of the United States may—

(1) require that any record or portion thereof maintained by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

(2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited by section 922 (g) or (n) of title 18, United States Code, from receiving a firearm.

(j) DEFINITIONS.—As used in this section:

(1) LICENSEE.—The term “licensee” means a licensed importer, licensed manufacturer, or licensed dealer under section 923 of title 18, United States Code.

(2) OTHER TERMS.—The terms “firearm”, “licensed importer”, “licensed manufacturer”, and “licensed dealer” have the meanings stated in section 921(a) (3), (9), (10), and (11), respectively, of title 18, United States Code.

SEC. 4. REMEDY FOR ERRONEOUS DENIAL OF HANDGUN.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 925 the following:

“§925A. Remedy for erroneous denial of handgun

“Any person who is denied a handgun pursuant to section 922(s) of this title due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 3(a) of the Brady Handgun Violence Prevention Act, and who has exhausted the administrative remedies available for the correction of such erroneous information, may bring an action against any official of the State or political subdivision responsible for providing the erroneous information, or against the United States, as the case may be, for an order directing that the erroneous information be corrected. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney’s fee as part of the costs.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 925 the following:

“925A. Remedy for erroneous denial of handgun.”.

SEC. 5. FUNDING FOR IMPROVEMENT OF CRIMINAL RECORDS.

(a) USE OF FORMULA GRANTS.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking “and” after the semicolon;

(2) in paragraph (3) by striking the period and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 3 of the Brady Handgun Violence Prevention Act, for the purpose of implementing such Act.”.

(b) ADDITIONAL FUNDING.—

(1) GRANTS FOR THE IMPROVEMENT OF CRIMINAL RECORDS.—The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in comput-

erized criminal history files, make a grant to each State to be used—

(A) for the creation of a computerized criminal history record system or improvement of an existing system;

(B) to improve accessibility to the national instant criminal background system; and

(C) upon establishment of the national system, to assist the State in the transmittal of criminal records to the national system.

(2) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated for grants under paragraph (1) a total of \$100,000,000 for fiscal year 1992 and all fiscal years thereafter.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SCHIFF moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House with such amendments as may be necessary to:

(1) eliminate the requirement that a State or local official conduct a background check of a prospective handgun transferee; or

(2) ensure that the costs of such background checks (as determined by the Attorney General of the United States) are fully funded by the Federal Government.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. MURTHA, announced that the yeas had it.

Mr. SCHIFF demanded a recorded vote on the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 200 negative Nays 229

132.18 [Roll No. 563] AYES—200

- Allard Condit Hall (TX)
Applegate Costello Hancock
Archer Cox Hansen
Arney Cramer Hastert
Bachus (AL) Crane Hayes
Baker (CA) Crapo Hefley
Baker (LA) Cunningham Herger
Ballenger Danner Hobson
Barca de la Garza Hoekstra
Barcia Deal Hoke
Barlow DeLay Holden
Barrett (NE) Dickey Houghton
Bartlett Doolittle Hunter
Barton Dornan Hutchinson
Bereuter Dreier Hutto
Bevill Duncan Inglis
Bilbray Dunn Inhofe
Bilirakis Emerson Istook
Biley English (OK) Johnson, Sam
Blute Everett Kasich
Boehner Ewing Kim
Bonilla Fields (TX) King
Boucher Fish Kingston
Brewster Fowler Klink
Browder Franks (CT) Knollenberg
Bunning Frost Kolbe
Burton Gallagly Kopetski
Callahan Gekas Kyl
Calvert Geren Lancaster
Camp Gillmor LaRocco
Canady Gingrich Laughlin
Carr Goodlatte Levy
Clement Goodling Lewis (CA)
Clinger Goss Lewis (FL)
Coble Grams Lightfoot
Collins (GA) Grandy Linder
Combest Gunderson Livingston

- Lloyd Pickett Smith (TX)
Manzullo Pombo Snowe
Martinez Pomeroy Solomon
McColum Portman Spence
McCrery Poshard Stearns
McCurdy Pryce (OH) Stenholm
McDade Quillen Stump
McHugh Quinn Sundquist
McInnis Rahall Talent
McKeon Ravenel Tanner
McMillan Regula Tauzin
McNulty Richardson Taylor (MS)
Mica Ridge Taylor (NC)
Miller (FL) Roberts Tejada
Minge Rohrabacher Rogers
Mollohan Roth Thomas (CA)
Montgomery Rowland Thomas (WY)
Moorhead Royce Torkildsen
Myers Santorum Traficant
Natcher Sarpalius Upton
Neal (NC) Schaefer Valentine
Nussle Schiff Volkmer
Ortiz Shaw Weldon
Orton Sisisky Williams
Packard Skeen Wilson
Parker Skelton Wise
Paxon Smith (IA) Young (AK)
Payne (VA) Smith (MI) Zelfiff
Peterson (MN) Smith (OR)

NOES—229

- Abercrombie Franks (NJ)
Ackerman Furse
Andrews (ME) Gallo
Andrews (NJ) Gejdenson
Andrews (TX) Gephardt
Bacchus (FL) Gibbons
Baesler Gilchrest
Barrett (WI) Gilman
Bateman Glickman
Becerra Gonzalez
Beilenson Gordon
Bentley Green
Berman Greenwood
Bishop Gutierrez
Blackwell Hall (OH)
Boehlert Hamburg
Bonior Hamilton
Borski Harman
Brooks Hastings
Brown (CA) Hefner
Brown (FL) Hilliard
Brown (OH) Hinchey
Bryant Hoagland
Buyer Hochbrueckner
Byrne Horn
Cantwell Hoyer
Cardin Huffington
Castle Hughes
Chapman Hyde
Clay Insee
Clayton Jacobs
Clyburn Jefferson
Coleman Johnson (CT)
Collins (IL) Johnson (GA)
Collins (MI) Johnson (SD)
Conyers Johnson, E. B.
Cooper Johnston
Coppersmith Kanjorski
Danner Kaptur
Darden Kennedy
DeFazio Kennelly
DeLauro Kildee
Dellums Kleczka
Derrick Klein
Deutsch Klug
Diaz-Balart Kreidler
Dicks LaFalce
Dingell Lambert
Dixon Lantos
Dooley Lazio
Durbin Leach
Edwards (CA) Lehman
Edwards (TX) Levin
Engel Lewis (GA)
English (AZ) Lipinski
Eshoo Long
Evans Lowey
Farr Machtley
Fawell Maloney
Fazio Mann
Fields (LA) Manton
Filner Margolies-
Fingerhut Mezvinsky
Flake Markey
Foglietta Matsui
Ford (MI) Mazzoli
Ford (TN) McCloskey
Frank (MA) McDermott

- Synar Velazquez Whitten
Thompson Vento Wolf
Thornton Visclosky Woolsey
Thurman Walsh Wyden
Torres Washington Wynn
Toricelli Waters Yates
Towns Watt Young (FL)
Tucker Waxman Zimmer
Unsoeld Wheat

NOT VOTING—4

- McCandless Murphy
Moakley Shuster

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MURTHA, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 238 affirmative Nays 189

132.19 [Roll No. 564] YEAS—238

- Abercrombie Fingerhut Lewis (GA)
Ackerman Fish Lipinski
Andrews (ME) Flake Lloyd
Andrews (NJ) Foglietta Long
Andrews (TX) Ford (MI) Lowey
Applegate Ford (TN) Machtley
Bacchus (FL) Fowler Maloney
Baesler Frank (MA) Mann
Baker (CA) Franks (NJ) Manton
Barca Frost Margolies-
Barrett (WI) Furse Mezvinsky
Bateman Gallegly Markey
Becerra Gallo Matsui
Beilenson Gejdenson Mazzoli
Berman Gephardt McCloskey
Bilirakis Gibbons McCurdy
Blackwell Gilchrest McDade
Blute Gilman McDermott
Boehlert Glickman McHale
Bonior Gonzalez McKinney
Borski Goodling McMillan
Brown (CA) Gordon McNulty
Brown (FL) Goss Meehan
Brown (OH) Greenwood Meek
Bryant Gutierrez Menendez
Byrne Hall (OH) Meyers
Cantwell Hamburg
Cardin Hamilton Miller (CA)
Castle Harman Mineta
Chapman Hastings Minge
Clay Hefner Mink
Clayton Hinchey Molinari
Clement Hoagland Moran
Clyburn Hochbrueckner Morella
Collins (IL) Hoekstra Nadler
Collins (MI) Horn Neal (MA)
Condit Hoyer Neal (NC)
Conyers Huffington Olver
Cooper Hughes Owens
Coppersmith Hutto Oxley
Coyne Hyde Pallone
Darden Jacobs Pastor
DeFazio Jefferson Payne (NJ)
DeLauro Johnson (CT) Pelosi
Dellums Johnson (SD) Pickle
Derrick Johnson, E. B. Porter
Deutsch Johnston Price (NC)
Diaz-Balart Kaptur Quinn
Dicks Kennedy Ramstad
Dixon Kennelly Rangel
Dooley Kildee Reed
Durbin Kleczka Regula
Edwards (CA) Klein Reynolds
Engel Klug Roemer
English (AZ) Kreidler Ros-Lehtinen
Eshoo LaFalce Rose
Evans Lancaster Rostenkowski
Farr Lantos Roukema
Fawell Lazio Rowland
Fazio Leach Roybal-Allard
Fields (LA) Lehman Rush
Filner Levin Sabo