

108TH CONGRESS
1ST SESSION

S. 1706

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 2, 2003

Mr. SCHUMER (for himself, Mr. HATCH, Mr. CRAIG, Mr. KENNEDY, Mr. MCCAIN, Mr. CHAFEE, Mrs. LINCOLN, and Mr. DURBIN) introduced the following bill; which was read twice and 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 2003”.

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 632,000 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 August
8 31, 2003.

9 (2) From November 30, 1998, through August
10 31, 2003, over 41,000,000 Brady background checks
11 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

1 to complete information from the States concerning
2 persons prohibited from possessing or receiving a
3 firearm under Federal or State law.

4 (4) Approximately 23,000,000 criminal records
5 are either not automated or not accessible by NICS
6 and another 15,000,000 criminal records that are
7 automated and accessible are missing critical data,
8 such as arrest dispositions.

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

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

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

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

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

1 (B) make such information available to
2 NICS in a usable format.

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

5 (8) Twenty States have failed to automate all
6 of their felony criminal conviction records.

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

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

16 (11) Forty States do not automate or make ac-
17 cessible disqualifying mental health records to NICS.

18 (12) Only ten States have provided disquali-
19 fying mental health records to NICS. Of this group,
20 eight States have provided less than forty such
21 records, one State has provided approximately 1,600
22 such records, and only one State has provided close
23 to complete records by having submitted more than
24 50,000 such records.

1 (13) Eight States and four territories do not
2 automate or make accessible domestic violence re-
3 straining order records to NICS.

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

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

21 **SEC. 3. DEFINITIONS.**

22 As used in this Act, the following definitions shall
23 apply:

24 (1) COURT ORDER.—The term “court order”
25 includes—

1 (A) a court order (as described under sec-
2 tion 922(g)(8) of title 18, United States Code;
3 and

4 (B) a protection order (as defined under
5 section 2266(5) of title 18, United States Code.

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

13 (3) MISDEMEANOR CRIME OF DOMESTIC VIO-
14 LENCE.—The term “misdemeanor crime of domestic
15 violence”—

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

18 (B) includes any Federal, State, or local
19 offense that—

20 (i) is a misdemeanor under Federal,
21 State, local, or tribal law or, in a State
22 that does not classify offenses as mis-
23 demeanors, is an offense punishable by im-
24 prisonment for a term of 1 year or less or
25 punishable only by a fine regardless of

1 whether or not the State statute specifi-
2 cally defines the offense as a crime of do-
3 mestic violence;

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

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

17 (C) does not include a crime described
18 under subparagraph (A) if—

19 (i) the person was not convicted by
20 the jurisdiction in which the proceeding
21 was held;

22 (ii) the person was not represented by
23 counsel in the case and did not knowingly
24 or intelligently waive the right to counsel
25 in the case;

1 (iii) in the case of a prosecution for
2 which a person was entitled to a jury trial
3 in the jurisdiction in which the case was
4 tried—

5 (I) the case was not tried by a
6 jury; and

7 (II) the person did not knowingly
8 or intelligently waive the right to have
9 the case tried by a jury, by guilty
10 plea, or otherwise; or

11 (iv) the conviction has been expunged
12 or set aside, or is an offense for which the
13 person has been pardoned or has had civil
14 rights restored unless—

15 (I) the pardon, expungement, or
16 restoration of civil rights expressly
17 provides that the person may not ship,
18 transport, possess, or receive firearms;
19 or

20 (II) the person is otherwise pro-
21 hibited by the law of the jurisdiction
22 in which the proceedings were held
23 from receiving or possessing any fire-
24 arms.

1 **TITLE I—TRANSMITTAL OF**
2 **RECORDS**

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

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

11 (1) by striking “Notwithstanding” and insert-
12 ing the following:

13 “(A) IN GENERAL.—Notwithstanding”;

14 (2) by striking “On request” and inserting the
15 following:

16 “(B) REQUEST OF ATTORNEY GENERAL.—
17 On request”;

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

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

22 “(C) QUARTERLY SUBMISSION TO ATTOR-
23 NEY GENERAL.—If a department or agency
24 under subparagraph (A) has any record of any
25 person demonstrating that the person falls

1 within one of the categories described in sub-
2 section (g) or (n) of section 922 of title 18,
3 United States Code, the head of such depart-
4 ment or agency shall, not less frequently than
5 quarterly, provide the pertinent information
6 contained in such record to the Attorney Gen-
7 eral.

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

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

19 “(ii) notify the Attorney General that
20 such basis no longer applies so that the
21 National Instant Criminal Background
22 Check System is kept up to date.

23 “(E) ANNUAL REPORT.—The Attorney
24 General shall submit an annual report to Con-
25 gress that describes the compliance of each de-

1 partment or agency with the provisions of this
2 paragraph.”.

3 (b) PROVISION AND MAINTENANCE OF NICS
4 RECORDS.—

5 (1) DEPARTMENT OF HOMELAND SECURITY.—

6 The Department of Homeland Security shall make
7 available to the Attorney General—

8 (A) records, updated not less than quar-
9 terly, which are relevant to a determination of
10 whether a person is disqualified from possessing
11 or receiving a firearm under subsection (g) or
12 (n) of section 922 of title 18, United States
13 Code, for use in NICS background checks; and

14 (B) information regarding all the persons
15 described under paragraph (1)(A) who have
16 changed their status to a category not identified
17 under section 922(g)(5) of title 18, United
18 States Code, for removal, when applicable, from
19 the National Instant Criminal Background
20 Check System.

21 (2) DEPARTMENT OF JUSTICE.—The Attorney
22 General shall—

23 (A) ensure that any information submitted
24 to, or maintained by, the Attorney General
25 under this section is kept accurate and con-

1 fidential, as required by the laws, regulations,
2 policies, or procedures governing the applicable
3 record system;

4 (B) provide for the timely removal and de-
5 struction of obsolete and erroneous names and
6 information from the National Instant Criminal
7 Background Check System; and

8 (C) work with States to encourage the de-
9 velopment of computer systems, which would
10 permit electronic notification to the Attorney
11 General when—

12 (i) a court order has been issued, lift-
13 ed, or otherwise removed by order of the
14 court; or

15 (ii) a person has been adjudicated as
16 mentally defective or committed to a men-
17 tal institution.

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

19 (a) IN GENERAL.—Beginning 3 years after the date
20 of enactment of this Act, a State shall be eligible to receive
21 a waiver of the 10 percent matching requirement for Na-
22 tional Criminal History Improvement Grants under the
23 Crime Identification Technology Act of 1988 (42 U.S.C.
24 14601) if the State provides at least 90 percent of the

1 information described in subsection (c). The length of such
2 a waiver shall not exceed 2 years.

3 (b) STATE ESTIMATES.—

4 (1) IN GENERAL.—To assist the Attorney Gen-
5 eral in making a determination under subsection (a),
6 and under section 104, concerning the compliance of
7 the States in providing information to the Attorney
8 General for the purpose of receiving a waiver under
9 subsection (a), or facing a loss of funds under sec-
10 tion 104, each State shall provide the Attorney Gen-
11 eral with a reasonable estimate, as calculated by a
12 method determined by the Attorney General, of the
13 number of—

14 (A) criminal history records for mis-
15 demeanors and felonies;

16 (B) State criminal history records with dis-
17 position information;

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

19 (D) State records of persons adjudicated
20 mentally defective or committed to a mental in-
21 stitution.

22 (2) SCOPE.—The Attorney General, in deter-
23 mining the compliance of a State under this section
24 or section 104 for the purpose of granting a waiver
25 or imposing a loss of Federal funds, shall assess the

1 total percentage of records provided by the State
2 concerning any event occurring within the prior 30
3 years, which would disqualify a person from pos-
4 sessed a firearm under subsection (g) or (n) of sec-
5 tion 922 of title 18, United States Code.

6 (3) CLARIFICATION.—Notwithstanding para-
7 graph (2), States shall endeavor to provide NICS
8 with all records concerning persons who are prohib-
9 ited from possessing or receiving a firearm under
10 subsection (g) or (n) of section 922 of title 18,
11 United States Code, regardless of the elapsed time
12 since the disqualifying event.

13 (c) ELIGIBILITY OF STATE RECORDS FOR SUBMIS-
14 SION TO THE NATIONAL INSTANT CRIMINAL BACK-
15 GROUND CHECK SYSTEM.—

16 (1) REQUIREMENTS FOR ELIGIBILITY.—

17 (A) IN GENERAL.—From information col-
18 lected by a State, the State shall make elec-
19 tronically available to the Attorney General
20 records relevant to a determination of whether
21 a person is disqualified from possessing or re-
22 ceiving a firearm under subsection (g) or (n) of
23 section 922 of title 18, United States Code, or
24 applicable State law.

1 (B) NICS UPDATES.—The State, on being
2 made aware that the basis under which a record
3 was made available under subparagraph (A)
4 does not apply, or no longer applies, shall, as
5 soon as practicable—

6 (i) update, correct, modify, or remove
7 the record from any database that the
8 Federal or State government maintains
9 and makes available to the National In-
10 stant Criminal Background Check System,
11 consistent with the rules pertaining to that
12 database; or

13 (ii) notify the Attorney General that
14 such basis no longer applies so that the
15 record system in which the record is main-
16 tained is kept up to date.

17 (C) CERTIFICATION.—To remain eligible
18 for a waiver under subsection (a), a State shall
19 certify to the Attorney General, not less than
20 once during each 2-year period, that at least 90
21 percent of all information described in subpara-
22 graph (A) has been made electronically avail-
23 able to the Attorney General in accordance with
24 subparagraph (A).

1 (D) INCLUSION OF ALL RECORDS.—The
2 State shall make every effort to identify and in-
3 clude all of the records described under sub-
4 paragraph (A) without regard to the age of the
5 record.

6 (2) APPLICATION TO PERSONS CONVICTED OF
7 MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—
8 The State shall make available to the Attorney Gen-
9 eral, for use by the National Instant Criminal Back-
10 ground Check System, records relevant to a deter-
11 mination of whether a person has been convicted in
12 any court of a misdemeanor crime of domestic vio-
13 lence. With respect to records relating to such
14 crimes, the State shall provide information specifi-
15 cally describing the offense and the specific section
16 or subsection of the offense for which the defendant
17 has been convicted and the relationship of the de-
18 fendant to the victim in each case.

19 (3) APPLICATION TO PERSONS WHO HAVE BEEN
20 ADJUDICATED AS A MENTAL DEFECTIVE OR COM-
21 MITTED TO A MENTAL INSTITUTION.—The State
22 shall make available to the Attorney General, for use
23 by the National Instant Criminal Background Check
24 System, the name and other relevant identifying in-
25 formation of persons adjudicated as mentally defec-

1 tive or those committed to mental institutions to as-
2 sist the Attorney General in enforcing section
3 922(g)(4) of title 18, United States Code.

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

17 (e) ATTORNEY GENERAL REPORT.—Not later than
18 January 31 of each year, the Attorney General shall sub-
19 mit to the Committee on the Judiciary of the Senate and
20 the Committee on the Judiciary of the House of Rep-
21 resentatives a report on the progress of States in auto-
22 mating the databases containing the information described
23 in subsection (b) and in making that information elec-
24 tronically available to the Attorney General pursuant to
25 the requirements of subsection (c).

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

2 (a) AUTHORIZATION.—

3 (1) IN GENERAL.—From amounts made avail-
4 able to carry out this section, the Attorney General
5 shall make grants to States and Indian tribal gov-
6 ernments, in a manner consistent with the National
7 Criminal History Improvement Program, which shall
8 be used by the States and Indian tribal govern-
9 ments, in conjunction with units of local government
10 and State and local courts, to establish or upgrade
11 information and identification technologies for fire-
12 arms eligibility determinations.

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

17 (b) USE OF GRANT AMOUNTS.—Grants awarded to
18 States or Indian tribes under this section may only be
19 used to—

20 (1) create electronic systems, which provide ac-
21 curate and up-to-date information which is directly
22 related to checks under the National Instant Crimi-
23 nal Background Check System (referred to in this
24 section as “NICS”), including court disposition and
25 corrections records;

1 (2) assist States in establishing or enhancing
2 their own capacities to perform NICS background
3 checks;

4 (3) supply accurate and timely information to
5 the Attorney General concerning final dispositions of
6 criminal records to databases accessed by NICS;

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

13 (5) supply accurate and timely court orders and
14 records of misdemeanor crimes of domestic violence
15 for inclusion in Federal and State law enforcement
16 databases used to conduct NICS background checks;
17 and

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

20 (c) **CONDITION.**—As a condition of receiving a grant
21 under this section, a State shall specify the projects for
22 which grant amounts will be used, and shall use such
23 amounts only as specified. A State that violates this sub-
24 section shall be liable to the Attorney General for the full
25 amount of the grant received under this section.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$250,000,000 for each of the fiscal years 2005 through
4 2007.

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

8 **SEC. 104. PENALTIES FOR NONCOMPLIANCE.**

9 (a) ATTORNEY GENERAL REPORT.—

10 (1) IN GENERAL.—Not later than January 31
11 of each year, the Attorney General shall submit to
12 the Committee on the Judiciary of the Senate and
13 the Committee on the Judiciary of the House of
14 Representatives a report on the progress of the
15 States in automating the databases containing infor-
16 mation described under sections 102 and 103, and
17 in providing that information pursuant to the re-
18 quirements of sections 102 and 103.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to the De-
21 partment of Justice, such funds as may be necessary
22 to carry out paragraph (1).

23 (b) PENALTIES.—

24 (1) DISCRETIONARY REDUCTION.—During the
25 2-year period beginning 3 years after the date of en-

1 actment of this Act, the Attorney General may with-
2 hold not more than 3 percent of the amount that
3 would otherwise be allocated to a State under sec-
4 tion 506 of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (42 U.S.C. 3756) if the State
6 provides less than 60 percent of the information re-
7 quired to be provided under sections 102 and 103.

8 (2) MANDATORY REDUCTION.—After the expi-
9 ration of the period referred to in paragraph (1), the
10 Attorney General shall withhold 5 percent of the
11 amount that would otherwise be allocated to a State
12 under section 506 of the Omnibus Crime Control
13 and Safe Streets Act of 1968 (42 U.S.C. 3756), if
14 the State provides less than 90 percent of the infor-
15 mation required to be provided under sections 102
16 and 103.

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

23 (c) REALLOCATION.—Any funds that are not allo-
24 cated to a State because of the failure of the State to com-

1 ply with the requirements of this title shall be reallocated
2 to States that meet such requirements.

3 **TITLE II—FOCUSING FEDERAL**
4 **ASSISTANCE ON THE IM-**
5 **PROVEMENT OF RELEVANT**
6 **RECORDS**

7 **SEC. 201. CONTINUING EVALUATIONS.**

8 (a) **EVALUATION REQUIRED.**—The Director of the
9 Bureau of Justice Statistics (referred to in this section
10 as the “Director”) shall study and evaluate the operations
11 of the National Instant Criminal Background Check Sys-
12 tem. Such study and evaluation shall include compilations
13 and analyses of the operations and record systems of the
14 agencies and organizations necessary to support such Sys-
15 tem.

16 (b) **REPORT ON GRANTS.**—Not later than January
17 31 of each year, the Director shall submit to Congress
18 a report containing the estimates submitted by the States
19 under section 102(b).

20 (c) **REPORT ON BEST PRACTICES.**—Not later than
21 January 31 of each year, the Director shall submit to Con-
22 gress, and to each State participating in the National
23 Criminal History Improvement Program, a report of the
24 practices of the States regarding the collection, mainte-
25 nance, automation, and transmittal of information rel-

1 evant to determining whether a person is prohibited from
2 possessing or receiving a firearm by Federal or State law,
3 by the State or any other agency, or any other records
4 relevant to the National Instant Criminal Background
5 Check System, that the Director considers to be best prac-
6 tices.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as may be
9 necessary for each of the fiscal years 2005 through 2007
10 to complete the studies, evaluations, and reports required
11 under this section.

12 **TITLE III—GRANTS TO STATE**
13 **COURT SYSTEMS FOR THE IM-**
14 **PROVEMENT IN AUTOMATION**
15 **AND TRANSMITTAL OF DIS-**
16 **POSITION RECORDS**

17 **SEC. 301. DISPOSITION RECORDS AUTOMATION AND**
18 **TRANSMITTAL IMPROVEMENT GRANTS.**

19 (a) GRANTS AUTHORIZED.—From amounts made
20 available to carry out this section, the Attorney General
21 shall make grants to each State, consistent with State
22 plans for the integration, automation, and accessibility of
23 criminal history records, for use by the State court system
24 to improve the automation and transmittal of criminal his-
25 tory dispositions, records relevant to determining whether

1 a person has been convicted of a misdemeanor crime of
2 domestic violence, court orders, and mental health adju-
3 dications or commitments, to Federal and State record re-
4 positories in accordance with sections 102 and 103 and
5 the National Criminal History Improvement Program.

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

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

12 (1) to carry out, as necessary, assessments of
13 the capabilities of the courts of the State for the au-
14 tomation and transmission of arrest and conviction
15 records, court orders, and mental health adjudica-
16 tions or commitments to Federal and State record
17 repositories; and

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

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Attorney General

1 to carry out this section \$125,000,000 for each of the fis-
2 cal years 2005 through 2007.

3 **TITLE IV—GAO AUDIT**

4 **SEC. 401. GAO AUDIT.**

5 (a) IN GENERAL.—The Comptroller General of the
6 United States shall conduct an audit of the expenditure
7 of all funds appropriated for criminal records improve-
8 ment pursuant to section 106(b) of the Brady Handgun
9 Violence Prevention Act (Public Law 103–159) to deter-
10 mine if the funds were expended for the purposes author-
11 ized by the Act and how those funds were expended for
12 those purposes or were otherwise expended.

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

○