

under the law that limits students entering the country to full-time status, this simply is not enough.

We need to clarify the law so that there is no misunderstanding, no room for misinterpretation, and no room for further changes by future administrations to this policy. We need to give these colleges and students the confidence that a future INS commissioner is not going to change policy mid-stream in someone's studies.

The Border Commuter Student Act creates a new classification for Mexicans and Canadians to enter the United States. In other words, it provides additional options for the citizens of our neighboring countries to enter the U.S. It does not allow foreign children to attend public elementary or high schools; and it ensures national security by continuing the requirement that all foreign students be entered into the student tracking system; and that, Mr. Speaker, is very important.

It is in the interest of the United States to allow our neighbors to take courses in English and history and mathematics and philosophy or business or nursing or any other kind of vocation or profession at our Nation's colleges and schools along the border. In addition, it is in the interest of Mexico and Canada to allow their citizens access to an expanded area of educational opportunities.

I am very proud today that the House of Representatives is doing its part to help these schools and these students. I believe our neighbors to the south and the north deserve special treatment and the Border Commuter Student Act adds another option to enter the United States for Canadians and Mexicans who live along the border.

The bipartisan bill was voted out of the Committee on the Judiciary unanimously. It is supported by the administration, by the Mexican Government, the Canadian Government, the U.S.-Mexico Counties Coalition, the Arizona-Mexico Commission, the American Association of State Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, the Career College Association, the Hispanic Association of Colleges and Universities, the University of Phoenix system, University of Texas system, and Texas Tech.

Mr. Speaker, this is, as the gentlewoman said earlier, good legislation. It is balanced legislation. It corrects a flaw we have had in our immigration law for some time, and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me just conclude by simply saying what we want in this legislation is to help our commuter students from Canada and Mexico come in, be trained, and contribute to their communities and societies. This is a balanced legislative initiative, and I ask my colleagues to support it.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 4967, the Border Com-

muter Student Act. I applaud my colleague, Mr. KOLBE, for his hard work at addressing in issue that is critical along the U.S.-Mexico and Canada borders.

As you know, the situation on the U.S.-Mexico and Canada borders is unique in regard to foreign students who reside in their homelands and who cross at our Ports-of-Entries (POEs) to use American colleges and universities. Many of these students attend classes on a part-time basis. In the past, the interpretation of the meaning of part-time student varied from POE to POE resulting in inconsistent policy. Immigration and Naturalization Service (INS) District Directors used their discretion in allowing part-time students to cross at many POEs.

Recently, the INS began to enforce laws by stating that "aliens who seek to enter the United States regularly but primarily to pursue less than a full course of study are neither visitors nor students and are ineligible for student visa or visitor status." INS Commissioner Ziglar further clarified policy by stating that "the POEs are not to admit visitors for business or pleasure whose purpose for entering the United States is to pursue a part-time course of study at a college or university."

As we continue with our efforts to secure our homeland, I will be the first to admit that priority must be placed on improving the ability of the INS to enforce our laws and deploy technology necessary to secure our nation's borders. Having worked for many years in the U.S. Border Patrol, I understand the importance of increasing security at our nation's POEs and I also understand the need to carefully monitor student visas.

However, as you can imagine Mr. Speaker, this situation would have created a great deal of confusion in my district and in many other districts along the U.S.-Mexico and Canadian borders and would have penalized law-abiding people who were taking steps to educate and improve themselves. In fact, there are over 2,000 students in my district alone who would have been adversely impacted by the implementation of this policy. Some of these students included professionals who work full-time in Mexico border cities and who cross regularly to attend colleges and universities part-time in pursuit of graduate degrees. Such individuals include skilled workers in maquiladoras, educators, and engineers. Many of these individuals contribute to the improvement and quality of life for sister cities along our borders.

The Border Commuter Student Act, of which I am an original cosponsor, creates two new non-immigrant student visa categories for Canadian and Mexican students who study part-time in the United States but who live in their home country. This legislation only applies to schools located within 75 miles of the border. Mr. Speaker, this is good, common-sense legislation that closes a loophole and allows students from the U.S.-Mexico and Canada borders to attend classes in the United States on a part-time basis. I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr.

SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4967.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1515

#### OUR LADY OF PEACE ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4757) to improve the national instant criminal background check system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4757

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Our Lady of Peace Act".*

#### SEC. 2. FINDINGS.

*The Congress finds the following:*

(1) Since 1994, more than 689,000 individuals have been denied a gun for failing a background check.

(2) States that fail to computerize their criminal and mental illness records are the primary cause of delays for background checks. Helping States automate their records will reduce delays for law-abiding gun owners.

(3) 25 States have automated less than 60 percent of their felony criminal conviction records.

(4) 33 States do not automate or share disqualifying mental health records.

(5) In 13 States, domestic violence restraining orders are not automated or accessible by the national instant criminal background check system.

(6) In 15 States, no domestic violence misdemeanor records are automated or accessible by the national instant criminal background check system.

#### 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.

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

(1) by inserting "electronically" before "furnish"; and

(2) by adding at the end the following: "The head of each department or agency shall ascertain whether the department or agency has any records relating to any person described in subsection (g) or (n) of section 922 of title 18, United States Code and on being made aware that the department or agency has such a record, shall make the record available to the Attorney General for inclusion in the system to the extent the Attorney General deems appropriate. The head of each department or agency, on being made aware that the basis under which a record was made available under this section does not apply or no longer applies, shall transmit a certification identifying the record (and any name or other relevant identifying information) to the Attorney General for removal from the system. The Attorney General shall notify the Congress on an annual basis as to whether the Attorney General has obtained from each such department or agency the information requested by the Attorney General under this subsection."

(b) **IMMIGRATION RECORDS.**—The Commissioner of the Immigration and Naturalization Service shall cooperate in providing information regarding all relevant records of persons disqualified from acquiring a firearm under Federal law, including but not limited to, illegal aliens, visitors to the United States on student visas, and visitors to the United States on tourist visas, to the Attorney General for inclusion in the national instant criminal background check system.

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

(a) **IN GENERAL.**—Beginning 5 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 if the State provides at least 95 percent of the information described in subsection (b). The length of such a waiver shall not exceed 5 years.

(b) **ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**—

(1) **REQUIREMENTS FOR ELIGIBILITY.**—The State shall make available the following information established either through its own database or provide information to the Attorney General:

(A) The name of and other relevant identifying information relating to each person disqualified from acquiring a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, and each person disqualified from acquiring a firearm under applicable State law.

(B) The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply or no longer applies, shall transmit a certification identifying the record (and any name or other relevant identifying information) to the Attorney General for removal from the system.

(C) Any information provided to the Attorney General under subparagraph (A) may be accessed only for background check purposes under section 922(t) of title 18, United States Code.

(D) The State shall certify to the Attorney General that at least 95 percent of all information described in subparagraph (A) has been provided to the Attorney General in accordance with subparagraph (A).

(2) **APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.**—

(A) For purposes of paragraph (1), a person disqualified from acquiring a firearm as referred to in that paragraph includes a person who has been convicted in any court of any Federal, State, or local offense that—

(i) is a misdemeanor under Federal or State law or, in a State that does not classify offenses as misdemeanors, is an offense punishable by imprisonment for a term of 1 year or less (or punishable by only a fine);

(ii) has, as an element of the offense, the use or attempted use of physical force (for example, assault and battery), or the threatened use of a deadly weapon; and

(iii) was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, (for example, the equivalent of “common-law marriage” even if such relationship is not recognized under the law), or a person similarly situated to a spouse, parent, or guardian of the victim (for example, two persons who are residing at the same location in an intimate relationship with the intent to make that place their home would be similarly situated to a spouse).

(B) A person shall not be considered to have been convicted of such an offense for purposes of subparagraph (A) unless—

(i) the person is considered to have been convicted by the jurisdiction in which the proceeding was held;

(ii) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

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

(I) the case was tried by a jury; or

(II) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea, or otherwise.

(C) A person shall not be considered to have been convicted of such an offense for purposes of subparagraph (A) if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction of such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, and the person is not otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

(3) **APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.**—

(A) For purposes of paragraph (1), an adjudication as a mental defective occurs when a court, board, commission, or other government entity determines that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease—

(i) is a danger to himself or to others; or  
(ii) lacks the mental capacity to contract or manage his own affairs.

(B) The term “adjudicated as a mental defective” includes—

(i) a finding of insanity by a court in a criminal case; and

(ii) a finding that a person is incompetent to stand trial or is not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. 850a, 876b).

(C) **EXCEPTIONS.**—This paragraph does not apply to—

(i) a person—

(I) in a mental institution for observation; or  
(II) voluntarily committed to a mental institution; or

(ii) information protected by doctor-patient privilege.

(4) **PRIVACY PROTECTIONS.**—For any information provided under the national instant criminal background check system, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. In the event of a conflict between a provision of this Act and a provision of State law relating to privacy protection, the provision of State law shall control.

(5) **STATE AUTHORITY.**—Notwithstanding any other provision of this subsection, a State may designate that records transmitted under this subsection shall be used only to determine eligibility to purchase or possess a firearm.

(c) **ATTORNEY GENERAL REPORT.**—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in providing that information pursuant to the requirements of such subsection.

**SEC. 103. IMPLEMENTATION GRANTS TO STATES.**

(a) **IN GENERAL.**—From amounts made available to carry out this section, the Attorney General shall make grants to each State, in a manner consistent with the national criminal history improvement program, which shall be used by the State, in conjunction with units of local

government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations.

(b) **USE OF GRANT AMOUNTS.**—Grants under this section may only be awarded for the following purposes:

(1) Building databases that are directly related to checks under the national instant criminal background check system (NICS), including court disposition and corrections records.

(2) Assisting States in establishing or enhancing their own capacities to perform NICS background checks.

(3) Improving final dispositions of criminal records.

(4) Supplying mental health records to NICS.

(5) Supplying court-ordered domestic restraining orders and records of domestic violence misdemeanors (as defined in section 102 of this Act) for inclusion in NICS.

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

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$250,000,000 for each of fiscal years 2004, 2005, and 2006.

(e) The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

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

**SEC. 201. CONTINUING EVALUATIONS.**

(a) **EVALUATION REQUIRED.**—The Director of the Bureau of Justice Statistics shall study and evaluate the operations of the national instant criminal background check system. Such study and evaluation shall include, but not be limited to, compilations and analyses of the operations and record systems of the agencies and organizations participating in such system.

(b) **REPORT ON GRANTS.**—Not later than January 31 of each year, the Director shall submit to Congress a report on the implementation of section 102(b).

(c) **REPORT ON BEST PRACTICES.**—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of identifying information relating to individuals described in subsection (g) or (n) of section 922 of title 18, United States Code, by the State or any other agency, or any other records relevant to the national instant criminal background check system, that the Director considers to be best practices.

**TITLE III—GRANTS TO STATE COURTS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS**

**SEC. 301. GRANTS AUTHORIZED.**

(a) **IN GENERAL.**—From amounts made available to carry out this section, the Attorney General shall make grants to each State for use by the chief judicial officer of the State to improve the handling of proceedings related to criminal history dispositions and restraining orders.

(b) **USE OF FUNDS.**—Amounts granted under this section shall be used by the chief judicial officer only as follows:

(1) For fiscal year 2004, such amounts shall be used to carry out assessments of the capabilities of the courts of the State for the automation and transmission to State and Federal record repositories the arrest and conviction records of such courts.

(2) For fiscal years after 2004, such amounts shall be used to implement policies, systems, and procedures for the automation and transmission to State and Federal record repositories the arrest and conviction records of such courts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section \$125,000,000 for each of fiscal years 2004, 2005, and 2006.

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4757, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was the principal Republican author of the Brady Act, which was signed into law in 1994. While much of the debate on the Brady Act was on the 5-day waiting period that was contained in there, the lasting good of the Brady Act was the establishment of the National Instant Criminal Background Check System, wherein people who are statutorily ineligible from possessing any type of firearm, such as a convicted felon or an adjudicated mental incompetent, could be identified instantly and a proposed firearm sale could be denied to that individual.

This part of the Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or State law from possessing them. The NICS system was established by the Attorney General to enforce the provisions of the Brady Act. The mission of NICS is to ensure the timely sale of firearms to individuals who can legally possess them and to deny their sale to individuals who are prohibited from possessing or receiving a firearm.

But background checks can only be as effective as the records that are available to be checked, and most crimes of violence are prosecuted under State and local law rather than Federal law. So the NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the States.

NICS has not been operating in the most efficient way possible because of the failure of certain State and local governments to provide NICS with the current information regarding individuals who may be disqualified from purchasing or possessing a firearm. De-

spite the fact that the Federal Government has contributed more than \$350 million since 1995 through the National Criminal History Improvement Program, called NCHIP, to help the States update their records and to improve reporting, some States still have not completely computerized their criminal records and do not maintain complete criminal history records.

Some States still do not have computerized records on mental health adjudications. And in some States domestic violence crimes and protective orders are not computerized or properly labeled as domestic violence related. Often, even States that do keep records fail to note the final disposition of arrest charges. This bill is designed to provide more money to the States to make these records as close to 100 percent perfect as possible, and I support it.

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after 3 business days, the firearms dealer may proceed with the sale. So if the records are not in NICS and cannot be found in 3 days, the sale goes through even though the buyer might be an adjudicated mental incompetent or a convicted felon.

The NCHIP program has helped increase the records available for search by NICS by as much as 60 percent. But some States and local governments have failed to automate their records or otherwise make them available to next, and I am particularly troubled by States that have refused to join the Federal Government as partners to keep guns out of the hands of criminals and others who should not have them.

Mr. Speaker, I am deeply concerned about the State of Maryland's refusal to assist the FBI with these NICS checks, and I will enter four letters into the RECORD to highlight this problem.

In a March 12, 2002, letter to the FBI, the Maryland State Archives informed the FBI, "We can no longer provide the research and assistance your program requires without reimbursement for the work." The letter indicated that the annual cost of providing this research to support NICS would cost about \$45,000 annually. It was not until August 27, 2002, that the Maryland Department of Public Safety reaffirmed its commitment to NICS. Then, on October 3, 2002, the Maryland Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to once again discontinue cooperation.

Mr. Speaker, it is outrageous that the State of Maryland would let almost 7 months go by without assisting the FBI with these criminal NICS checks. And I do not know if this was the fault of the executive branch or the failure of the Maryland legislature to provide enough money to do the job, but 7 months went by and nothing was being done.

The Federal Government spends about \$60 million annually on NICS, and as I have already said, about \$350 million in the last 7 years on NCHIP. Maryland has received over \$6,700,000 from NCHIP to improve its criminal history records. Are we to believe that Maryland could not find another \$45,000 to assist with NICS checks? Maryland's shortsighted policy has made it the weak link in the NICS system.

Maryland's policy has endangered lives and threatened public safety. Maryland's failure affects every State because a Maryland felon might, for example, try to illegally buy a gun in Virginia. If the Maryland State Archives refuses to search its criminal history records, Maryland felons can purchase guns that they are otherwise prohibited from purchasing.

It is my understanding that the State of Maryland was the only State in the country to refuse to assist the FBI with NICS checks. Practically every State in the Union has a financial problem, but they have continued working with the FBI because they felt it was important. Only Maryland said no. Maryland is now, apparently, providing that assistance, but only if Federal funding is available, and this is not tolerable because of the amount of NCHIP and other Federal criminal justice assistance provided Maryland and the importance of keeping guns out of the hands of convicted felons and adjudicated mental incompetents.

The Washington Post, in an October 12, 2002, story, reported that Maryland Lieutenant Governor Kathleen Kennedy Townsend "Is considering a plan to require ballistic fingerprints of high-powered rifles sold in Maryland." I would suggest that the folks in Annapolis start by assisting the FBI with a program that we know will keep guns out of the hands of criminals.

Mr. Speaker, the Lieutenant Governor's biography, which is posted on the official State of Maryland Web site, claims she is "Maryland's point person on criminal justice," and her biography lists a number of anticrime efforts for which she takes credit. As the point person for criminal justice matters, I would expect the Lieutenant Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today for a complete audit of Maryland's use of NCHIP funding.

Mr. Speaker, more money to upgrade State criminal history records is all well and good, but Federal money and assistance is not always the answer. Sometimes public officials need to exercise a modicum of common sense, and that common sense dictates that we need to keep guns out of the hands of criminals and other dangerous individuals. NICS can only do that if it is provided the records on those individuals. Accordingly, funds provided to the States must be used to improve their recordkeeping and automate system to reduce delays for law-abiding gun purchasers and to prevent guns from falling into the wrong hands.

In 1998, the Brady Act required Federal Firearms Licensees (FFL) to initiate a background check on all persons who attempt to purchase a firearm. The Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or state law from possessing them. The Attorney General established the National Instant Criminal Background Check System (NICS) operation center to enforce the provisions of the Brady Act.

The NICS mission is to ensure the timely sale of firearms to individuals who are not prohibited under Federal law and deny a sale to those individuals who are prohibited from possessing or receiving a firearm. However, background checks can only be as effective as the records available to be checked. The NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the states.

The current NICS system has not been operating in the most efficient way possible because of the failure of certain states and local governments to provide NICS with current information regarding individuals who may be disqualified from purchasing a firearm. Despite the fact the Federal government has contributed more than \$350 million since 1995 through the National Criminal History Improvement Program (NCHIP) to help states update their records and improve reporting, some states still have not completely computerized their criminal records and do not maintain complete criminal-history records. Some states still do not keep computerized records on mental health adjudications. In some states, domestic violence crimes and protective orders are not computerized or properly labeled as domestic violence related. Often, even states that do keep records fail to note the final disposition of arrest charges.

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after three business days, the firearms dealer may proceed with the sale. The NCHIP program has helped increase the records available for a search by NICS by as much as 60%; however, some states and local governments have failed to automate their records or otherwise make them available to NICS. I am particularly troubled by states that fail to join the federal government as partners to keep guns out of the hands of criminals and others who should not have them.

Mr. Speaker, I am deeply concerned about Maryland's refusal to assist the FBI with these NICS checks, and I will enter four letters in the record which highlight this problem. In a March 12, 2002 letter to the FBI, the Maryland State Archives informed the FBI that "we can no longer provide the research and assistance your program requires without reimbursement for the work."

The letter indicated that the annual cost of providing this research to support NICS would cost about \$45,000 annually. It was not until Aug. 27, 2002, that the Maryland Dept. of Public Safety affirmed its commitment to NICS. Then, on October 3, 2002, the Maryland Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to again discontinue cooperation. Mr. Speaker, it is outrageous that Maryland would let almost 7 months go by without

assisting the FBI with these critical NICS checks.

The Federal government spends about \$60 million annually on NICS and as I have already indicated, over \$350 million since 1995 on NCHIP. Maryland has received over \$6.7 million from NCHIP to improve its criminal history records. Are we are to believe Maryland could not find \$45,000 to assist with NICS checks? Maryland's short sighted policy made it the weak link in the NICS system. Maryland's policy endangered lives and threatened public safety. Maryland's failure affects every state because a Maryland felon might, for example, try to illegally buy a gun in Virginia. If the Maryland State Archives refuses to search its criminal history records, Maryland felons can purchase guns that they are otherwise prohibited from purchasing. It is my understanding that the state of Maryland was the only state to refuse to assist the FBI with its NICS checks. Maryland is apparently now providing that assistance but only if federal funding is available. This is not tolerable given the amount of NCHIP and other federal criminal justice assistance provided to Maryland. And the importance of keeping guns out of the hands of convicted felons and adjudicated mental incompetents.

The Washington Post, in an October 12, 2002, story reported that Maryland Lt. Governor Kathleen Kennedy Townsend "is considering a plan to require ballistic fingerprints of high-powered rifles sold in Maryland . . . ." I would suggest that the politicians in Maryland start by assisting the FBI with a program that we know will keep guns out of the hands of criminals. Mr. Speaker, Maryland Lt. Governor Townsend's biography, which is posted on the official Maryland state website, claims that she is "Maryland's point person or criminal justice . . ." and her biography lists a number of anti-crime efforts for which she takes credit. As the point person for criminal justice matters, I expect the Lt. Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today in which the GAO will completely audit Maryland's use of NCHIP funding.

Mr. Speaker, more money to upgrade state criminal history records is all well and good, but federal money and assistance is not always the answer. Sometimes public officials need to exercise a modicum of common sense. Common sense dictates that we need to keep guns out the hands of criminals and dangerous individuals. NICS can only do that if it is provided the records on these individuals. Accordingly, funds provided to the states must be used to improve their record keeping and automate systems to reduce delays for law-abiding gun purchasers and prevent guns from falling into the wrong hands.

Mr. Speaker, I urge support of this bill, and at this point would include for the RECORD the letters I referred to above:

MARYLAND STATE ARCHIVES,  
March 12, 2002.

Ms. LINDA L. MILLER,  
Federal Bureau of Investigation,  
National Instant Criminal Background Check System,  
Clarksburg, WV.

DEAR MS. MILLER. We regret that we can no longer provide the research and assistance your program requires without reimbursement for the work. Orders received before March 18 will be the last we are able to

process, unless the enclosed memorandum of understanding is signed before then.

Since July 1, 2001, the Maryland State Archives has responded to 1,800 requests for dispositions of criminal cases related to the National Instant Criminal Background Check System. Our staff researched the case numbers through an on-line system, or from docket book indices, or by contacting the courts. We then located, reproduced, and faxed the dockets that reflect the charge and disposition. Archives staff averaged next day response for requests received on weekdays, and always responded within three working days (unless we were dependent on the courts for case numbers which are reported after that time). The annual cost of providing this efficient service will approach \$45,000.00 this year alone.

We have previously requested federal funding directly through NICS and through federal grants to this state, but no support has been forthcoming to date. Direct financial support for the staff and facilities to make this information accessible is required. Given the state imposed hiring freeze we are operating under and the loss of reference staff in the last four months, it is not possible for the Archives to continue providing this service to your agency unless funds are found to pay us a per unit cost of \$25.00 for each request.

We estimate that the Archives has processed better than half of all the applications that your office receives from Maryland which require further information before the background check can be completed. If you are unable to secure funding to assist us in the research necessary to fulfill your requests, we foresee that you will have to assign an agent to research here on a full-time to continue to perform this work. We know from our own experience that each case requires approximately one hour of research. We will assist any agent in our public Search Room at the Hall of Records in Annapolis to locate the necessary documents on days that we are open. The Archives provides this level of service to anyone who visits our facility, although I should point out that budget cuts may force us to close the Search Room for one or more days during the week.

Sincerely yours,

CHRISTOPHER N. ALAN,  
Deputy State Archivist.

MARYLAND STATE ARCHIVES,  
Federal Bureau of Investigation,  
National Instant Criminal Background Check System,  
Clarksburg, WV

Please note that the Maryland State Archives that as of March 18 the Archives is no longer providing remote criminal research for the National Instant Criminal Background Check System. You are invited to conduct this and any future criminal background research in the Archives' public Search Room. Please note that many criminal files or necessary indices may still be in the custody of the courts.

The public search room is open Tuesday through Friday, 8:00 a.m. to 4:30 p.m. and Saturday, 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. The Archives is Closed on Mondays. On weekdays the search room remains open at lunchtime (12:00 p.m. to 1:00 p.m.) with reduced services. The Archives is closed on state holidays. The state holiday closings for 2002 are: Tuesday, January 1; Thursday, July 4; Tuesday, November 5; Thursday, Friday and Saturday, November 28, 29 & 30; Wednesday, December 25. The Maryland State Archives is located at 350 Rowe Boulevard, Annapolis, MD 21401.

Sincerely,

R.J. ROCKEFELLER, PH.D.,  
Director, Reference Services.

STATE OF MARYLAND, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, INFORMATION TECHNOLOGY AND COMMUNICATIONS DIVISION,

*Pikesville, Maryland, August 27, 2002.*

Re National Instant Check System (NICS)—FBI Letter (May 9, 2002) to Maryland State Archives and Response (May 31, 2002) from Maryland State Archives.

KIMBERLY DEL GRECO,  
*Acting Section Chief, NICS Program Office, Clarksburg, WV*

DEAR Ms. DEL GRECO: I am writing on behalf of the Criminal Justice Information System (CJIS) Central Repository in response to the letter dated May 9, 2002, from Mr. Timothy Munson, NICS Program Office, to Mr. Christopher Allan, Deputy State Archivist of the Maryland State Archives. Mr. Munson's letter detailed some of the frustrations he was experiencing in obtaining Maryland criminal history record information on subjects under the purview of the NICS operations. I am also in receipt of the response from Mr. Allan.

The Secretary of Public Safety and Correctional Services and the Chief Judge of the Maryland Court of Appeals jointly oversee Maryland's Criminal Justice Information System (CJIS). It is established under the authority of the Criminal Procedure Article, §§10-201-10-234, Annotated Code of Maryland. The enabling statute is implemented by executive Code of Maryland Regulations (COMAR 12.15.01) and by judicial rules (Maryland Rules §§16-308 and 16-508). The CJIS Central Repository is housed for administrative purposes in the Information Technology and Communications Division of the Department of Public Safety and Correctional Services.

The policy issues raised in both letters referenced above are of genuine concern to Maryland, and in particular to this Department. I apologize for the long delay in responding to the original letter. I felt it was important to first identify what created the issues identified by Mr. Munson and then, in consultation with NICS staff, to take immediate steps to reach a mutually agreed-upon resolution.

I think resolution has been reached, the result of several conference calls between our respective staffs. Consensus on procedural issues included, among others, the following:

Installation of a dedicated fax machine by the FBI,

Faxing completed response to the FBI within 24 hours of receipt of inquiry,

Use of standardized verbiage re: sources of dispositions,

Development of holiday/weekend work schedules, and

Identification of points-of-contact at the respective agencies.

I should also point out that, because Maryland was a "day-forward" participant when it joined the Interstate Identification Index (III) in March 1998, this State has not been able to electronically supply criminal history record information prior to March 1998. However, this Department is supporting the efforts of CJIS Central Repository to make these the pre-March 1998 records available for NICS investigations as soon as may be possible.

I am committed not merely to maintaining Maryland's criminal history record information in the CJIS Central Repository in a timely, complete, and accurate fashion, but also to utilizing procedures that will provide this information to authorized users in an efficient and effective manner. Please let me know if the attempt to improve our response with respect to NICS operations develops

further problems or does not in any way satisfy the needs of NICS.

Sincerely,

JUDITH A. WOOD  
*Chief Information Officer.*

MARYLAND STATE ARCHIVES,  
*October 3, 2002.*

Gary Wick,  
*Asst. Operation Manager, U.S. Department of Justice, Clarksburg, WV.*

DEAR MR. WICK: Thank you for your letter of September 19 regarding the Maryland State Archives and NICS research. Dr. Papenfuss asked me to respond on his behalf.

Your suggestions are welcome. We will immediately cease mailing copies after the fax transmissions. Some consider fax an unsatisfactory record, so we followed with copies. If you find the fax adequate, we will rely on that alone. Your staff may continue to contact us by telephone when the fax presents a legibility issue. We wish that the NICS staff had access to adequate email so that we might transmit the very fine image files we use to reproduce the documents.

You might occasionally receive contradictory reports when a first search yields nothing, but when further information provided by your agents or our own quality assurance steps locate a record at first not found. This happens rarely, but is not due to multiple staff member seeking the same record and passing by one another. I am pleased when we can follow up and report comprehensively, even if after the initial 72 business hours.

We are pleased to report that federal funds are available to pay for this service through the NCHIP FY 2002 Program and the Maryland Department of Public Safety and Correctional Services. So long as such funds are available, the Archives will endeavor to contribute to national and personal security in support of the NICS operation.

Sincerely,

R.J. ROCKEFELLER, PH.D.,  
*Director, Reference Services.*

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me first thank the proponents of this legislation, particularly the distinguished gentlewoman from New York (Mrs. MCCARTHY) who has been waging a definitive and balanced and open effort to protect Americans all over this Nation as relates to gun safety.

The gentlewoman from New York is joined, of course, by the dean of the House, the gentleman from Michigan (Mr. DINGELL), who has shown the kind of diplomacy and openness to sharing in this legislation to get to the final point, and that is to save lives. So I rise with enthusiastic support and in appreciation of their leadership in support of the Our Lady of Peace Act, H.R. 4757.

Mr. Speaker, I might also commend the ranking member, the gentleman from Michigan (Mr. CONYERS), who offers his enthusiastic support, and the ranking member of the Subcommittee on Crime, Terrorism and Homeland Security, the gentleman from Virginia (Mr. SCOTT), who offers his enthusiastic support for this legislation.

The chairman of the committee makes a very vital point, particularly as we look at the enormous tragedy

that the people of this particular region, the Washington, DC, area, are facing right now. All of us offer our deepest sympathy as we face a challenge, where lives are being lost, by a perpetrator which no one has been able to determine the basis of the actions or to determine the identity of that perpetrator at this time.

This is an important legislative initiative, and I would expand the request of the distinguished chairman and ask for an investigation or a requirement of a report from all the States, in addition to Maryland, to be able to determine the assessment that is so important. So that that could be a part of this legislation, we should join in asking for reports from all the 50 States.

□ 1530

Let me simply say because Federal law requires that a gun sale proceed after 3 business days, even a background check is inconclusive. A number of felons, fugitives, and stalkers received guns that we later have to retrieve. And while 95 percent of all background checks are completed within 24 hours, because of incomplete records the remaining 5 percent take more time. Those 5 percent are 20 times more like to be a felon, fugitive, or stalker.

In fact, we learned from a recent GAO study requested by the gentleman from Michigan (Mr. CONYERS) to look into the problem of domestic violence, it was determined that nearly 3,000 convicted domestic batterers and child abusers were able to purchase firearms between 1998 and 2001. Despite Federal laws designed to prevent this, nearly 10 percent of the annual homicides involving the killing of a spouse or partner, almost all the victims were women, and most were done by using a firearm. We must do better.

One part of the solution is to allow more time for background checks, and this would allow us to more fully investigate purchasers whose records raise a red flag. It would also allow a cooling-off period which has proven to be effective to deter heat-of-passion crimes.

Another part of the solution is this bill, and I am delighted to rise in support of this bill which will provide incentive for States to provide more complete records to the Federal Government. This will result in faster and smarter background checks.

So in conclusion, Mr. Speaker, I congratulate the proponents of this bill. And as well, I would hope that we would support this bill enthusiastically.

I strongly support this legislation. A major problem with the instant check system has been the incomplete records of state and local governments. Because federal law requires that a gun sale proceed after three business days even if a background check is inconclusive, a number of felons, fugitives and stalkers receive guns that we later have to retrieve.

Ninety-five percent of all background checks are completed within 24 hours. Because of incomplete records, the remaining five percent

take more time. Those five percent are twenty times more likely to be a felon, fugitive or stalker. This also will help keep guns out of the hands of those that would harm others such as the mentally disabled.

In fact, in a recent GAO study I requested looked at this problem in the area of domestic violence. I was extremely disturbed to learn that nearly 3,000 convicted batterers and child abusers were able to purchase firearms between 1998–2001, despite federal laws designed to prevent this. Nearly 10 percent of the annual homicides involving the killing of a spouse or partner, almost all the victims were women and most were killed using a firearm. We must do better!

One part of the solution is to allow more time for background checks. This would allow us to more fully investigate purchasers whose records raise a red flag. It would also allow a "cooling off" period, which has been proven effective to deter heat of passion crimes.

Another part of the solution is this bill. It will provide incentives for states to provide more complete records to the federal government. This will result in faster and smarter background checks.

Finally, I want to thank and congratulate my colleagues, Congresswoman MCCARTHY and the Dean of the House, JOHN DINGELL, for their work on this bill and their willingness to take constructive suggestions along the way, to make this an even better bill.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from New York (Mrs. MCCARTHY) for the purposes of control.

The SPEAKER pro tempore (Mr. CULBERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in strong support of H.R. 4757, a bill that would close a loophole in the national instant background check system for gun purchases. As an original cosponsor of this bill, I am pleased to join my good friends, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Michigan (Mr. DINGELL), in supporting this important legislation. I want to take this opportunity also to thank the House leadership, the Speaker and the majority whip, and also the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this bill to the floor at this time. I am very appreciative.

Also, I want to point out the fact that Americans for Gun Safety, the Brady Campaign, and many other organizations have worked for its passage and applaud this time on the House floor.

This bill is long overdue. In 1993, Congress passed the Brady Act, which I strongly supported. The Brady Act gives the FBI 4 years to create a national instant background check system for purchasing a firearm. But unfortunately, 8 years after the passage of the Brady Act, the national background check system is still not instant or up to date, as on average, only 58 percent of the felony background

check records have been computerized. This means felons, domestic abusers, and mentally infirm have been able to walk into a gun store and buy a firearm because of incomplete government records. In fact, nationwide because of poor record keeping by the government, 10,000 convicted felons and other prohibited buyers have been able to purchase guns.

In my home State of Maryland, 283 illegal buyers were able to buy guns because of incomplete background check records over a 30-month period. Overall, Maryland has the 15th worst record in the Nation of illegal buyers obtaining guns due to faulty records. Moreover, Maryland does not check the records of individuals with a history of severe mental illness when doing a background check.

This is incredible; but it is not unusual, as 33 States do not bother to do a mental illness background check. And it gets even worse. In 15 States, those convicted of a domestic violence misdemeanor can slip through a background check, because those States do not supply any of those records to the FBI. This bill will fix those gaping holes.

In my district, there is a sniper on the loose. He is killing people indiscriminately and shows no regard for human life. Nine innocent victims have died, and two people are critically injured. We do not know how he got the gun, if it was stolen, purchased at a gun show or a gun dealer. We do not know if a background check system with fully automated records would have stopped him, but we do know that 10,000 illegal buyers got a gun because of faulty records. This utterly depraved perpetrator may be number 10,001.

Mr. Speaker, this bill closes a loophole of a bill already on the books, the Brady Act, and increases public safety at a time when it is desperately need. I urge its passage by the House.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4757, Our Lady of Peace Act, and the assistance it offers States for automating their criminal history records. I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for working with me from the beginning and giving suggestions on how to make this a better bill.

I also thank the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member, for working with me in helping pass this bipartisan bill through the Committee on the Judiciary.

I also thank the gentleman from Michigan (Mr. DINGELL) for all his hard work throughout this process. He and I actually started talking about this kind of legislation quite a long time ago, and I am glad to see that it is on the floor today.

It is not every day that the gentleman from Michigan (Mr. DINGELL) and I are on the same side of a gun de-

bate, but we believe that this legislation helps close a loophole in our law that allows disqualified individuals to obtain a firearm.

In March of this year, a priest and a parishioner in my district at the Lady of Peace Church were fatally shot during mass by a disturbed gunman with a history of mental health problems and a restraining order issued by his mother. However, he was able to purchase a firearm 2 days before the attack because most States do not provide mental health and other disqualifying records to the FBI NICS database. The 1968 Gun Control Act bars nine categories of individuals, including those who are deemed mentally ill, from having a firearm. However, when a Federal background check is performed, only Federal databases are addressed. That means that the Federal background check is only as good as the records in it; and since many of these records are kept by the States and rarely provided to the FBI, the Federal background check may never spot the disqualifying factor, therefore allowing the purchase to proceed.

Right now, 35 million records of people who are prohibited by law from owning a firearm are missing from the various databases that make up the NICS system. That means it is nearly impossible to stop those under a restraining order, the severely mentally ill, and illegal aliens from passing a background check and obtaining a firearm.

The Our Lady of Peace Act seeks to enforce the 1968 Gun Control Act by providing States an incentive to automatic and shared disqualifying records with the FBI. In addition, it authorize grants to help States automate and improve criminal history records, mental health records, restraining orders and records of domestic violence misdemeanors.

It also requires Federal agencies, like the INS, to provide the FBI with records of individuals disqualified from purchasing a firearm. This legislation helps make the instant background check system truly the instant system we are looking for.

Whether a gun owner or not, this legislation will appeal to everyone who believes we should enforce our current gun laws and keep firearms out of the wrong hands. What I will say is what we have been seeing, especially in the last week or so in the vicinity of our area, we should be doing more to enforce the laws on the books. That is something I have been trying to do since elected to Congress. It has been my privilege and my honor to work with all Members bipartisanly to get this done. I think it is important, and I hope that we can all work together in the future to do more because there is more to be done. The bottom line is as long as we keep guns out of the hands of those that should not have them, we will be saving lives; and that is what we are all here about. That is what we all care about. I urge support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I add my congratulations to the author of this bill for the gentlewoman's efforts here and in the national media to make a case for keeping firearms out of the hands of criminals.

I would also add my congratulations to the gentleman from Wisconsin (Mr. SENSENBRENNER) for his excellent work on this bill and to the gentlewoman from Maryland (Mrs. MORELLA) for seeing to it that we, at such a time as this, deal with this critical legislation. And lastly, I add my congratulations to the gentleman from Michigan (Mr. DINGELL) for his efforts in advancing sensible laws having to do with gunownership while preserving the second amendment rights of every law-abiding American to keep and bear arms.

Mr. Speaker, I have said before on this floor, I believe the House of Representatives is the heart of the American government and in many ways should resonate with the hearts of the American people. The truth is we rise today not in a vacuum, as others have said before. The truth is that the hearts of the American people today are troubled, shots fired as recently as last night here in the vicinity of our Nation's Capitol, felling innocent women, men, and even children, in barbaric acts of terror. Whatever the motivation from wherever comes the source, these are acts of terror here in suburban Washington, D.C.

Mr. Speaker, my own family endured a brush with this violence when we learned last night of the attack on the Home Depot in Falls Church, Virginia. My wife informed me that it was there she had taken our 9-year-old daughter on Sunday night to purchase their fall mums and bring them home, happily reporting to me that she had parked safely in a covered garage at that Home Depot; and I can only stand with an unusual amount of identification and grieve with the family of she who was lost last night, and think there, but for the grace of God, goes my family.

The perpetrators seem to act with impunity. They defy civilized behavior and so far have defied the finest local, State, and Federal law enforcement in the world. They seem to say tauntingly, there is nothing you can do. How wrong they are. How wrong they are.

Today, because of the leadership of the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. MCCARTHY), we rise in this institution to do something. We rise today to bring forth in Our Lady of Peace Act legislation which will provide States with the tools to comply with the 1968 Gun Control Act by pro-

viding additional funds to automate and share criminal mental health and domestic violence restraining order records with the FBI's NICS database.

This legislation, since its conception, was always designed to provide that instant background check, just like we are used to at the gasoline station pump, to know immediately who has a background that is consistent with the ownership of firearms and who does not. Under this legislation, all Federal agencies would transmit relevant records relating to persons disqualified from acquiring a firearm to the Attorney General for inclusion in the NICS database. To comply with the grants under this legislation, States also would provide more thorough and updated information, and there is a grant program to assist State courts to assess and improve the handling of proceedings related to criminal history.

Mr. Speaker, there is something we can do. As Americans and as family people, we can pray for justice in this case; and we can support our law enforcement as they seek to leave no stone unturned. Lastly, we can pass this critical and important legislation that will speed resources to the NICS database and make sure that those who possess firearms in America are only law-abiding Americans.

□ 1545

Mrs. MCCARTHY of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4757. I thank the distinguished gentlewoman from New York for yielding me this time, and I commend her for her leadership and effort in this matter. It has been a privilege and a pleasure for me to work with her as a cosponsor of this legislation.

I want to note that this legislation is supported in a bipartisan fashion. On both sides, Members support this. The leadership on both sides of the aisle supports this legislation. And the leadership on both ends of the Capitol supports this legislation. It is supported by the NRA and by gun control groups. I want to commend my good friend, the chairman of the committee, the gentlewoman from Wisconsin (Mr. SENSENBRENNER) and also the ranking minority member, the gentleman from Michigan (Mr. CONYERS) for their leadership and their support of this legislation.

I would note that the legislation is really very simple. It first of all protects the second amendment rights of the people of this country, and that was one of the criteria and tests that my good friends at the NRA, of which I am a very happy and proud member, provided our support for the undertaking. It is legislation, then, which protects the basic rights of the American people to own and use firearms for

legitimate and responsible hunting, fishing, conservation and defense purposes.

I would note that it is legislation which requires the Federal Government and provides incentives to the States to make the record-keeping system, upon which the instant check is entirely dependent, work and to see so that it does speedily.

The practical result of this legislation will be two things: one, to keep guns out of the hands of criminals; and, two, to see to it that law-abiding citizens are better able to purchase firearms in a legitimate and proper fashion without delays occasioned by the failure of the States and the Federal Government to keep proper records.

As mentioned by my distinguished friend, the chairman of the committee, there is a long and complete list of disabilities by Federal and State statutes which preclude ownership of persons of firearms. Those include mental disabilities, they include also criminal misbehavior, of family abuse and things of that kind, as well as being a fugitive from justice, a convicted felon or an illegal immigrant. Those are matters which our policy of the United States and the Congress says that people may not then own firearms. This is a way that we use to strain so that firearms may not get through the net into the hands of illegal owners and persons who are precluded by law from owning them.

This will be a significant benefit to law enforcement. It also will be a protection to innocent citizens. It will, in like fashion, be a protection of the basic rights of the American people. More needs to be done, but it has to be done in a fashion which is consistent with protection of the basic second amendment rights of the American people.

I am proud that the distinguished gentlewoman from New York and I were able to work together to achieve something which could achieve the kind of broad support that H.R. 4757 has. It provides other protections, also, and I would note that it precludes the possibility of taxes being imposed upon law-abiding gun owners for the purposes of owning firearms and achieving that ownership through the instant check.

It is a good piece of legislation. I urge my colleagues to support it. I note that it has no opposition of which I am aware, and it is legislation which will enable Americans to feel better about their safety and about, at the same time, the protection of their firearms ownership rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the chairman of the Committee on the Judiciary for bringing this forward and also the gentlewoman from Maryland for her hard

work on this subject; also the gentlewoman from New York and the gentleman from Michigan for their hard work on fashioning legislation here that protects the second amendment rights of all Americans, but also ensures that criminals cannot more easily get their hands on guns. And also, as the gentleman from Michigan mentioned, that law-abiding citizens are not denied or delayed their right simply because State officials have not the resources or the inclination to move ahead on this.

I am proud to support this legislation. I urge support of it.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

As you can hear from the debate and a lot of people that might even be watching this debate, back and forth, even though we all support this legislation, it is strange to hear that the NRA and certainly all of our gun groups have worked together. I think that is the important key that we are talking about. We worked very hard to make sure that the privacy of citizens would also be protected.

Again, people have to understand that we are not picking on one particular group. Anyone that is denied access to getting permission for a gun only comes up as denied, so we do not go pinpointing, especially on mental illness or other things. They are just plainly denied. I think that is an important part because I think people out there are misunderstanding, and they actually thought we were targeting people with mental illness. We are not. We just want to make sure that people that should not own guns do not get their guns and people that should be able to have guns have the right to own guns. We will continue to work together on this.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I too would like to add my thanks to the gentlewoman from New York and the gentlewoman from Maryland for putting together this bill. I have been in the Congress for 24 years. This is the first bill on the subject of firearms that I can remember that is supported by both the NRA and most of the major gun control groups. That means we ought to seize this moment and pass this bill right away before this coalition unravels. I urge the Members to do that.

Mr. GEKAS. Mr. Speaker, I support the passage of H.R. 4757, considered today by the House of Representatives on the Suspension Calendar.

H.R. 4757, the Our Lady of Peace Act, would amend the Brady Handgun Violence Prevention Act to require the Attorney General to secure directly from any U.S. department or agency information on persons who are prohibited by federal or state law from having a firearm, such as a convicted felon criminal or

mental incompetent. In effect, to make the record collection system work more efficiently than it currently does. The measure provides more money to the States to make their information available to the federal government, making the partnership of the two governmental systems a better working arrangement.

Specifically, H.R. 4757 requires the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and temporary restraining orders as they relate to disqualification from firearms ownership under State and Federal laws. And the measure requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of the System and to report on grants and on best practices of States.

As a member of the House Judiciary Committee in 1993 (and currently), I was the chief proponent of the National Instant Check System. And so I view passage of this measure as a positive step towards both preventing prohibited persons from acquiring firearms and protecting the rights of law-abiding gun owners.

A key provision added to this legislation is the prohibition of the federal government imposing a "gun tax," by charging fees for gun purchases through NICS. This is an important provision the National Rifle Association worked to secure. The NRA has been working for nearly a decade to improve NICS so that it works the way Congress intended it—instantly, without any delay or waiting period for gun purchases by law-abiding buyers.

The Second Amendment of the U.S. Constitution reads, "the right of the people to keep and bear arms, shall not be infringed." I firmly believe that the plain language of the Amendment guarantees the right of citizens to keep and bear arms and pledges to protect this right from being infringed upon. Instead of more gun control laws we must forcefully execute the laws that are already in place, while leaving law-abiding citizens alone.

As the chief proponent of the National Instant Check System as a substitute for "waiting periods," I know that the mandate of the NICS was to provide an instant screening of criminal history records in concert with the purchase of a firearm from federally licensed dealers. In this day of instant communications and nearly instant everything, it may not seem like such a feat. But ten years ago, even with the massive use of instant credit card transactions, the concept of using an instant check system for a firearm purchase was novel and somewhat groundbreaking. But in the decade since the mandate of the NICS, the system has needed many improvements. I have gladly welcomed each improvement, such as this measure, as another step toward the instant check system that will both protect and defend citizens and legal gun owners alike.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 4757, bipartisan legislation which promises to greatly improve the Instant Check by encouraging states to automate and share disqualifying records with the FBI's National Instant Criminal Background System, NICS, database.

H.R. 4757 is a model of sensible, common-sense public safety legislation. It represents what we can achieve when we leave the rhet-

oric behind and concentrate on how to best keep guns out of the hands of criminals.

Mr. Speaker, H.R. 4757 manages to be both pro-gun owner and pro-law enforcement—stopping criminals in their tracks while permitting law-abiding citizens to be approved for purchases in minutes, not days or weeks. And it does so by focusing on enforcement of existing laws, on strengthening them.

Mr. Speaker, instant background checks serve little purpose if they are based on incomplete or inaccurate criminal history records. Today, we strive for accuracy, for completeness. H.R. 4757 goes a long way toward making the NICS system work the way we intended it to work, and I urge my colleagues to join me in supporting it.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4757, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ARMED FORCES DOMESTIC SECURITY ACT

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5590) to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations.

The Clerk read as follows:

H.R. 5590

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Domestic Security Act".

#### SEC. 2. FORCE AND EFFECT OF PROTECTIVE ORDERS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1561 the following new section:

#### "§ 1561a. Civilian orders of protection: force and effect on military installations

"(a) FORCE AND EFFECT.—A civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

"(b) CIVILIAN ORDER OF PROTECTION DEFINED.—In this section, the term 'civilian order of protection' has the meaning given the term 'protection order' in section 2266(5) of title 18.

"(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall be designed to further good order and discipline by members of the armed forces and civilians present on military installations."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1561 the following new item:

"1561a. Civilian orders of protection: force and effect on military installations."