

(3) permits a person whose application for the relief is denied to file a petition with the State court of appropriate jurisdiction for a *de novo* judicial review of the denial.

(b) *AUTHORITY TO PROVIDE RELIEF FROM CERTAIN DISABILITIES WITH RESPECT TO FIREARMS.*—If, under a State relief from disabilities program implemented in accordance with this section, an application for relief referred to in subsection (a)(1) of this section is granted with respect to an adjudication or a commitment to a mental institution or based upon a removal of a record under section 102(c)(1)(B), the adjudication or commitment, as the case may be, is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

SEC. 106. ILLEGAL IMMIGRANT GUN PURCHASE NOTIFICATION.

(a) *IN GENERAL.*—Notwithstanding any other provision of law or of this Act, all records obtained by the National Instant Criminal Background Check system relevant to whether an individual is prohibited from possessing a firearm because such person is an alien illegally or unlawfully in the United States shall be made available to U.S. Immigration and Customs Enforcement.

(b) *REGULATIONS.*—The Attorney General, at his or her discretion, shall promulgate guidelines relevant to what records relevant to illegal aliens shall be provided pursuant to the provisions of this Act.

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

SEC. 201. CONTINUING EVALUATIONS.

(a) *EVALUATION REQUIRED.*—The Director of the Bureau of Justice Statistics (referred to in this section as the “Director”) shall study and evaluate the operations of the National Instant Criminal Background Check System. Such study and evaluation shall include compilations and analyses of the operations and record systems of the agencies and organizations necessary to support such System.

(b) *REPORT ON GRANTS.*—Not later than January 31 of each year, the Director shall submit to Congress a report containing the estimates submitted by the States under 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 information relevant to determining whether a person is prohibited from possessing or receiving a firearm by Federal or State law, 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.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013 to complete the studies, evaluations, and reports required under this section.

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

SEC. 301. DISPOSITION RECORDS AUTOMATION AND TRANSMITTAL IMPROVEMENT GRANTS.

(a) *GRANTS AUTHORIZED.*—From amounts made available to carry out this section, the Attorney General shall make grants to each State, consistent with State plans for the integration, automation, and accessibility of criminal history records, for use by the State court system to improve the automation and transmittal of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence,

court orders, and mental health adjudications or commitments, to Federal and State record repositories in accordance with sections 102 and 103 and the National Criminal History Improvement Program.

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

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

(1) to carry out, as necessary, assessments of the capabilities of the courts of the State for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories; and

(2) to implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories.

(d) *ELIGIBILITY.*—To be eligible to receive a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Attorney General to carry out this section \$62,500,000 for fiscal year 2009, \$125,000,000 for fiscal year 2010, \$125,000,000 for fiscal year 2011, \$62,500,000 for fiscal year 2012, and \$62,500,000 for fiscal year 2013.

TITLE IV—GAO AUDIT

SEC. 401. GAO AUDIT.

(a) *IN GENERAL.*—The Comptroller General of the United States shall conduct an audit of the expenditure of all funds appropriated for criminal records improvement pursuant to section 106(b) of the Brady Handgun Violence Prevention Act (Public Law 103-159) to determine if the funds were expended for the purposes authorized by the Act and how those funds were expended for those purposes or were otherwise expended.

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

Mr. PRICE of Georgia (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentlewoman from New York?

There was no objection.

MOTION OFFERED BY MRS. McCARTHY OF NEW YORK

Mrs. McCARTHY of New York. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. McCARTHY of New York moves that the House concur in the Senate amendment to H.R. 2640.

Mr. BOUCHER. Madam Speaker, I rise in support of the measure which I am pleased to cosponsor with the gentlelady from New York, Mrs. McCARTHY, and the gentleman from Michigan, Mr. DINGELL. I want to thank both of my colleagues for their careful and constructive work on the legislation.

The bill before us today is a well-tailored response to the tragedy that occurred earlier this

year in my Congressional District at Virginia Tech University.

It also meets a nationwide need for better reporting of mental health records to the National Instant Criminal Background Check System, against which prospective gun purchases are checked to determine whether they are eligible to purchase firearms.

Under existing federal law, which was also in effect at the time of the Virginia Tech tragedy, persons who have been adjudicated to be a risk to others or to themselves because of a mental condition are barred from purchasing firearms.

The perpetrator of the Virginia Tech tragedy had been adjudicated to be a risk to himself and committed for outpatient mental evaluation.

Accordingly, under federal law in effect at the time, he should have been barred from purchasing the firearms he used.

However, at the time the purchases were made, Virginia did not submit to the National Instant Background Check System mental health records of persons who were committed for outpatient as opposed to inpatient mental evaluation.

Therefore, the disqualifying adjudication that the perpetrator was a risk to himself was not submitted to the background check system, and he was able to purchase firearms.

Ironically, at the time Virginia had the best record among the States for submitting mental health records to the national system.

Since the tragedy, Virginia’s mental health record submissions have been made much more thorough by an executive order signed by Tim Kaine, the Commonwealth’s Governor.

Nationwide, the number of mental health records submitted by the States to the federal database has doubled since the tragic events of April. I am pleased by this progress, but there are further improvements to be made, as 18 states currently do not submit names to the federal database.

The bill we will pass today will further improve the submission of mental health records nationwide by providing grants to States which undertake projects to make more thorough record submissions.

I also support the changes made by the Senate which strengthen the appeal process provided by the bill for individuals to have their names removed from the database if their mental health records are inaccurate or outdated. These changes will further ensure the accuracy of the National Instant Background Check System.

I commend Mrs. McCARTHY for her long-standing effort to take these necessary and constructive steps, and I urge passage of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. McCARTHY of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2640, S. 2436, H.R. 4839, and S. 1916.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

**HONORING JACKIE WILLIAMS
SERVICE TO OUR DEPLOYED
TROOPS**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina, (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to highlight a true hero of the American home front. While our brave men and women of the armed services are stationed abroad, it is more important than ever that average Americans take steps to remind our military personnel that they are not forgotten.

Jackie Williams of Winston-Salem, North Carolina, is a home-front hero. Ms. Williams, who owns a candy store called Sweeties, has taken her skills as a connoisseur of sweets and used them to brighten the days of our deployed men and women.

To date, she has organized local community organizations, businesses and families to send more than 300 care packages to our troops. These packages, which she has dubbed "Goodies Ready to Eat," or GREs, have been encouraging our men and women in uniform around the world since this past July.

The work and care of Ms. Williams and those like her is a priceless contribution to our troops' morale as they are stationed around the world and away from their families. I applaud her for her commitment to showing our troops that we are thinking of them and look forward to their quick and safe return home.

**WAKE FOREST MEN'S SOCCER NATIONAL
CHAMPIONSHIP**

Ms. FOXX. Madam Speaker, I rise today in celebration of Wake Forest University's national soccer championship win this past weekend. On December 16, the Wake Forest Demon Deacons men's soccer team defeated Ohio State 2-1 in the NCAA's College Cup championship game.

The Deacons scored both of their goals in the second half to come back from a 0-1 deficit to seal the deal for a 2-1 win before a capacity crowd in Cary, North Carolina. The Deacons had 22 wins this year, and their national championship win is a fitting capstone to a long road to victory for Wake Forest soccer.

In the championship game against Ohio State, junior forward Marcus Tracy scored the Deacons' first goal to tie the game with 24 minutes left. It was Tracy's third goal of the College Cup, and helped to earn him the honor of being named the most outstanding offensive player of the College Cup. On the defensive side, goalkeeper Brian

Edwards earned the College Cup's outstanding defensive play award.

With the game tied 1-1, Zack Schilawski, a sophomore striker, scored the winning goal on a pass from Tracy with 12 minutes on the clock. This goal propelled Wake Forest to a national championship and snapped Ohio State's 15-game unbeaten streak.

I salute the fine soccer players and coaches at Wake Forest led by Coach Jay Vidovich for winning the University's first national soccer championship. Their inspiring performance is worthy of the most hearty congratulations.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

NICS IMPROVEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Madam Speaker, a few minutes ago, H.R. 2640 was passed in this House. This legislation was passed in the year 2002. Late this afternoon, the Senate passed H.R. 2640, which is the NICS bill.

Madam Speaker, this is something that I have been working on for over 11 years to try to reduce gun violence in this Nation. I'm happy to say that, with working with the NRA, the Brady Center, Mr. DINGELL, Mr. COBURN from Oklahoma and Mr. SCHUMER from New York, we have finally come together to pass legislation which, in my opinion, is going to save many lives.

This particular piece of legislation, which many of my constituents and people around the country that watch this know that I've been talking about at least once a week for the last number of years, to me, this is the best Christmas present I could ever receive.

Two weeks ago was the 14th anniversary of my husband's death, and five others. My husband and son were coming home from work, and unfortunately my husband was killed and my son was seriously injured. And it was down the road that my son was recovering that I promised him that I would do all I could to help a family not go through what myself and many other families go through, unfortunately, on a daily basis. And that day has come.

We have seen the Virginia Tech shootings. We have seen the shootings in other parts of the country in the last few weeks. This bill can help save lives, but it also shows that when opposite sides work together, which we should all be doing here in this Congress for the American people, we can do some good.

As I said earlier, I worked with the NRA and I worked with the Brady Cen-

ter, and we came together with an understanding of putting our differences aside to work out a good piece of legislation. This is a proud moment for Congress. This is a proud moment for the American people to see how we can work together.

I know that there are many on both sides of the issue that feel that some of us are just trying to take away their right to own guns. That has not ever been my intention. I have always just wanted to have gun safety issues put forth so we could save people's lives. This piece of legislation, the NICS Improvement Act, will do that.

There was a little confusion going back that we were going to be hurting our veterans. That is not true. Working with Mr. COBURN, and certainly Mr. DINGELL, we have shown that it is not going to take away the right of our veterans coming home to be able to own a gun. We have clarified the language so that there is no misunderstanding.

I am looking forward to working with my colleagues on both sides of the aisle and both sides of the issue on how we can reduce gun violence in this country because the more we can reduce gun violence, hopefully we can also cut down the 30,000 people that die every year.

I had mentioned last week that since I've been in Congress, 330,000 people have died. That's not counting the amount of people that are injured every single year and what it does for the health care costs of this Nation. When we spend over \$2 billion a year on health care costs for those that survive, there is something wrong.

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I am hoping that down the road I can continue to work with the NRA and continue working with the Brady Center to come up with commonsense solutions on how we can save lives without getting into the rhetoric of us trying to take away their guns or guns don't kill. That is not the debate. The debate is how are we going to keep the guns away from people that shouldn't be able to own guns.

Madam Speaker, I wish everybody a merry Christmas. This will save lives, and this is devoted to the victims that have been hurt over these many years.

I'd like to thank my good friend Congressman DINGELL for all of his hard work in making this moment a reality. I'd also like to thank my friend Senator SCHUMER for carrying this legislation through the Senate.

Today is five years in the making.

On March 12, 2002, a senseless shooting took the lives of a priest and a parishioner, Mrs. Tosner, at the Our Lady of Peace Church in Lynbrook, New York. The man who committed this double murder had a disqualifying mental health condition and a restraining order against him, but passed a background check because his personal history was not entered into the NICS database.

This same scenario happens every day.

The shooter in the Virginia Tech massacre was prohibited from purchasing a firearm. Unfortunately, flaws in the NICS system allowed his record to slip through the cracks.