

110TH CONGRESS  
1ST SESSION

# H. R. 297

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

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

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

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## 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 2007”.

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 916,000 individuals were  
4 prohibited from purchasing a firearm for failing a  
5 background check between November 30, 1998, (the  
6 date the National Instant Criminal Background  
7 Check System (NICS) began operating) and Decem-  
8 ber 31, 2004.

9 (2) From November 30, 1998, through Decem-  
10 ber 31, 2004, nearly 49,000,000 Brady background  
11 checks were processed through NICS.

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

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

3 (4) Nearly 21,000,000 criminal records are not  
4 accessible by NICS and millions of criminal records  
5 are missing critical data, such as arrest dispositions,  
6 due to data backlogs.

7 (5) The primary cause of delay in NICS back-  
8 ground checks is the lack of—

9 (A) updates and available State criminal  
10 disposition records; and

11 (B) automated access to information con-  
12 cerning persons prohibited from possessing or  
13 receiving a firearm because of mental illness,  
14 restraining orders, or misdemeanor convictions  
15 for domestic violence.

16 (6) Automated access to this information can  
17 be improved by—

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

22 (B) making such information available to  
23 NICS in a usable format.

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

1           (8) On March 12, 2002, the senseless shooting,  
2           which took the lives of a priest and a parishioner at  
3           the Our Lady of Peace Church in Lynbrook, New  
4           York, brought attention to the need to improve in-  
5           formation-sharing that would enable Federal and  
6           State law enforcement agencies to conduct a com-  
7           plete background check on a potential firearm pur-  
8           chaser. The man who committed this double murder  
9           had a prior disqualifying mental health commitment  
10          and a restraining order against him, but passed a  
11          Brady background check because NICS did not have  
12          the necessary information to determine that he was  
13          ineligible to purchase a firearm under Federal or  
14          State law.

15 **SEC. 3. DEFINITIONS.**

16          As used in this Act, the following definitions shall  
17          apply:

18               (1) COURT ORDER.—The term “court order”  
19               includes—

20                       (A) a court order (as described in section  
21                       922(g)(8) of title 18, United States Code); and

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

24               (2) MENTAL HEALTH TERMS.—The terms “ad-  
25               judicated as a mental defective”, “committed to a

1 mental institution”, and related terms have the  
2 meanings given those terms in regulations imple-  
3 menting section 922(g)(4) of title 18, United States  
4 Code, as in effect on the date of the enactment of  
5 this Act.

6 (3) MISDEMEANOR CRIME OF DOMESTIC VIO-  
7 LENCE.—The term “misdemeanor crime of domestic  
8 violence”—

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

11 (B) includes any Federal, State, or local  
12 offense that—

13 (i) is a misdemeanor under Federal,  
14 State, local, or tribal law or, in a State  
15 that does not classify offenses as mis-  
16 demeanors, is an offense punishable by im-  
17 prisonment for a term of 1 year or less or  
18 punishable only by a fine regardless of  
19 whether or not the State statute specifi-  
20 cally defines the offense as a crime of do-  
21 mestic violence;

22 (ii) has, as an element of the offense,  
23 the use or attempted use of physical force,  
24 such as assault and battery, or the threat-  
25 ened use of a deadly weapon; and

1 (iii) was committed by a current or  
2 former spouse, parent, or guardian of the  
3 victim, by a person with whom the victim  
4 shares a child in common, by a person who  
5 is cohabiting with or has cohabited with  
6 the victim as a spouse, parent, or guard-  
7 ian, or a person similarly situated to a  
8 spouse, parent, or guardian of the victim;  
9 and

10 (C) does not include a crime described  
11 under subparagraph (A) if—

12 (i) the person was not convicted by  
13 the jurisdiction in which the proceeding  
14 was held;

15 (ii) the person was not represented by  
16 counsel in the case and did not knowingly  
17 or intelligently waive the right to counsel  
18 in the case;

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

23 (I) the case was not tried by a  
24 jury; and

1 (II) the person did not knowingly  
2 or intelligently waive the right to have  
3 the case tried by a jury, by guilty  
4 plea, or otherwise; or

5 (iv) the conviction has been expunged  
6 or set aside, or is an offense for which the  
7 person has been pardoned or has had civil  
8 rights restored unless—

9 (I) the pardon, expungement, or  
10 restoration of civil rights expressly  
11 provides that the person may not ship,  
12 transport, possess, or receive firearms;  
13 or

14 (II) the person is otherwise pro-  
15 hibited by the law of the jurisdiction  
16 in which the proceedings were held  
17 from receiving or possessing any fire-  
18 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 Secretary 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 background checks performed  
14                  by the National Instant Criminal Background  
15                  Check System; and

16                   (B) information regarding all the persons  
17                  described in subparagraph (A) of this para-  
18                  graph who have changed their status to a cat-  
19                  egory not identified under section 922(g)(5) of  
20                  title 18, United States Code, for removal, when  
21                  applicable, from the National Instant Criminal  
22                  Background Check System.

23           (2) DEPARTMENT OF JUSTICE.—The Attorney  
24           General shall—

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

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

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

15 (i) a court order has been issued, lift-  
16 ed, or otherwise removed by order of the  
17 court; or

18 (ii) a person has been adjudicated as  
19 mentally defective or committed to a men-  
20 tal institution.

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

22 (a) IN GENERAL.—Beginning 3 years after the date  
23 of enactment of this Act, a State shall be eligible to receive  
24 a waiver of the 10 percent matching requirement for Na-  
25 tional Criminal History Improvement Grants under the

1 Crime Identification Technology Act of 1988 (42 U.S.C.  
2 14601) if the State provides at least 90 percent of the  
3 information described in subsection (c). The length of such  
4 a waiver shall not exceed 2 years.

5 (b) STATE ESTIMATES.—

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

16 (A) criminal history records for mis-  
17 demeanors and felonies;

18 (B) State criminal history records with dis-  
19 position information;

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

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

24 (2) SCOPE.—The Attorney General, in deter-  
25 mining the compliance of a State under this section

1 or section 104 of this Act for the purpose of grant-  
2 ing a waiver or imposing a loss of Federal funds,  
3 shall assess the total percentage of records provided  
4 by the State concerning any event occurring within  
5 the prior 30 years, which would disqualify a person  
6 from possessing a firearm under subsection (g) or  
7 (n) of section 922 of title 18, United States Code.

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

16 (c) ELIGIBILITY OF STATE RECORDS FOR SUBMIS-  
17 SION TO THE NATIONAL INSTANT CRIMINAL BACK-  
18 GROUND CHECK SYSTEM.—

19 (1) REQUIREMENTS FOR ELIGIBILITY.—

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

1 section 922 of title 18, United States Code, or  
2 applicable State law.

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

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

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

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

1           able to the Attorney General in accordance with  
2           subparagraph (A).

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

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

21          (3) APPLICATION TO PERSONS WHO HAVE BEEN  
22          ADJUDICATED AS A MENTAL DEFECTIVE OR COM-  
23          MITTED TO A MENTAL INSTITUTION.—The State  
24          shall make available to the Attorney General, for use  
25          by the National Instant Criminal Background Check

1 System, the name and other relevant identifying in-  
2 formation of persons adjudicated as mentally defec-  
3 tive or those committed to mental institutions to as-  
4 sist the Attorney General in enforcing section  
5 922(g)(4) of title 18, United States Code.

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

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

1 tronically available to the Attorney General pursuant to  
2 the requirements of subsection (c).

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

4 (a) AUTHORIZATION.—

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

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

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

22 (1) create electronic systems, which provide ac-  
23 curate and up-to-date information which is directly  
24 related to checks under the National Instant Crimi-  
25 nal Background Check System (referred to in this

1 section as “NICS”), including court disposition and  
2 corrections records;

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

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

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

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

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

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

1 section shall be liable to the Attorney General for the full  
2 amount of the grant received under this section.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to carry out this section  
5 \$250,000,000 for each of the fiscal years 2008 through  
6 2010.

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

10 **SEC. 104. PENALTIES FOR NONCOMPLIANCE.**

11 (a) ATTORNEY GENERAL REPORT.—

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

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

25 (b) PENALTIES.—

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

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

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

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

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

9 **SEC. 201. CONTINUING EVALUATIONS.**

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

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

22 (c) REPORT ON BEST PRACTICES.—Not later than  
23 January 31 of each year, the Director shall submit to Con-  
24 gress, and to each State participating in the National  
25 Criminal History Improvement Program, a report of the

1 practices of the States regarding the collection, mainte-  
2 nance, automation, and transmittal of information rel-  
3 evant to determining whether a person is prohibited from  
4 possessing or receiving a firearm by Federal or State law,  
5 by the State or any other agency, or any other records  
6 relevant to the National Instant Criminal Background  
7 Check System, that the Director considers to be best prac-  
8 tices.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated such sums as may be  
11 necessary for each of the fiscal years 2008 through 2010  
12 to complete the studies, evaluations, and reports required  
13 under this section.

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

19 **SEC. 301. DISPOSITION RECORDS AUTOMATION AND**  
20 **TRANSMITTAL IMPROVEMENT GRANTS.**

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

1 to improve the automation and transmittal of criminal his-  
2 tory dispositions, records relevant to determining whether  
3 a person has been convicted of a misdemeanor crime of  
4 domestic violence, court orders, and mental health adju-  
5 dications or commitments, to Federal and State record re-  
6 positories in accordance with sections 102 and 103 and  
7 the National Criminal History Improvement Program.

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

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

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

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

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Attorney General  
3 to carry out this section \$125,000,000 for each of the fis-  
4 cal years 2008 through 2010.

5 **TITLE IV—GAO AUDIT**

6 **SEC. 401. GAO AUDIT.**

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

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

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