



NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) SECTION

2019



Operations Report

A Message from the NICS Section Chief

The National Instant Criminal Background Check System (NICS) had an exceptional year in 2019. As a result of implementing numerous automation and work process enhancements, the FBI Criminal Justice Information Services Division's NICS Section was able to process the high level of incoming firearm background checks efficiently while continuing to manage multiple work functions without a degradation of service. The efficiencies gained from the automation efforts have provided the NICS Section flexibility with workforce management and the ability to continue achieving its mission to provide timely and accurate determinations on an individual's eligibility to possess and/or receive firearms.

In Calendar Year (CY) 2019, the NICS experienced the highest volume in its history as 28,369,750 firearm background checks were processed. The majority of the federal background checks continue to be processed through the NICS E-Check. The NICS E-Check is an electronic web-based option that is not only a more efficient process for the federal firearms licensees (FFL), but for the NICS Section as well. Because of the mutual benefit that the NICS E-Check provides, the NICS Section attended several FFL seminars in CY 2019 to promote the use of the NICS E-Check and enroll prospective FFLs. The usage of the NICS E-Check continued to be the preferred choice of access by FFLs, as 82.25 percent of federal background checks were processed electronically.

The Fix NICS Act of 2018, aimed at making records more readily available for NICS users nationwide, has prompted for closer coordination with our partner agencies. Even though we are just wrapping up year one of a multi-year effort, states and federal agencies have already voiced to us their tremendous efforts and achievements to share records and information. Although we cannot directly correlate or wholly attribute an increase in record submissions to the passing of the Fix NICS Act, the three national databases searched by the NICS did see an increase of available records in CY 2019. In particular, the NICS Indices, which include individuals who have been determined to be federally or state prohibited from possessing or receiving a firearm, increased by over 8 percent. The Interstate Identification Index, which provides access to federal and state criminal history records, increased by almost 3 percent; and the National Crime Information Center, which contains records of wanted persons, subjects of protection orders, and other persons who pose a threat to officer and public safety, increased by 5 percent. Being able to view valuable information in a timely manner aided the NICS Section to deny 103,592 firearm background checks and provide timely determinations on 7,206,205 proceeded firearm background checks in 2019.

The NICS Section expects another very busy year in 2020, but there is no doubt we will meet the challenge and continue to provide the NICS users and the citizens of the United States with a highly effective and efficient level of quality service in the furtherance of public safety and national security.

Robin A. Stark-Nutter

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Executive Summary

The National Instant Criminal Background Check System (NICS) Section of the FBI's Criminal Justice Information Services Division has processed firearm background checks since its inception—November 30, 1998. During that time, the FBI has identified, developed, and implemented improvements to support the NICS Section's mission of enhancing national security and public safety. The NICS Section strives to provide effective and efficient service to its customers. Highlights of the NICS operations in 2019 include the following:

- The NICS processed 28,369,750 background checks in 2019; the NICS Section processed 8,177,732 transactions, and state users processed 20,192,018 transactions. Of the state-initiated transactions, there were 5,384,067 transactions for firearms and 14,807,951 for permits. From November 30, 1998, through December 31, 2019, the NICS processed a total of 333,004,066 transactions. Of these, the NICS Section processed 136,839,219 transactions, and state users processed 196,164,847 transactions (84,746,025 for firearms and 111,418,822 for permits).
- The NICS Section denied 103,592 transactions in 2019. Since its inception, the NICS Section has denied a total of 1,700,558 transactions.
- The NICS Section strives to reach the U.S. Attorney General-mandated Immediate Determination Rate (IDR) goal of at least 90 percent. In 2019, the IDR was 89.44 percent.
- The NICS Section processed 98,922 background checks for the issuance of explosives-related permits in 2019. Of these, the NICS Section recommended a denial on 3,182.
- The NICS Section processed 6,824,794 firearms and explosives transactions submitted via the Internet-based NICS E-Check in 2019. Since the NICS E-Check began in 2002, the NICS Section has processed a total of 44,857,155 firearms and explosives transactions submitted via the NICS E-Check.
- As of December 31, 2019, the total number of records in the NICS Indices equaled 20,929,713. This was an increase of 8.34 percent from the 2018 year-end total of 19,318,610.
- Any person who believes he or she was wrongfully denied the transfer of a firearm may challenge the denial determination. In 2019, there were 19,728 firearm-related challenge requests processed resulting in 5,407 overturned deny transactions.
- The Voluntary Appeal File (VAF) permits the NICS Section to maintain information about persons, with their permission, to prevent future erroneous denials or extended delays of firearm transfers and document their eligibility to receive firearms. As of December 31, 2019, the VAF contained approximately 34,338 entries with an active Unique Personal Identification Number (UPIN). From July 2004 through December 31, 2019, more than 179,885 background checks have been processed using a UPIN.

- The availability of the NICS averaged 99.76 percent.
- The NICS Section forwarded 2,989 background check transaction denials to the Bureau of Alcohol, Tobacco, Firearms and Explosives that potentially involved a firearm retrieval.

Welcome to the NICS Section...

As a result of the passage of the Gun Control Act of 1968, certain individuals, such as convicted felons, were prohibited from possessing firearms. To strengthen federal firearms laws, the Brady Handgun Violence Prevention Act of 1993 (Brady Act) required the U.S. Attorney General (AG) to establish the National Instant Criminal Background Check System (NICS) for federal firearms licensees (FFL) to contact by telephone, or other electronic means, for information to be supplied immediately as to whether the transfer of a firearm would violate Section 922(g) or (n) of Title 18, United States Code (U.S.C.), or state law.

Through a cooperative effort with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Department of Justice (DOJ), and state and local law enforcement agencies, the FBI developed the NICS. The NICS was designed to instantly respond to background check inquiries for prospective firearm transferees and was fully implemented by the FBI on November 30, 1998. For an FFL to initiate a NICS background check, the prospective firearms transferee must complete and sign an ATF Form 4473, Firearms Transaction Record, which collects the transferee's name and descriptive data (e.g., date of birth, sex, race, state of residence, country of citizenship). The form also elicits information that may immediately identify a transferee as a prohibited person; thereby, negating the need to continue the background check process. When an FFL initiates a NICS background check, a name and descriptor search is conducted to identify matching records in three nationally-held databases managed by the FBI's Criminal Justice Information Services (CJIS) Division. A search of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) databases is conducted as applicable. The following contains statistical data regarding the databases searched:

Interstate Identification Index (III): The III provides access to criminal history records. As of December 31, 2019, the III records available to be searched by the NICS during a background check numbered 80,212,432.

National Crime Information Center (NCIC): The NCIC contains records of wanted persons, subjects of protection orders, and other persons who may pose a threat to officer and public safety. As of December 31, 2019, the NCIC records available to be searched by the NICS during a background check totaled 6,946,803.

NICS Indices: The NICS Indices, a database created specifically for the NICS, contain information contributed by federal, state, local, and tribal agencies pertaining to persons prohibited from possessing or receiving a firearm pursuant to federal and/or state law. Typically, the records maintained in the NICS Indices are not available via the III or the NCIC. As of December 31, 2019, the NICS Indices contained 20,929,713 records.

ICE: The relevant databases of the ICE are searched by the NICS for non-U.S. citizens attempting to receive firearms in the United States. In 2019, the NICS Section and the Point-of-Contact (POC) states (states that have implemented a state-based NICS program) sent 206,486 such queries to the ICE. Beginning February 2002 (when the capturing of these statistics began) through December 31, 2019, the ICE has conducted more than 1,539,797 queries in support of the NICS.

2019 NICS Operations

In most cases, the results of a firearm background check yield definitive information regarding an individual's eligibility to possess or receive a firearm. However, not all inquiries can be provided a final status during the initial contact with the CJIS Division's NICS Section. Many transactions are delayed due to incomplete criminal history records, e.g., a missing disposition or a missing crime classification status (felony or misdemeanor), which is needed to determine if a transaction can proceed or must be denied.

When a validly matched record is potentially prohibiting but is incomplete, the NICS Section must search for the information needed to complete the record. This process often requires outreach to federal, state, local, and/or tribal agencies (e.g., arresting agencies, court systems). The Brady Act does not federally prohibit an FFL from transferring a firearm after the third business day even if the NICS Section has been unable to provide a proceed response, pursuant to 18 U.S.C. § 922(t)(1). In some instances, the potentially-prohibiting records are substantiated after three business days, and the transaction is denied. The NICS Section notifies the FFL of the denial and determines if the firearm was transferred to the buyer. If it was transferred, the NICS Section transmits this information to the ATF for further handling as a firearm retrieval referral.

Individuals who believe they are wrongfully denied the transfer of a firearm may challenge (appeal) the decision with the denying agency, either the FBI or the state agency serving as a POC for the NICS that issued the deny determination.

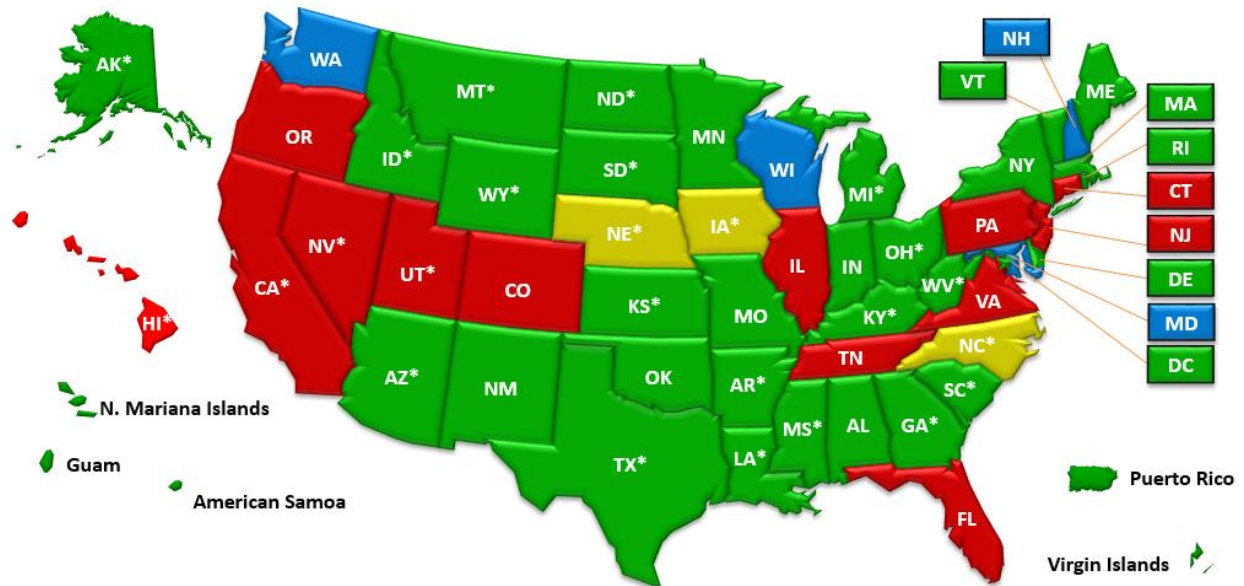
Extensive measures are taken by the FBI to ensure the security and the integrity of NICS information; however, all contributing agencies are ultimately responsible for the accuracy, completeness, and validity of the information made available to the NICS. More information regarding the privacy and security of the NICS is available on the Internet at <https://www.fbi.gov/services/cjis/nics/about-nics>.

NICS Participation

In 2019, the NICS Section served 48,921 FFLs conducting business in 30 states, 5 U.S. territories, and the District of Columbia. These FFLs contacted the NICS Section to initiate the required background checks using the NICS E-Check via the Internet or the NICS Contracted Call Center (NCCC) via the telephone. In 2019, the FFLs initiated 82.25 percent of their transactions via the NICS E-Check. There are seven states for which the NICS Section processes all long gun transactions, while the states conduct their own background checks for handguns or handgun permits. In addition, there are 13 states that participate with the NICS in a full-POC capacity by performing all background checks for their states' FFLs.

Certain state-issued firearm permits, such as carry concealed weapon permits and permits to purchase, may be qualified by the ATF as permits that suffice in lieu of a NICS background check at the point of sale/transfer. To qualify for an alternate permit, the applicant, in addition to meeting the conditions required by state law, must pass a NICS background check as part of the

permit-issuing/renewal process. The state agency responsible for issuing the ATF-qualified alternate permit conducts the NICS background check and determines if the subject is eligible, based on federal and state firearm laws. When attempting to obtain a firearm at a licensed dealer, an individual’s presentation of a valid alternate permit, issued within the past five years, precludes the need for the FFL to initiate the otherwise required NICS background check for the permit holder. The renewal of an alternate permit requires a background check by the NICS as part of the permit renewal process. In addition, a NICS background check may be conducted by the issuing agency at any time between the time of issuance and the date of renewal for any firearm permit holder. Such checks are referred to as “revocation” checks and are conducted by issuing agencies to determine if the permit holder remains eligible to possess the firearm permit. Twenty-five states have at least one ATF-qualified alternate permit. Refer to the latest Permanent Brady Permit Chart for specific permit details at <www.atf.gov/rules-and-regulations/permanent-brady-permit-chart>.



Color Code	Number of States	Description
Red	13	Full POC—Contact state/territory for all firearm background checks including permits
Blue	4	Partial POC—Contact state for handgun and FBI for long gun background checks
Yellow	3	Partial POC—Contact state for handgun permit and FBI for long gun background checks
Green	36	Non POC—Contact FBI for all firearm background checks
Asterisk	25	Denotes that the state has at least one ATF-Qualified Alternate Permit

Full-POC states include California, Colorado, Connecticut, Florida, Hawaii, Illinois, Nevada, New Jersey, Oregon, Pennsylvania, Tennessee, Utah, and Virginia.

Partial-POC states (contact the state for handgun and the FBI for long gun background checks) include Maryland, New Hampshire, Washington, and Wisconsin.

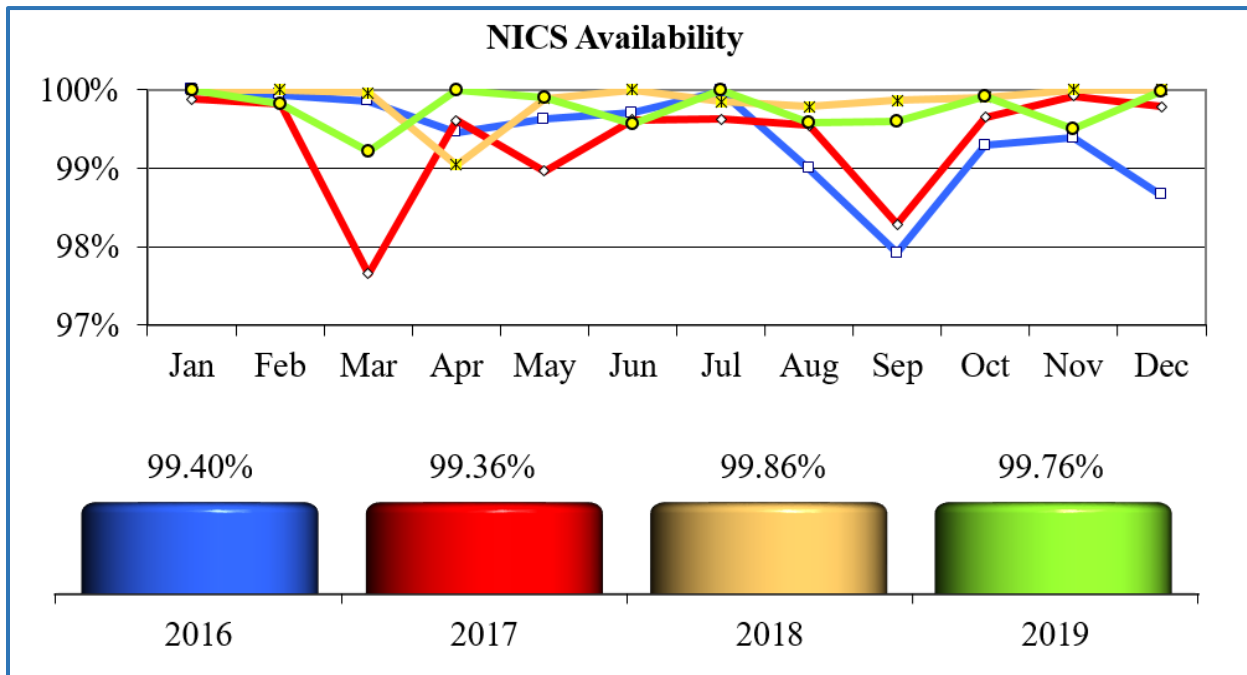
Partial-POC states (contact the state for handgun permits and the FBI for long gun background checks) include Iowa, Nebraska, and North Carolina.

Non-POC states and territories include Alabama, Alaska, American Samoa, Arizona, Arkansas, Delaware, District of Columbia, Georgia, Guam, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Mexico, New York, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virgin Islands, West Virginia, and Wyoming.

ATF-qualified alternate permit states: Alaska, Arizona, Arkansas, California, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wyoming.

NICS Availability

To operate as designed, the NICS depends on the availability of the III and the NCIC. If either the III or the NCIC are not available, it impacts the NICS even though the NICS is fully operational. The NICS Section, with the ongoing assistance and technical support of the CJIS Division’s Information Technology Management Section, works 24/7 to maximize the availability of the NICS, the III, and the NCIC. Decreases in availability are typically due to scheduled maintenance for system upgrades and unscheduled maintenance to resolve any reported system issues. In 2019, the average availability of the NICS was 99.76 percent, which is consistent with the availability average of years past.

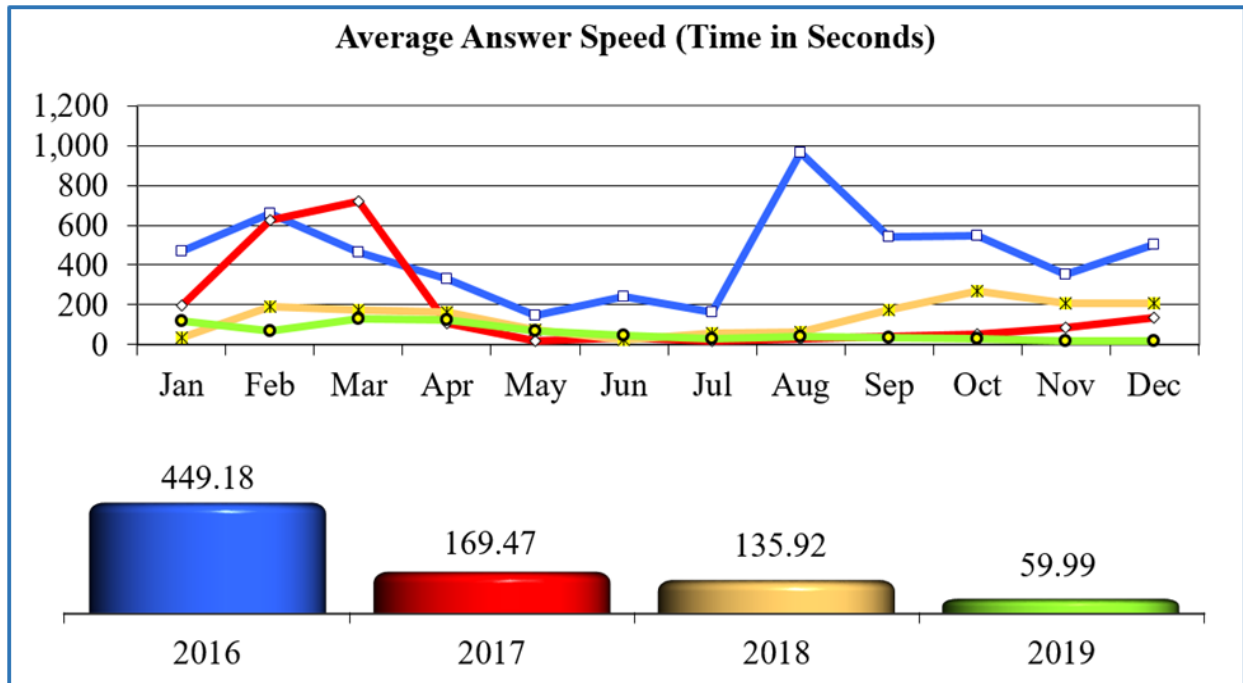


NICS AVAILABILITY				
Month	2016	2017	2018	2019
January	100.00%	99.88%	100.00%	100.00%
February	99.94%	99.83%	100.00%	99.82%
March	99.86%	97.66%	99.96%	99.22%
April	99.46%	99.61%	99.05%	100.00%
May	99.63%	98.97%	99.89%	99.90%
June	99.71%	99.62%	100.00%	99.57%
July	99.99%	99.63%	99.85%	100.00%
August	99.00%	99.55%	99.79%	99.59%
September	97.92%	98.29%	99.87%	99.60%
October	99.29%	99.65%	99.91%	99.92%
November	99.39%	99.92%	100.00%	99.50%
December	98.66%	99.79%	100.00%	99.99%
Yearly Average	99.40%	99.36%	99.86%	99.76%

Answer Speed

The FFLs have the option of initiating a NICS background check by calling the NCCC. The Customer Service Representative (CSR) at the NCCC enters the prospective firearm transferee's name and descriptive information provided by the FFL from the ATF Form 4473 into the NICS to initiate the search. If no records are matched in any of the databases searched, the CSR will advise the FFL the transfer may proceed. If the search returns a valid hit to a prohibiting record, the CSR will advise the FFL the transfer is denied. Those hits requiring further review are transferred by the CSR to the NICS Section in an attempt to determine the subject's firearms eligibility status while the FFL is still on the telephone. This is the Transfer Process function.

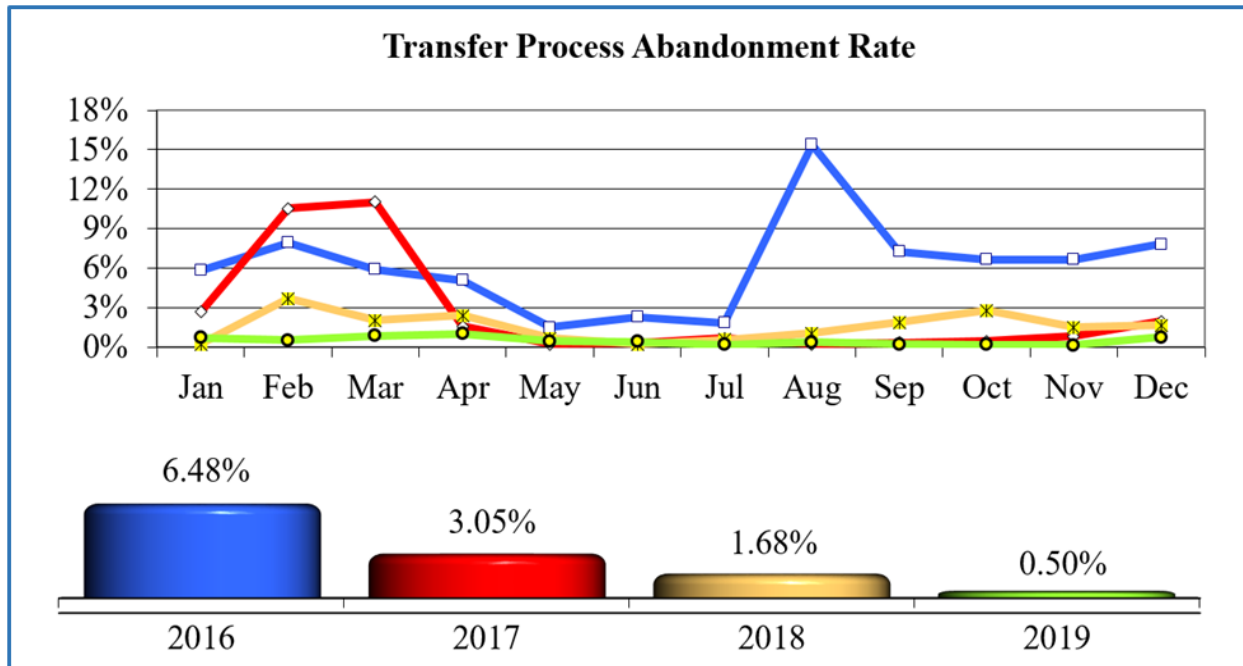
Many call center operations have a target goal of answering 80 percent of calls within 20 seconds. In 2019, the NCCC answered 91.72 percent of the 1,404,743 calls offered within 20 seconds. Based on historical data specific to transaction and call volumes, the NICS Section is able to forecast anticipated levels of staffing needed to effectively process incoming work. In 2019, the NICS Section's Transfer Process service level goal was set at 80 percent of calls being answered within 20 seconds. The service level achieved in 2019 was 74.66 percent, an improvement over the 2018 service level of 63.81 percent. The average answer speed for 2019 was 59.99 seconds (or just under one minute).



Average Answer Speed (Time in Seconds)				
Month	2016	2017	2018	2019
January	471.26	196.44	36.77	119.10
February	655.76	626.86	191.18	70.14
March	465.23	719.71	173.16	128.94
April	329.13	108.77	162.37	123.00
May	149.00	17.94	72.35	70.13
June	239.80	35.63	25.33	44.70
July	165.97	19.10	56.90	27.81
August	962.74	27.42	64.68	39.90
September	539.83	42.63	174.77	32.87
October	544.63	51.45	266.23	27.35
November	354.65	84.20	208.43	17.87
December	502.91	137.10	207.43	16.97
Yearly Average	449.18	169.47	135.92	59.99

Transfer Process Abandonment Rate

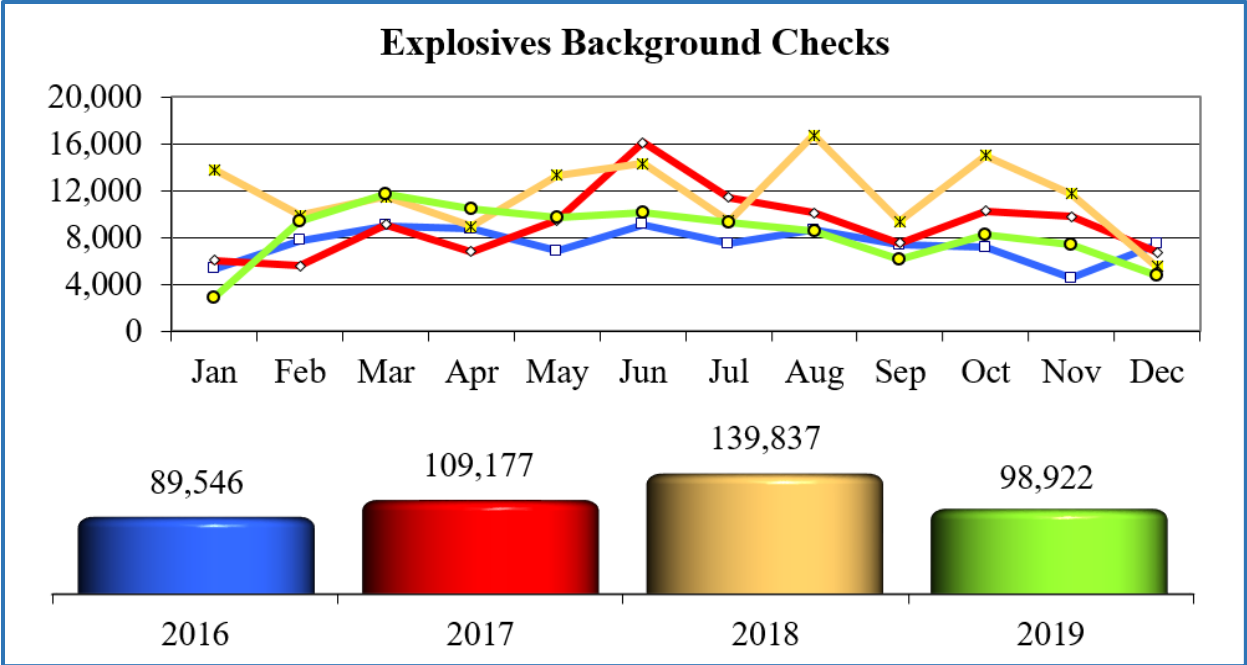
In 2019, the average time a caller waited for the Transfer Process to be answered was 59.99 seconds. The wait time can fluctuate depending on the number of incoming calls. There are times when a caller will prematurely terminate, or “abandon” a call. The NICS Section makes every effort to address each call as quickly as possible. The goal of the NICS Section is to limit the level of abandoned calls to less than 1 percent. The average abandonment rate decreased from the previous year to 0.50 percent in 2019.



Transfer Process Abandonment Rate				
Month	2016	2017	2018	2019
January	5.82%	2.66%	0.23%	0.73%
February	7.94%	10.53%	3.67%	0.53%
March	5.89%	11.04%	2.02%	0.85%
April	5.08%	1.56%	2.40%	1.01%
May	1.51%	0.22%	0.67%	0.46%
June	2.28%	0.32%	0.21%	0.40%
July	1.85%	0.67%	0.56%	0.19%
August	15.38%	0.23%	1.04%	0.37%
September	7.25%	0.35%	1.88%	0.23%
October	6.67%	0.46%	2.77%	0.18%
November	6.65%	0.82%	1.49%	0.14%
December	7.81%	1.95%	1.64%	0.76%
Yearly Average	6.48%	3.05%	1.68%	0.50%

Explosives Background Checks

The Safe Explosives Act, signed into law on November 25, 2002 as part of the Homeland Security Act, was effective on May 24, 2003. It requires that persons who export, ship, cause to be transported, or receive explosive material in either intrastate or interstate commerce must first obtain a federal permit or license. A NICS background check is conducted by the NICS Section, on behalf of the ATF, as part of the licensing process to determine the eligibility of a subject to operate as a Responsible Person (RP) in the explosives industry and for all persons designated as Employee Possessors (EP). The RP and EP background checks are submitted by the ATF directly, via batch submission, for processing. The results of explosives background checks are forwarded to the ATF as a recommendation. The ATF makes the final determination as to a subject's eligibility to receive an explosives permit. Since the first explosives background check in 2003 through December 31, 2019, the NICS Section has processed a total of 1,505,560 explosives background checks. The NICS Section processed 98,922 explosives background checks in 2019.



Explosives Background Checks				
Month	2016	2017	2018	2019
January	5,336	6,093	13,816	2,855
February	7,751	5,587	9,920	9,435
March	9,038	9,131	11,509	11,761
April	8,734	6,803	8,982	10,498
May	6,865	9,465	13,342	9,775
June	9,111	16,108	14,345	10,141
July	7,486	11,460	9,460	9,334
August	8,674	10,107	16,732	8,594
September	7,376	7,552	9,413	6,117
October	7,183	10,298	15,009	8,236
November	4,560	9,817	11,764	7,414
December	7,432	6,756	5,545	4,762
Yearly Average	89,546	109,177	139,837	98,922

NICS E-Check

The NICS E-Check provides the capability to conduct background checks electronically through a secure Internet connection and has many benefits not available through the use of telephones via the NCCC. Upon receipt of a NICS E-Check request, the NICS Section's staff processes the NICS E-Check by performing a cursory review to determine if the individual is a valid match to any of the responding records and whether any of the records are prohibiting.

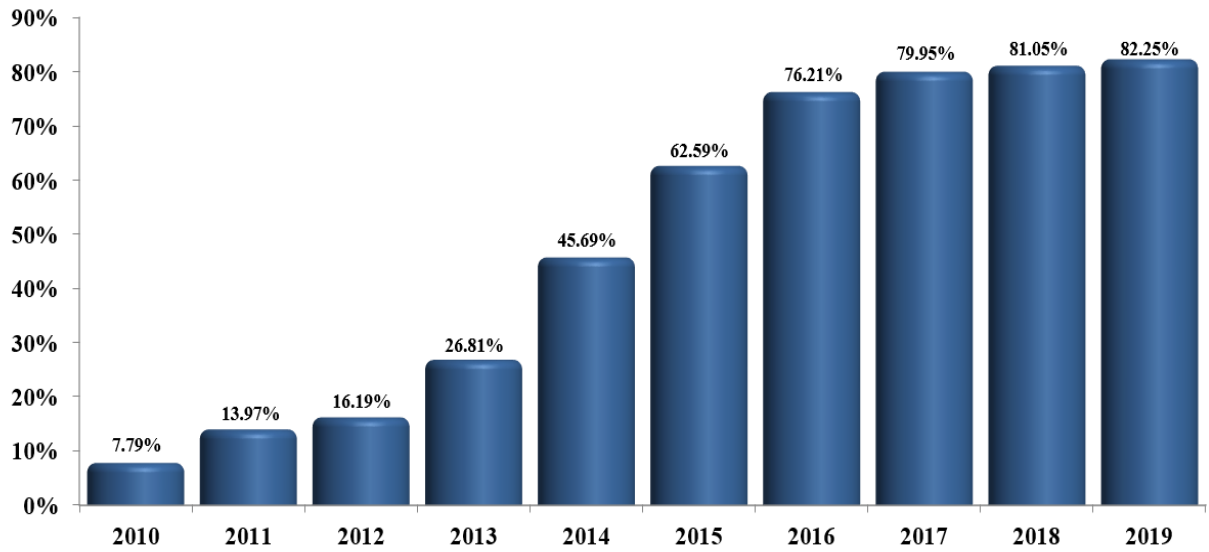
As of December 31, 2019, an estimated 31,817 FFLs were enrolled to submit background checks to the NICS via the NICS E-Check. This represents just over 65 percent of all FFLs located in non-POC states. Some of the major corporations access the NICS E-Check through an Extensible Markup Language process, which does not involve registering through the NICS E-Check website. Therefore, the number of FFLs submitting background checks electronically is actually higher than the number of FFLs enrolled as listed above. Between June 18, 2002, and December 31, 2019, a total of 44,857,155 firearms and explosives background checks were processed via the NICS E-Check. In 2019, there were 6,824,794 NICS E-Check transactions processed. Of the 2019 NICS E-Check transactions, there were 6,725,892 inquiries for firearms.

To increase the usage of the NICS E-Check, the NICS Section continued to undertake the following initiatives in 2019 including:

- On-site visits to assist FFLs with registration
- Promotion of the NICS E-Check at ATF-sponsored FFL seminars and other conferences
- Development of a 2020 promotional plan for the NICS E-Check

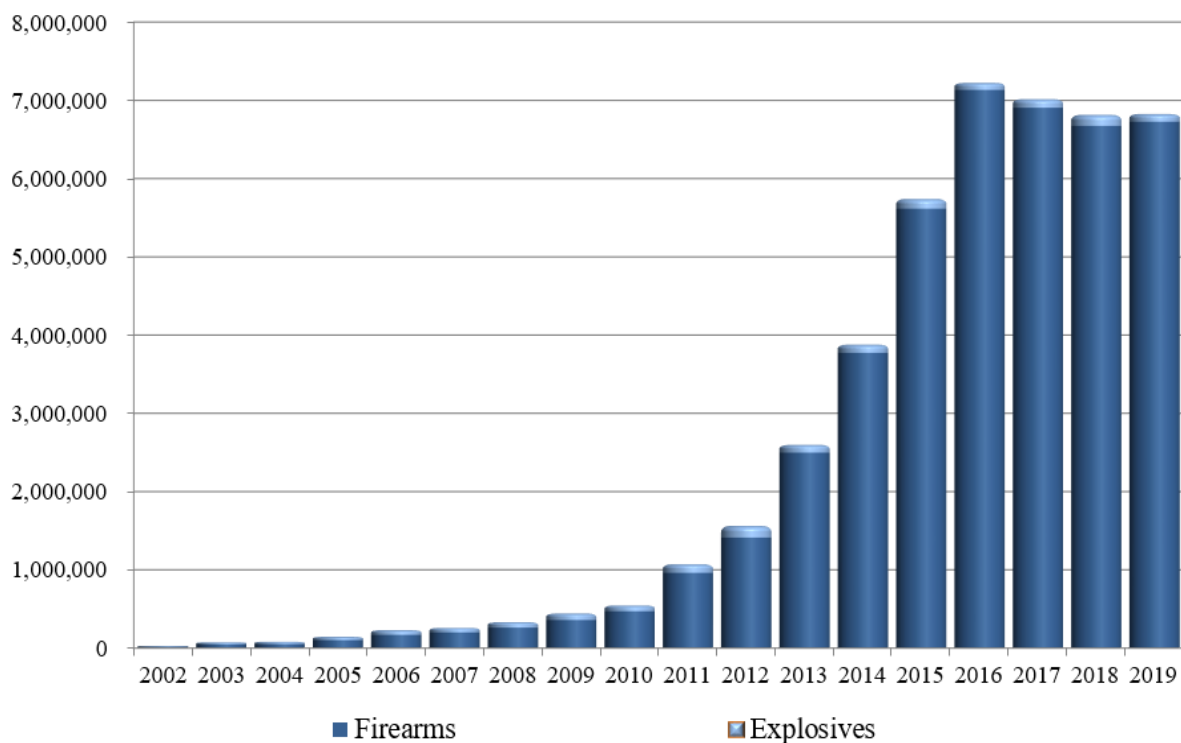
Through these initiatives and others since the inception of the NICS E-Check in 2002, usage has steadily increased. By the end of 2019, the percentage of transactions initiated via the NICS E-Check was 82.25 percent.

Growth of the NICS E-Check in the Past Ten Years



Year	NICS E-Check Usage Percentages for Federal Firearms Background Checks Processed Via the NICS E-Check
2002	0.57%
2003	1.08%
2004	1.07%
2005	2.04%
2006	3.22%
2007	3.90%
2008	4.51%
2009	5.89%
2010	7.79%
2011	13.97%
2012	16.19%
2013	26.81%
2014	45.69%
2015	62.59%
2016	76.21%
2017	79.95%
2018	81.05%
2019	82.25%

NICS E-Check
June 18, 2002–December 31, 2019



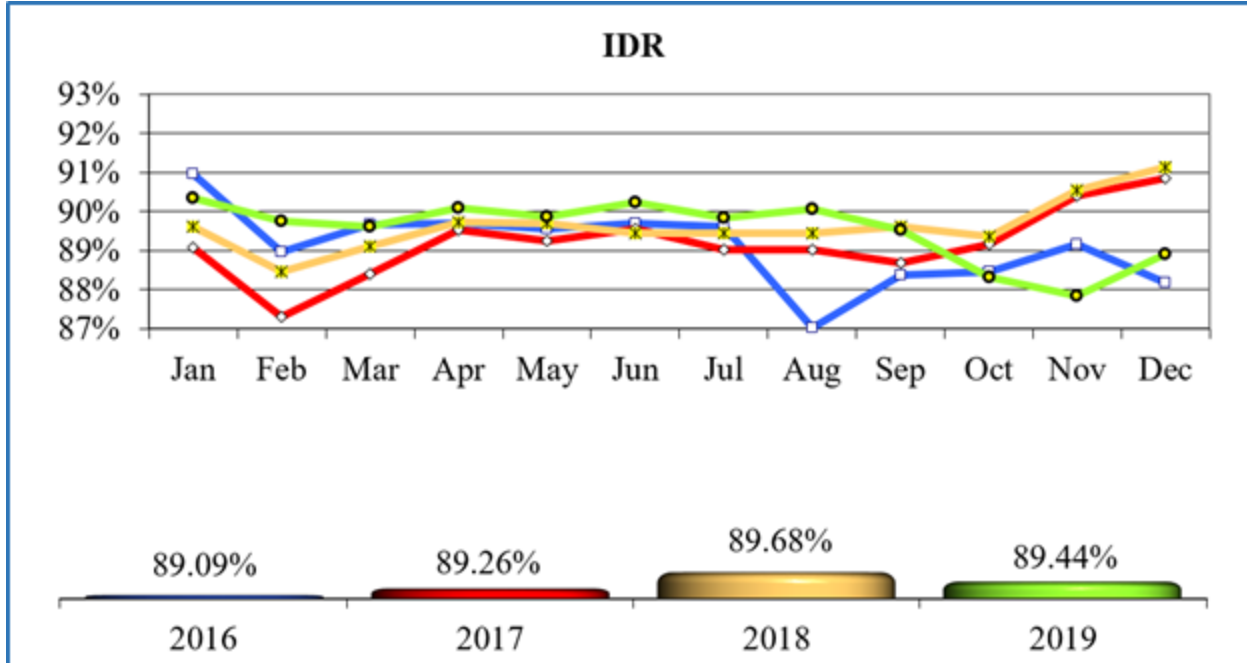
NICS E-Check Volume for June 18, 2002–December 31, 2019

*NICS background checks for explosives began in 2003

Year	Firearms	Explosives
2002	24,413	*
2003	48,184	26,294
2004	50,174	30,283
2005	101,216	43,662
2006	169,673	59,646
2007	200,397	57,734
2008	262,324	69,117
2009	358,170	84,196
2010	470,456	74,352
2011	960,793	110,666
2012	1,413,049	148,856
2013	2,498,075	98,670
2014	3,772,583	105,644
2015	5,616,328	124,439
2016	7,133,709	89,512
2017	6,905,913	109,157
2018	6,674,847	139,829
2019	6,725,892	98,902

Immediate Determination Rate

The Immediate Determination Rate (IDR) is comprised of the rate of calls immediately proceeded at the NCCC, the rate of transaction determinations provided by the NICS Section while the FFL is still on the telephone, and the data from the NICS E-Check. All three functions require available staff to process the requests being submitted to the NICS. The U.S. AG requires the NICS Section to maintain a 90 percent or better rate of immediate determinations. The NICS Section's IDR averaged 89.44 percent in 2019 when combining all the NICS transactions. This is slightly lower than the previous year.



IDR				
Month	2016	2017	2018	2019
January	90.98%	89.07%	89.62%	90.35%
February	88.98%	87.32%	88.47%	89.77%
March	89.67%	88.42%	89.10%	89.61%
April	89.70%	89.54%	89.74%	90.08%
May	89.55%	89.26%	89.71%	89.87%
June	89.71%	89.57%	89.44%	90.24%
July	89.63%	89.04%	89.45%	89.86%
August	87.03%	89.04%	89.45%	90.06%
September	88.37%	88.69%	89.63%	89.53%
October	88.46%	89.16%	89.36%	88.34%
November	89.16%	90.42%	90.55%	87.83%
December	88.17%	90.86%	91.14%	88.91%
Yearly Average	89.09%	89.26%	89.68%	89.44%

Transactions Created in the NICS

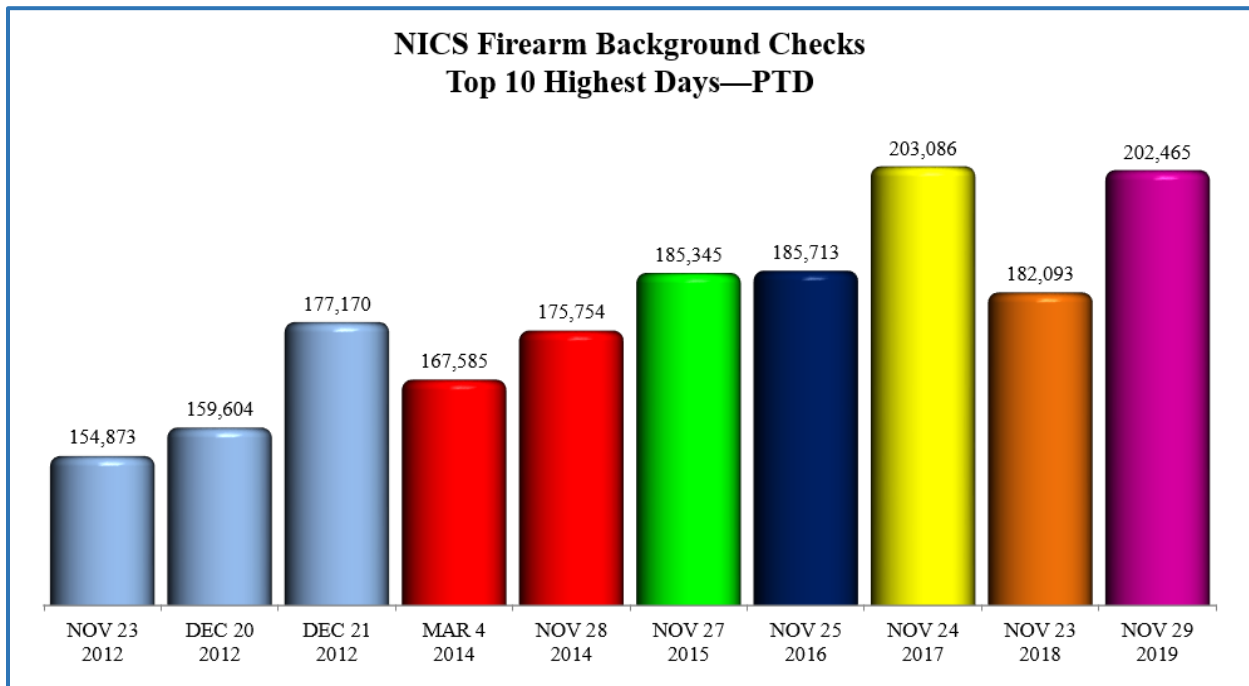
From November 30, 1998, through December 31, 2019, the NICS conducted a total of 333,004,066 background checks. In 2019, there were 28,369,750 background checks submitted to the NICS, which was the highest in the history of the NICS. This surpassed the previous highest year in 2016 by 831,077 transactions. Of the 2019 total, the NICS Section processed 8,177,732 transactions. State users of the NICS processed the remaining 5,384,067 firearm transactions and 14,807,951 permit transactions totaling 20,192,018 state transactions.

Transactions Created in the NICS					
Year	State Transactions	State Permits	Federal	Total	Program-to-Date (PTD) Total
1998 ¹	308,117	78,169	506,554	892,840	892,840
1999	3,562,403	1,037,700	4,538,020	9,138,123	10,030,963
2000	3,054,953	1,227,814	4,260,270	8,543,037	18,574,000
2001	3,209,955	1,408,310	4,291,926	8,910,191	27,484,191
2002	2,842,269	1,363,160	4,248,893	8,454,322	35,938,513
2003	2,615,291	1,403,496	4,462,801	8,481,588	44,420,101
2004	2,656,981	1,345,672	4,685,018	8,687,671	53,107,772
2005	2,650,113	1,350,193	4,952,639	8,952,945	62,060,717
2006	2,736,728	2,037,453	5,262,752	10,036,933	72,097,650
2007	2,961,650	3,078,802	5,136,883	11,177,335	83,274,985
2008	3,196,754	3,699,020	5,813,249	12,709,023	95,984,008
2009	3,499,575	4,450,821	6,083,428	14,033,824	110,017,832
2010	3,487,915	4,884,307	6,037,394	14,409,616	124,427,448
2011	4,033,869	5,545,457	6,875,625	16,454,951	140,882,399
2012	5,183,331	5,683,547	8,725,425	19,592,303	160,474,702
2013	5,607,478	6,169,832	9,315,963	21,093,273	181,567,975
2014	4,942,001	7,769,858	8,256,688	20,968,547	202,536,522
2015	5,386,384	8,782,048	8,973,538	23,141,970	225,678,492
2016	6,523,925	11,653,915	9,360,833	27,538,673	253,217,165
2017	5,608,875	10,988,094	8,638,246	25,235,215	278,452,380
2018	5,293,391	12,653,203	8,235,342	26,181,936	304,634,316
2019	5,384,067	14,807,951	8,177,732	28,369,750	333,004,066
Total	84,746,025	111,418,822	136,839,219	333,004,066	

¹ November 30, 1998–December 31, 1998

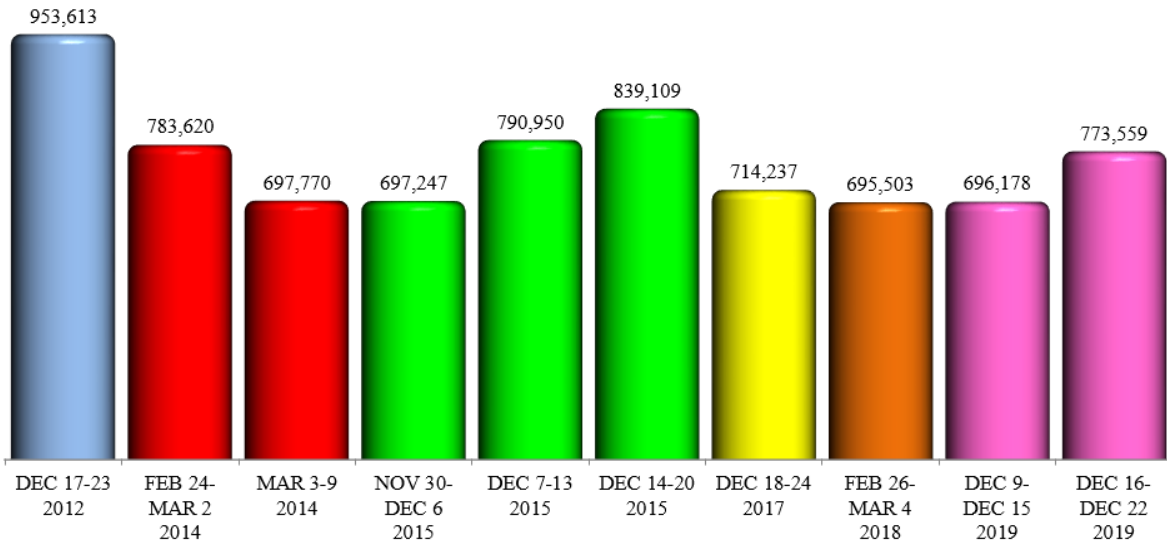
NICS Peak Season

The NICS Section observes an increase in transaction activity associated with major hunting seasons and year-end holidays. Since the inception of the NICS, the day after Thanksgiving continues to be a day the NICS processes a high volume of firearm background checks. In 2017, the day after Thanksgiving (November 24, 2017) ranked as the highest day to date when the NICS processed 203,086 background checks. The day after Thanksgiving in 2019 (November 29, 2019) did not quite hit the highest day mark but was just 621 background checks shy of doing so. There were 202,465 transactions processed which ended up being recorded as the second highest day in NICS history. This was an 11.19 percent increase over the 2018 day after Thanksgiving total of 182,093. Of the 202,465 processed on November 29, 2019, there were 113,586 processed by the NICS Section, which was an increase of 14.51 percent over the same day in 2018.



NICS Firearm Background Checks Top 10 Highest Days—PTD	
End Date	Daily Totals
November 23, 2012	154,873
December 20, 2012	159,604
December 21, 2012	177,170
March 4, 2014	167,585
November 28, 2014	175,754
November 27, 2015	185,345
November 25, 2016	185,713
November 24, 2017	203,086
November 23, 2018	182,093
November 29, 2019	202,465

**NICS Firearm Background Checks
Top 10 Highest Weeks—PTD**



**NICS Firearm Background Checks
Top 10 Highest Weeks—PTD**

End Date	Weekly Totals
December 23, 2012	953,613
March 2, 2014	783,620
March 9, 2014	697,770
December 6, 2015	697,247
December 13, 2015	790,950
December 20, 2015	839,109
December 24, 2017	714,237
March 4, 2018	695,503
December 15, 2019	696,178
December 22, 2019	773,559

Federal Prohibitions

A deny decision indicates the prospective firearm was biographically matched with either federal or state prohibitive criteria. Federal law prohibits any person from possessing or receiving a firearm who:

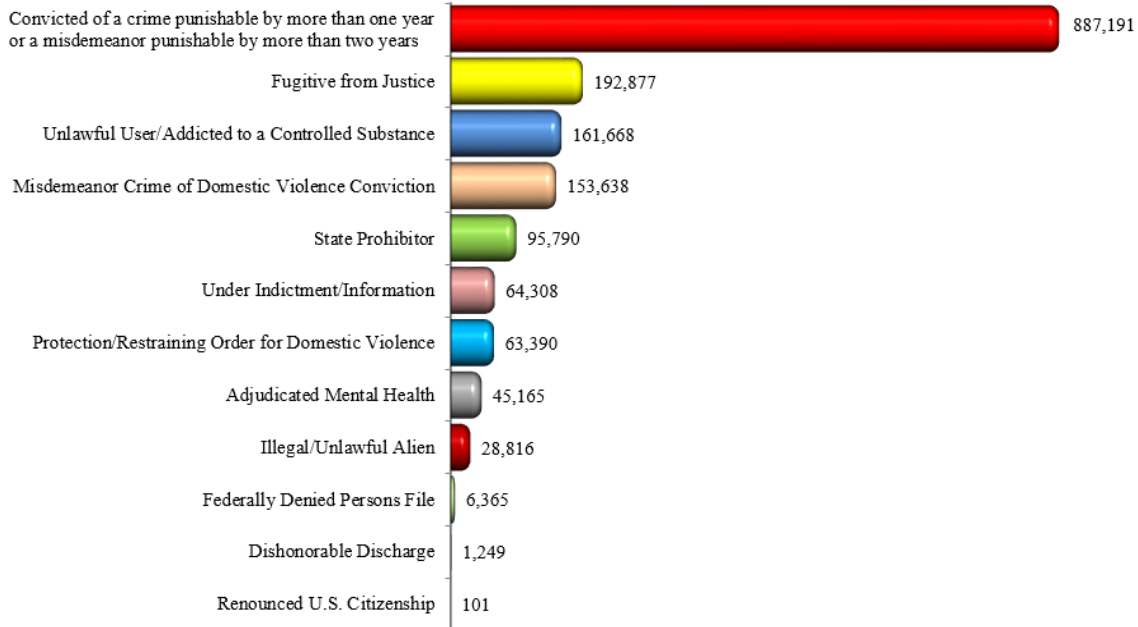
- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year—**18 U.S.C. § 922(g)(1)**.
- Is a fugitive from justice—**18 U.S.C. § 922(g)(2)**.
- Is an unlawful user of or addicted to any controlled substance—**18 U.S.C. § 922(g)(3)**.
- Has been adjudicated as a mental defective or committed to a mental institution—**18 U.S.C. § 922(g)(4)**.
- Is illegally or unlawfully in the United States—**18 U.S.C. § 922(g)(5)**.
- Has been discharged from the Armed Forces under dishonorable conditions—**18 U.S.C. § 922(g)(6)**.
- Having been a citizen of the United States, has renounced U.S. citizenship—**18 U.S.C. § 922(g)(7)**.
- Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner—**18 U.S.C. § 922(g)(8)**.
- Has been convicted in any court of a misdemeanor crime of domestic violence—**18 U.S.C. § 922(g)(9)**.
- Is under indictment/information for a crime punishable by imprisonment for a term exceeding one year—**18 U.S.C. § 922(n)**.

Federal Denials

When a NICS background check matches a record to the prospective firearms transferee, the NICS Section determines if a federal prohibition exists. However, if no federal prohibition exists, the NICS Section employee processing the background check must further review the record match(es) to determine if any applicable state law renders the prospective firearms transferee prohibited. From the inception of the NICS on November 30, 1998, through December 31, 2019, the NICS Section has denied 1,700,558 transactions. Of these, there were 103,592 denial decisions provided in 2019. Historically, and again in 2019, the leading reason for a NICS Section denial was 18 U.S.C. § 922(g)(1).

PTD Federal Denials
Reasons Why the NICS Section Denies
November 30, 1998–December 31, 2019

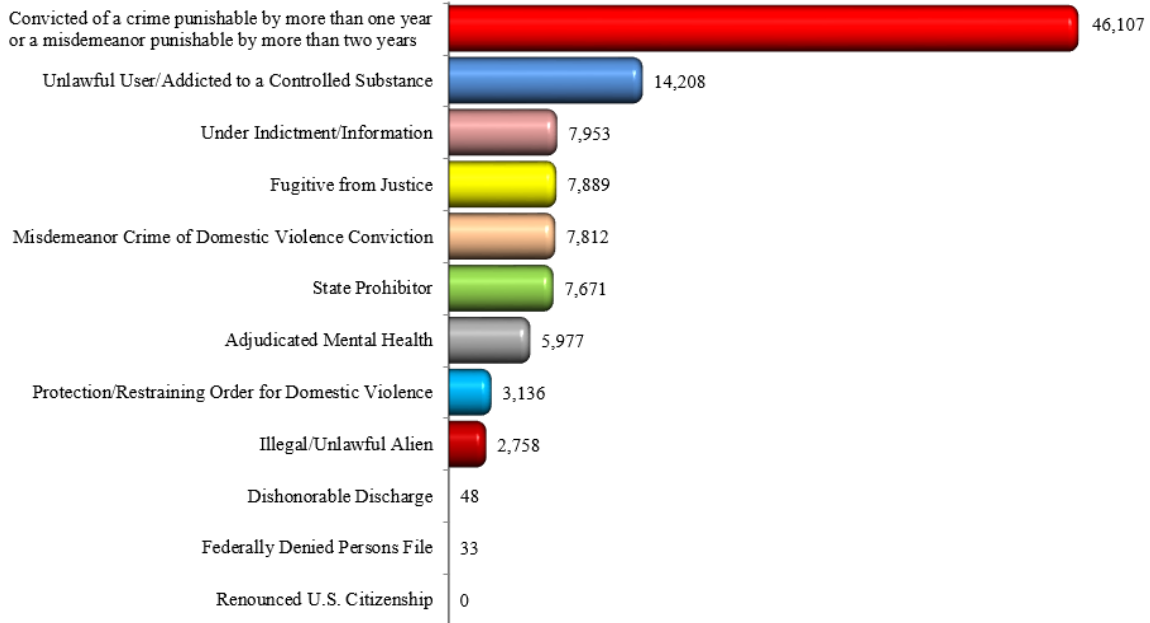
1,700,558



PTD Federal Denials Reasons Why the NICS Section Denies November 30, 1998–December 31, 2019	
Prohibited Category Description	Total
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	887,191
Fugitive from Justice	192,877
Unlawful User/Addicted to a Controlled Substance	161,668
Misdemeanor Crime of Domestic Violence Conviction	153,638
State Prohibitor	95,790
Under Indictment/Information	64,308
Protection/Restraining Order for Domestic Violence	63,390
Adjudicated Mental Health	45,165
Illegal/Unlawful Alien	28,816
Federally Denied Persons File	6,365
Dishonorable Discharge	1,249
Renounced U.S. Citizenship	101
Total PTD Federal Denials	1,700,558

2019 Federal Denials
Reasons Why the NICS Section Denies
January 1, 2019–December 31, 2019

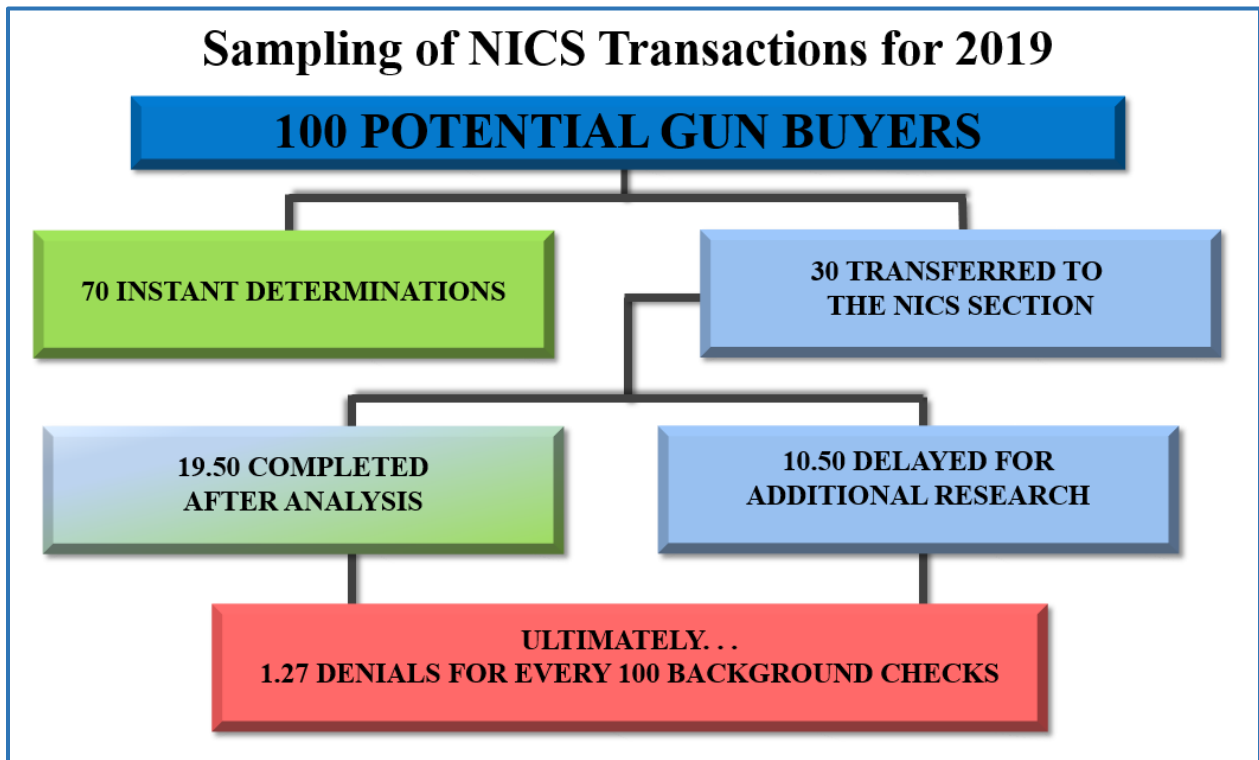
103,592



2019 Federal Denials Reasons Why the NICS Section Denies January 1, 2019–December 31, 2019	
Prohibited Category Description	Total
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	46,107
Unlawful User/Addicted to a Controlled Substance	14,208
Under Indictment/Information	7,953
Fugitive from Justice	7,889
Misdemeanor Crime of Domestic Violence Conviction	7,812
State Prohibitor	7,671
Adjudicated Mental Health	5,977
Protection/Restraining Order for Domestic Violence	3,136
Illegal/Unlawful Alien	2,758
Dishonorable Discharge	48
Federally Denied Persons File	33
Renounced U.S. Citizenship	0
Total 2019 Federal Denials	103,592

Out of One Hundred Checks

Based on the information returned in response to a NICS background check, the NICS Section provides either a proceed, delay, or deny transaction determination to the FFL pursuant to Title 28, Code of Federal Regulations (C.F.R.), Section 25.6. If the NICS Section cannot determine a proceed or deny response during the FFL's initial contact, the transaction is delayed. When a NICS transaction is delayed, the NICS Section conducts research in an attempt to acquire all relevant documentation that will allow a determination to be made regarding the prospective purchaser's eligibility to possess or receive a firearm. An FFL is not prohibited by federal law from transferring a firearm after the expiration of the third business day even if the NICS Section has been unable to provide a proceed response, pursuant to 18 U.S.C. § 922(t)(1). However, the NICS Section is committed to its mission; therefore, the search for all relevant documentation continues beyond the three business days to provide a final determination until the transaction is purged prior to 90 days. From January 1, 2019, through December 31, 2019, approximately 30 percent of all transactions processed were given an initial delay status. Ultimately, of all the transactions processed by the NICS Section, 1.27 percent were denied. It is important to note that transactions not subject to the three-business-day rule (i.e., National Firearms Act background checks, FFL background checks, and canceled transactions) are not included in determining these statistics.



Unresolved Transactions

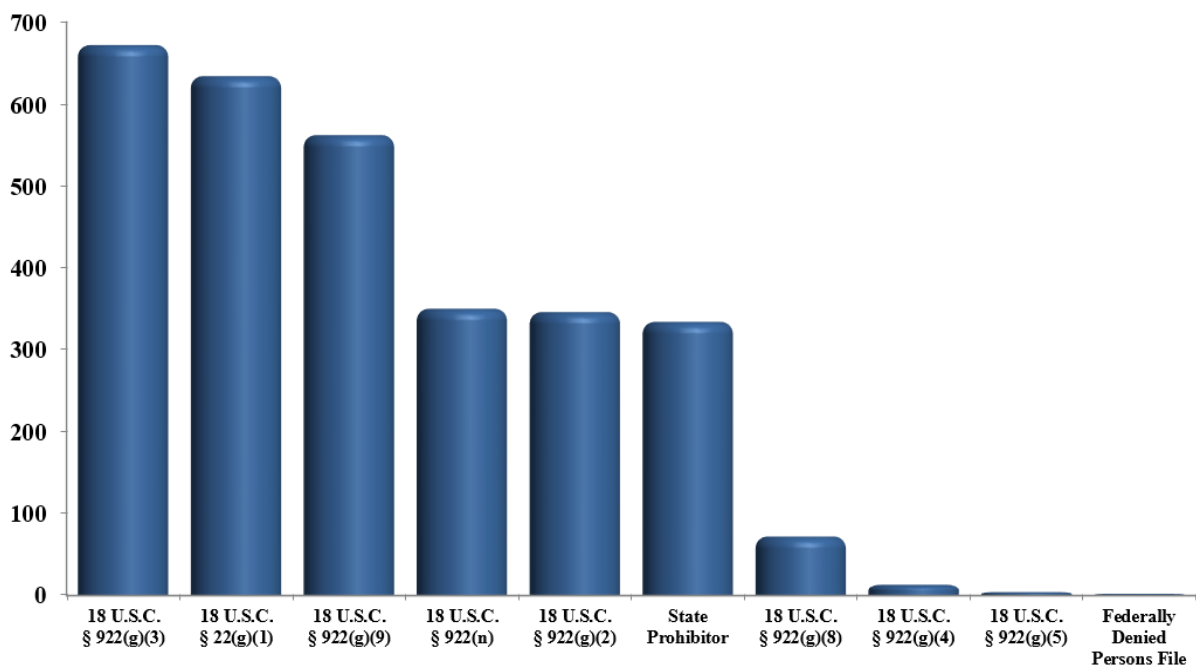
The NICS Section requires accurate, complete, and timely information in order to make a final determination on a firearms background check. To make that final determination, the NICS Section is sometimes required to contact outside entities in an attempt to obtain information (dispositions, incident reports, or other relevant information) not available in the national databases searched during a NICS background check. However, the information requested is not always received as the outside entity may not respond or their response is delayed. Regardless, the NICS Section continues working the transaction until it is purged from the NICS as required by law. If a NICS background check remains in delay status (i.e., it is not approved or denied, thus allowing the FFL to proceed with the sale after three business days from the date of inquiry), all information relating to the check, except for the NICS transaction number and date, is destroyed after not more than 90 days from the date of inquiry pursuant to 28 C.F.R. § 25.9. In 2019, there were 261,312 of these transactions handled by the NICS Section that could not be resolved within three business days. Of these, there were 207,421 that remained unresolved and purged from the NICS 88² days after the initiation date. The percentage of unresolved transactions for 2019 is consistent with that of prior years based upon each year's total volume. It is important to note that transactions not subject to the three-business-day rule are not included in determining these statistics.

Firearm Retrieval Referrals

In some instances, the information is obtained, and a final status determined after three business days have elapsed. If the final determination results in a deny decision and the NICS Section is advised by the FFL that the firearm was transferred, the ATF is notified that a prohibited person is in possession of a firearm. These instances are referred to as firearm retrieval referrals. In 2019, there were 2,989 background check transaction denials referred to the ATF. The NICS Section and the ATF confirmed that the FFLs did transfer the firearms associated with each of these transactions.

² To ensure the appropriate NICS transactions are destroyed after not more than 90 days from the date of inquiry, the NICS is programmed to purge unresolved transactions at 88 days.

2019 Firearm Retrieval Referrals



2019 Firearm Retrieval Referrals ³		
Firearm Disqualification	Prohibited Category Description	Transferred
18 U.S.C. § 922(g)(3)	Unlawful User/Addicted to a Controlled Substance	672
18 U.S.C. § 922(g)(1)	Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	634
18 U.S.C. § 922(g)(9)	Misdemeanor Crime of Domestic Violence Conviction	562
18 U.S.C. § 922(n)	Fugitive from Justice	350
18 U.S.C. § 922(g)(2)	Under Indictment/Information	346
State Prohibitor	State Prohibitor	334
18 U.S.C. § 922(g)(8)	Protection/Restraining Order for Domestic Violence	72
18 U.S.C. § 922(g)(4)	Adjudicated Mental Health	13
18 U.S.C. § 922(g)(5)	Illegal/Unlawful Alien	4
Federally Denied Persons File	Federally Denied Persons File	2
Total		2,989

³ There were no firearm retrieval referrals associated with 18 U.S.C. § 922(g)(6) or § 922(g)(7).

Firearm-Related Challenges (Appeals)

In 2019, approximately 1.27 percent of the NICS background checks processed by the NICS Section received a final transaction status of deny. Pursuant to the Brady Act, any person who believes he or she was wrongfully denied the transfer of a firearm may challenge (appeal) the decision. Pursuant to 28 C.F.R. § 25.10, “an individual may request the reason for the denial from the agency that conducted the check of the NICS (the ‘denying agency’ will be the FBI or the state or local law enforcement agency serving as the POC).” When individuals wish to challenge the reason for a denied status, a subsequent request must be submitted. The firearm-related challenge process offers individuals the opportunity to submit requests and receive results electronically.

Individuals denied directly by a state-designated agency are encouraged to make contact with the entity that determined the denial prior to contacting the FBI. Individuals wishing to inquire about the reason for their firearm-related denial or to challenge the reason for their firearm-related denial may be directed to the following website: <<https://www.edo.cjis.gov>>. Fax and e-mail requests are not accepted; however, individuals who wish to submit a request via mail may send the request to the following address:

FBI CJIS Division
Attention: Criminal History Analysis Team 1
BTC 3
1000 Custer Hollow Road
Clarksburg, WV 26306

The status and NICS Transaction Number are required to address a firearm-related denial. If a state/agency does not submit status notifications to the NICS (i.e., NICS Denial Notification, NICS Delay Notification), the individual’s challenge request will not be processed. In these instances, the individual will be directed to contact the state/agency that conducted the background check.

From January 1, 2019, through December 31, 2019, firearm-related challenge requests processed totaled 19,728 resulting in 5,407 overturned deny transactions. The primary reason for overturned deny decisions in 2019 was the appellant’s fingerprints not matching the fingerprints associated with the firearms-disqualifying record.

Voluntary Appeal File

While some denied transactions are overturned and proceeded, the NICS is required to purge all identifying information regarding proceed transactions within 24 hours of notification to the FFL. Therefore, in many instances, the process must be repeated when the same transferee attempts subsequent firearm purchases and is again matched to the same prohibiting record. The Voluntary Appeal File (VAF) was implemented in July 2004 to prevent subsequent delays and erroneous denials of a firearm transfer. All applicants approved for entry into the VAF receive a Unique Personal Identification Number (UPIN), which they must provide to the FFL during

subsequent NICS background checks. The NICS accesses the VAF during the background check process only when a UPIN is provided by the FFL. Since the availability of the VAF, more than 179,885 transactions have been processed using a UPIN, thus expediting the firearms background check for the applicant in most cases. In 2019, there were 7,387 VAF applications received and 3,253 UPINs activated from the VAF applications processed. Since July 2004, over 39,775 lawful firearm transferees received a UPIN and were entered into the VAF. If it is discovered that one of these individuals is later subject to a potential prohibition, the UPIN is suspended and further research is conducted. If an individual is determined to no longer be eligible to possess or receive firearms, the UPIN is deactivated. As of December 31, 2019, the VAF contained approximately 34,338 entries with an active UPIN. Individuals wishing to request entry into the VAF may access <<https://www.fbi.gov/nics-appeals>> for further information.

U.S. Nuclear Regulatory Commission Background Checks

On September 11, 2009, the U.S. Nuclear Regulatory Commission (NRC) issued guidelines for the use of firearms by licensees' and certificate holders' security personnel, as authorized by Section 161A of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2201a). On June 5, 2013, the NRC issued an order (EA-13-0092) designating a class of licensed facilities that were eligible to apply to use the authority granted by Section 161A. Section 161A requires a firearms background check for armed security officers at designated NRC licensees. These licensees applied for the authority provided by Congress under Section 161A, and thus a firearms background check is conducted on both current and prospective security officers, whose official duties require access to firearms. The NICS Section processed 239 NRC background checks from January 1, 2019, through December 31, 2019. A total of 3,762 NRC background checks have been conducted since 2013.

Disposition of Firearms Background Checks

In January 2015, the NICS became accessible to criminal justice agencies prior to disposing/returning firearms currently under the agency's control to a prospective transferee. A search of the NICS assists the agencies in determining an individual's eligibility to possess or receive firearms in accordance with federal and state law. As of December 31, 2019, state law enforcement/criminal justice agencies within 41 states and the District of Columbia access the NICS for Disposition of Firearm (DOF) purposes. The NICS DOF checks are also conducted by 71 federal agencies and 58 tribal agencies. From January 1, 2019, through December 31, 2019, there were 67,132 background checks conducted for the DOF purpose. Approximately 4,200 NICS DOF denials were reported to the NICS Section during this period, equating to a 6.26 percent denial rate. This was lower than the 6.63 percent denial rate for 2018. It is important to note that not all state agencies report DOF denial statistics to the NICS Section, as it is not a requirement for them to do so. A total of 214,024 DOF background checks have been conducted since 2015.

Private Sales

Access to the NICS is not authorized for private citizens. However, while not federally mandated, some states have passed state laws, which prohibit the transfer of firearms between individuals unless a NICS background check is completed through an FFL. An FFL can voluntarily choose to facilitate the transfer of a firearm between private citizens and is encouraged to do so by the ATF. On September 16, 2015, the ability became available within the NICS for all FFLs, not just those FFLs having state laws requiring such, to facilitate private sales. An FFL is allowed to charge a fee as long as it is consistent with the FFL's state law. In 2019, there were 44,023 transactions related to private sales initiated through the NICS. A total of 190,196 background checks related to private sales have been conducted since 2013.

NICS Indices

When a NICS background check is initiated, the name and descriptive information of a prospective firearms transferee is researched against the name and descriptive information of individuals with records maintained in the databases searched by the NICS. In addition to the III and the NCIC, a search of the NICS Indices is conducted.

A continuing goal of the NICS Section is making federal and state prohibiting records available at the national level for firearms-related purposes. Typically, the information submitted to the NICS Indices is not available in the III or the NCIC. Information made available via the NICS Indices provides the NICS user with an immediate indication that the information, when matched to the prospective firearms transferee, has already been validated to be federally and/or state prohibiting for possessing or receiving firearms. A valid match of a NICS Indices hit allows the NICS user to render an immediate denial determination. The pre-validation, in turn, provides greater efficiency to a user by eliminating the user's need to conduct additional research to determine if the information is prohibiting for the possession or receipt of a firearm. The pre-validation also allows the NICS Section to utilize the instant denial functionality for those potential firearms transferees that are an exact descriptive match to a NICS Indices hit. This eliminates the NICS Section from manually reviewing each transaction.

The NICS Section has dedicated numerous resources in support of the entries made to the NICS Indices, specifically by:

- Training and educating users of the NICS in making NICS Indices entries;
- Participating and interacting at various conferences and seminars, as well as continued participation in state NICS taskforce meetings;
- Making available Liaison Specialists who, being knowledgeable of the NICS Indices processes, can provide real-time assistance;
- Offering services and guidance to NICS Indices contributors to assist in determining if a valid prohibition exists for a NICS Indices entry; and
- Offering technical guidance and support.

The entries contained within the NICS Indices are contributed by federal, state, local, and tribal agencies. There are two main methods for making an entry into the NICS Indices. The first method is by a telecommunications network between the FBI and the CJIS Systems Agency utilizing the NCIC Interface. The second method is via batch data transfer or single entry through the Law Enforcement Enterprise Portal (LEEP) Internet-based connection using the NICS E-Check. Entry via the NICS E-Check functionality within the LEEP is made available to agencies that possess no direct NCIC access but are still authorized to make entry into the NICS Indices. An application for utilization of the LEEP must be submitted for approval and the agency must have a valid Originating Agency Identifier (ORI), which, once activated in the NICS E-Check, is used to complete the batch upload or single entry into the NICS Indices. Agencies that do not possess a qualified ORI may ask the NICS Section for further assistance.

Whether the NICS Indices entries are made via the NCIC connection or via the LEEP, agencies have the ability to enter, modify, supplement, and cancel their entries in a “real-time” capacity. The contributing agency is responsible for the accuracy and validity of the NICS Indices information and is obligated to remove any entry that is found to be invalid. Once an agency begins to contribute to the NICS Indices, that agency becomes subject to the CJIS Division’s audit process. A LEEP application may be obtained by accessing the following website: <<https://www.cjis.gov/CJISEAI/EAIController>>.

In 2019, there were significant increases to the NICS Indices in several categories. The top four increases are:

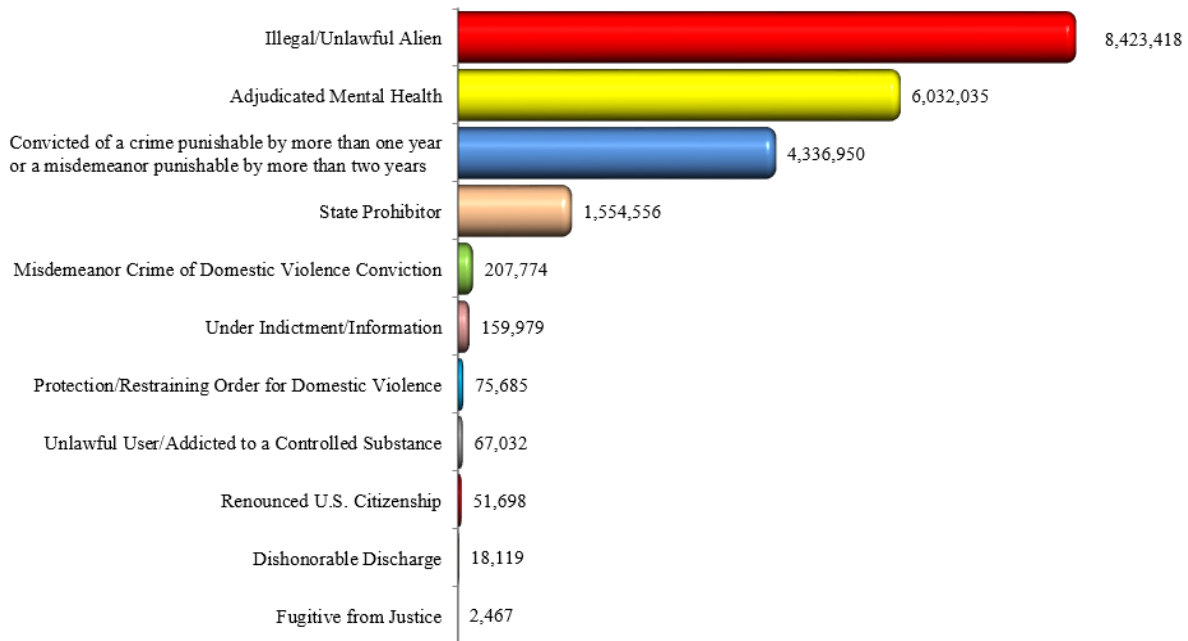
- Unlawful User/Addicted to a Controlled Substance—entries have increased by over 48 percent.
- Fugitive from Justice—entries have increased by over 24 percent.
- Under Indictment/Information—entries have increased by over 23 percent.
- State Prohibitors—entries have increased by over 21 percent.

The NICS Section continues to publish a calendar-year report of the submissions to the NICS Indices on the FBI’s website. This report shows data on NICS Indices submissions made by the federal and state agencies as of December 31 of the current year. On December 31, 2019, the NICS Indices included 20,929,713 records. This includes an increase of 1,611,103 records since the end of 2018.

Active Records in the NICS Indices

As of December 31, 2019

20,929,713



Active Records in the NICS Indices

As of December 31, 2019

Prohibited Category Description	Total
Illegal/Unlawful Alien	8,423,418
Adjudicated Mental Health	6,032,035
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	4,336,950
State Prohibitor	1,554,556
Misdemeanor Crime of Domestic Violence Conviction	207,774
Under Indictment/Information	159,979
Protection/Restraining Order for Domestic Violence	75,685
Unlawful User/Addicted to a Controlled Substance	67,032
Renounced U.S. Citizenship	51,698
Dishonorable Discharge	18,119
Fugitive from Justice	2,467
Total Active Records in the NICS Indices	20,929,713

NICS Indices Outreach

The NICS Section educates federal, state, and tribal partners on the NICS Indices and promotes awareness of the mission to enhance public safety through information sharing. During 2019, the NICS Section provided information and promoted the sharing of records to not only the NICS Indices, but also the III and NCIC databases as well. The NICS Section continues to work with all federal agencies regarding the NICS Indices—the U.S. Department of Labor is the newest federal agency to begin submitting to the NICS Indices. Agencies such as the Internal Revenue Service, the Federal Housing and Financial Agency, the General Services Administration, the U.S. Postal Service, and the military continued to make huge strides in their submissions to the NICS Indices throughout the year. The NICS Section continues to work with the U.S. Customs and Border Protection, as they will begin submitting information to the NICS Indices in the near future, and with the ICE who is currently performing a review of their more than 8 million records to ensure accuracy. The NICS Section attended state meetings and conferences related to the NICS Indices in Arizona, Kansas, Missouri, New Mexico, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia. In addition, the NICS Section attended and presented NICS-related information at the Criminal History Improvement workshop and the Symposium on Justice Information Technology, Policy, and Research conference, which was sponsored by the National Consortium for Justice Information and Statistics (SEARCH). Finally, the NICS Section provided mental health prohibition information and reference documents to FBI counterparts to be used in special agent training.

FFL Interaction

A shutdown of the federal government began on December 22, 2018, and continued until January 25, 2019. This caused the NICS Section to cancel its annual attendance at the Shooting, Hunting, and Outdoor Trade Show in Las Vegas, Nevada. The NICS Section was able to attend the Nation's Best Sports Show in Fort Worth, Texas, in February. Two FFL liaison specialists were in attendance where they hosted and maintained a booth, interacted with event attendees by answering questions, and assisted with NICS E-Check enrollments and password resets. In August 2019, the NICS Section hosted and maintained a booth for the first time at the National Shooting Sports Foundation's Range-Retail Business Exposition where two FFL liaison specialists had the opportunity to interact with a number of FFLs.

The NICS Section has hosted an annual Retailer Day event since 2012, with the exception of 2016 when the new NICS was deployed. The first five Retailer Days were held at the CJIS Division. To serve a wider FFL audience, the NICS Section went on the road to Independence, Missouri, in 2018. In 2019, the NICS Section hosted three separate Retailer Day events in three different locations—Dundee, Michigan, on September 9, 2019; Fort Worth, Texas, on September 11, 2019; and Glendale, Arizona, on September 13, 2019. The NICS Section's staff promoted the NICS E-Check and provided valuable education and clarification on the NICS, its processes, and the requirements of an FFL as they relate to

accessing the NICS. Multiple FFLs reset their NICS E-Check user accounts, some changed their passwords, and some registered to use the NICS E-Check for the first time.

In addition to the above events, the NICS Section interacted with another 58 FFLs in nine different states during promotional on-site visits in which staff assisted with NICS E-Check enrollments. The NICS Section's staff also provided presentations at 18 ATF-sponsored FFL seminars that were held at various locations around the country.

Tribal Agencies Outreach

The NICS Section traveled to several tribal reservations in coordination with the CJIS Tribal Engagement Program in 2019. The intent of those visits was to provide tribal agencies with an overview of six primary CJIS Division services, including access to the NICS, and offer assistance to those agencies regarding connectivity and use of the services available. Tribal agencies in which the NICS Section visited included the Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation, the Los Coyotes Band of Cahuilla Cupeno Indians, and the Pala Band of Missions Indians, all from California. The NICS Section uses these opportunities to emphasize the importance of making records available on a national level. As a result of the NICS Section's tribal outreach, several tribal agencies are now entering records into the NICS Indices. The NICS Section continues to support the DOJ's Tribal Access Program and efforts in addressing connectivity issues and providing support to tribal agencies. The NICS Section also presented information at the International Association of Chiefs of Police Indian Country Law Enforcement Section mid-year meeting hosted by the Sycuan Band of Kumeyaay Nation, California.

The NICS Section took part in the creation of a video on CJIS Division services, specifically targeted to the tribal community. The NICS Section visited the Tulalip Tribe of Washington and assisted with the filming of the tribe, spotlighting the tribe's participation with respect to the use of the NICS. The finalized video is scheduled for release in 2020 and will showcase tribal agencies and their successes using the CJIS Division systems.

The NICS Section participated in a peace tree ceremony held by the CJIS Division on Wednesday, September 25, 2019, to celebrate the role tribal law enforcement agencies play in supporting public safety. In homage to a tradition of the Haudenosaunee people, a white pine tree was planted on the lawn of the CJIS Division campus. The tree serves as a symbol of harmony, unity, and cooperation. The ceremony was attended by members of law enforcement from across the nation, including members of the CJIS Advisory Policy Board's Tribal Task Force.

Federal and State Partner Interaction

Interaction with the NICS Section's federal and state partners is key to a successful NICS program. Therefore, the NICS Section strives to make subject matter experts available to support conferences, meetings, and training forums where the NICS is a topic of discussion. In 2019, some of the entities in which the NICS Section provided presentations, guidance, and/or support included:

- ATF
- Arizona NICS Taskforce
- U.S. Coast Guard
- Council of the Inspectors General on Integrity and Efficiency
- International Association of Chiefs of Police
- Maryland NICS Record Improvement Plan Taskforce
- National Association of Drug Court Professionals
- National Association for Justice Information Systems
- National Governors Association
- North Carolina Association for Property and Evidence
- Ohio Association of Court Administrators
- SEARCH
- Texas Police Chiefs Association Violent Crimes Committee
- Various other entities within the District of Columbia, and the states of Kansas, Maryland, Missouri, New Mexico, Nevada, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia.

In 2019, the NICS external training instructors conducted approximately 40 training sessions, which encompassed over 307 agencies hosting over 715 attendees. Agencies receiving training included POC-state agencies, ATF-Qualified Alternate Permit state agencies, state-designated trainers, agencies performing disposition of firearm checks, as well as ATF and FBI field offices. Training sessions were held at the CJIS Division or at the requesting agency's location. The in-person exposure of facilitating events to share information, including new technology and methods of training, benefitted the NICS Section and state agencies. In addition, the NICS trainers used various training methods including interactive and small/large group activities, as well as alternative methods such as teleconferences, Skype for Business, and train-the-trainer events.

The NICS trainers hosted their second Train-the-Trainer conference, which included a variety of skill-building and employee engagement ideas provided to the attendees. There were 18 attendees representing 10 different states with four of these states participating for the first time. The attendees encompassed a diverse group of job functions including auditors, trainers, NICS Indices contributors, and records department employees.

The Fix NICS Act

In March 2018, Congress passed the Fix NICS Act (the Act), Pub. L. 115-141, tit. VI, which aims to improve the NICS by supporting the submission of complete, accurate, and timely records. The Act requires federal departments and agencies to submit semiannual certifications to the U.S. AG indicating whether the agency is in compliance with the NICS record submission requirements. Certifications must be submitted by January 31 and July 31 of each calendar year, and must describe all relevant records in the possession of the agency during the previous 6-month reporting period (January 1 through June 30 for the July certification; July 1 through December 31 for the January certification). Federal departments and agencies were also mandated to establish 4-year implementation plans, which are intended, “to ensure maximum coordination and automated reporting or making available of records to the Attorney General, and the verification of the accuracy of those records.” Pub. L. No. 115-141, 132 Stat. 1133.

The U.S. AG, in coordination with the states and tribal governments, was to establish for each state and tribal government, a plan to ensure maximum coordination and automation of the reporting or making available appropriate records to the NICS. Plans for both the federal departments and agencies along with those from state agencies must include annual benchmarks for a number of metrics. The basics of the implementation plans include reporting or making appropriate records available to the NICS, identifying any gaps in record reporting, and verifying the accuracy of relevant records over the 4-year period. The deadline for submission of these plans was within one year of the Act’s passage (i.e., March 25, 2019).

By the end of each fiscal year, the U.S. AG must determine whether federal departments and agencies and state governments achieved “substantial compliance” with the benchmarks established in their respective plans. The DOJ must also publish and submit to Congress a semiannual report describing federal department and agencies’ and state governments’ compliance. In addition, the Act requires all firearm-related challenges of a denied NICS background check be completed within 60 days of receiving information from the appellee that corrects, clarifies, or supplements records of the system with respect to the prospective transferee.

In July 2019, the DOJ sent a memo to all federal agencies and state partners requesting updates on their progress in meeting the benchmarks laid out in their implementation plans. Federal agencies were subsequently asked to include this information in the July semiannual certification. These updates are intended to inform the U.S. AG’s annual determinations of whether the submitter has achieved substantial compliance with its implementation plan.

In collaboration with the DOJ, the NICS Section, along with other CJIS Division business lines, has engaged with both federal departments and agencies and state governments to provide guidance on submitting relevant records to the NICS and to support their efforts to achieve the benchmarks established in their implementation plans. In addition, the CJIS Division received, logged, and reviewed agency submissions of semiannual certifications. The CJIS Division also received and reviewed the implementation plans, compiled the information from the plans, and determined whether any clarifications were needed. When

clarification was necessary, the CJIS Division conducted outreach with those agencies to provide the most comprehensive information to the DOJ.

The DOJ's annual report, which was published on November 15, 2019, indicated only one federal agency failed to submit an implementation plan and all 50 states and the District of Columbia submitted satisfactory plans. The U.S. AG determined all of the federal agencies and state governments were in compliance with the implementation plans during the initial reporting period, and their efforts to make relevant records available to the NICS are continuing. Although growth can be perceived in respect to record increases in the NCIC, the III, and the NICS Indices, the CJIS Division cannot directly correlate or wholly attribute the increase in record submissions to the passing of the Act.

The NICS Section, and the entire CJIS Division, remains committed to supporting the DOJ with efforts to facilitate the Act and will continue to provide support to the federal departments and agencies, and state governments, as they move forward with compiling their certifications and implementation plans over the next three years. In this respect, the CJIS Division has developed a fiscal year 2020 strategy to address potential issues, hurdles, and/or concerns the federal agencies and state governments may have while fulfilling their reporting requirements for the remainder of the Act. In addition to routine outreach efforts to improve record sharing, the CJIS Division began conducting outreach specific to the Act to federal and state partners in November 2019, providing support and assistance to its partners in moving toward maintaining compliancy with the Act in future reporting requirements. The outreach has been positively received by the agencies and progress is being made as a result of the collaboration.

Enhancements and the Future

The NICS Section continually strives to provide timely and accurate determinations of an individual's eligibility to possess or receive firearms and/or explosives in accordance with federal law. Information technology enhancements and efficiencies to the NICS are ongoing to further advance system functionality.

One such efficiency that became operational in 2019 was the automation of the NCIC Hit Confirmation process for the Protection Order and Wanted Person files of the NCIC (when certain criteria is met) by utilizing the International Justice and Public Safety Network (Nlets) inquiry (YQ). When a NICS background check is conducted and a biographical match is indicated for one of the aforementioned files, a system-generated YQ message is sent to the ORI of the hit. When received by the NICS, the automated response from the ORI is systematically attached to the appropriate background check for further processing.

On November 19, 2019, a much wanted and needed change to the NICS E-Check became operational. The FFLs' passwords will no longer expire every 90 days as the timeframe was extended to 180 days. Plans and development of additional enhancements to improve the FFL's

experience are ongoing with the goal of streamlining the firearm background check process at the point of sale.

Other upcoming enhancements include the ability for NICS users to send disposition information to agencies designated as state repositories for inclusion into an individual's state record, which will help reduce the number of transactions that go beyond three business days. In addition, the ability to automatically send second requests for information after a designated amount of time has elapsed since the first request was sent is being implemented.