



National Instant Criminal Background Check System (NICS) Section



2018 Operations Report

A Message from the NICS Section Chief

The National Instant Criminal Background Check System (NICS) celebrated its 20th Anniversary on November 30, 2018. This milestone represents a program and system that is strong rooted with experience. It is extremely reliable with a 99% availability rate nearly every year. In addition, the management of the volume, which has drastically jumped and increased over the years, proves the fortitude with which this program is based, dedicated to the mission. The past 20 years have brought excitement, increased volume, increased personnel, policy and procedure changes, modifications to the laws, and lasting professional relationships. In addition, as we celebrate the 20th Anniversary of the NICS, another milestone was achieved in Calendar Year (CY) 2018 as we surpassed the 300 millionth NICS transaction. The success of the NICS Section over the years is a result of the hard work from our employees and our state partners.

The focus of the FBI Criminal Justice Information Services Division's NICS Section remains on servicing Federal Firearms Licensees (FFL) by conducting firearm background checks. In CY 2018, the NICS processed 26,181,936 firearm background checks. Because servicing the FFLs is a priority of the NICS Section, the NICS Section markets the NICS E-Check to FFLs as an opportunity to conduct firearm background checks electronically as an alternative to telephonically. The enrollment has grown each year as the FFLs realize the benefits of the electronic access. In CY 2018, the usage of the NICS E-Check continued to be the preferred choice of access by FFLs, as 81 percent of federal background checks were processed electronically.

The NICS Section's research proficiencies were enhanced in 2018 after an increase of 1,919,149 records were submitted into the NICS Indices by multiple agencies. The NICS Indices include individuals who have been determined to be federally or state prohibited from possessing or receiving a firearm and the disqualifying information may not be available through the National Crime Information Center or the Interstate Identification Index systems. Being able to view valuable information in a timely manner aided the NICS Section to enhance public safety by denying 99,252 firearm background checks and providing timely determinations on 7,259,293 proceeded firearm background checks in 2018. In addition to the increase of NICS Indices records, research efficiencies could be enhanced with the passage of the Fix NICS Act. The Fix NICS Act requires that by March 23 2019, the Attorney General, in coordination with the State and Federal agencies, shall establish a plan to ensure maximum coordination and automation of the reporting or making available of appropriate records to the NICS and the verification of the accuracy of those records during the four-year period specified in the plan.

As the NICS Section moves forward with future development, we are committed to consistently providing NICS customers 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 2018 include the following:

- The NICS processed 26,181,936 background checks in 2018; the NICS Section processed 8,235,342 transactions, and state users processed 17,946,594 transactions. Of the state initiated transactions, 5,293,391 were firearm transactions and 12,653,203 were for permits. From November 30, 1998, to December 31, 2018, the NICS processed a total of 304,634,316 transactions. Of these, the NICS Section processed 128,661,487 transactions, and state users processed 175,972,829 transactions (79,361,958 for firearms and 96,610,871 for permits).
- The NICS Section denied 99,252 transactions in 2018. Since its inception, the NICS Section has denied a total of 1,596,966 transactions.
- The NICS Section attempted to reach the U.S. Attorney General-mandated Immediate Determination Rate goal of at least 90 percent by concluding the year with 89.68 percent.
- The NICS Section processed 139,837 background checks for the issuance of explosives-related permits in 2018. Of these, the NICS Section denied 1,724.
- The NICS Section processed 6,814,676 firearms and explosives transactions submitted via the Internet-based NICS E-Check in 2018. Since the NICS E-Check began in 2002, the NICS Section has processed a total of 38,032,361 firearms and explosives transactions submitted via the NICS E-Check.
- As of December 31, 2018, the total number of records in the NICS Indices equaled 19,318,610. This was an increase of 11.03 percent from the 2017 year-end total of 17,399,461.
- 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 a firearm transfer, and document their eligibility to receive firearms. As of December 31, 2018, the VAF contained approximately 35,913 entries with an active Unique Personal Identification Number (UPIN). From July 2004 through December 31, 2018, more than 162,675 background checks have been processed using a UPIN.
- The availability of the NICS averaged 99.86 percent.
- The NICS Section forwarded 4,240 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 regulations, 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.

The Safe Explosives Act, enacted in November 2002 as part of the Homeland Security Act, requires that persons who export, ship, cause to be transported, or receive explosives material in either intrastate or interstate commerce must first obtain a federal permit or license after undergoing a NICS background check. The Safe Explosives Act was effective on May 24, 2003. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) initiates background checks for explosives permits; however, these checks are processed by the FBI Criminal Justice Information Services (CJIS) Division's NICS Section.

Through a cooperative effort with the ATF, the Department of Justice (DOJ), and local and state 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 activated by the FBI on November 30, 1998. For an FFL to initiate a NICS check, the prospective firearms transferee must complete and sign an ATF Form 4473, Firearms Transaction Record. The ATF Form 4473, which collects the transferee's name and descriptive data (e.g., date of birth, sex, race, state of residence, country of citizenship), 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 any matching records in three nationally-held databases managed by the CJIS Division and requests a search of the Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) databases, as applicable. The following contains statistical data regarding the databases searched:

Interstate Identification Index (III): The III maintains subject criminal history records. As of December 31, 2018, the III records available to be searched by the NICS during a background check numbered 78,104,822.

National Crime Information Center (NCIC): The NCIC contains data on persons who are the subjects of protection orders or active criminal warrants, immigration violators, and others. As of December 31, 2018, the NCIC records available to be searched by the NICS during a background check totaled 6,613,151.

NICS Indices: The NICS Indices, a database created specifically for the NICS, contains information contributed by local, state, tribal, and federal agencies pertaining to persons prohibited from possessing or receiving a firearm pursuant to state and/or federal law. Typically, the records maintained in the NICS Indices are not available via the III or the NCIC. As of December 31, 2018, the NICS Indices contained 19,318,610 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 2018, the NICS Section and the Point-of-Contact (POC) states (states that have implemented a state-based NICS program) sent 147,144 such queries to the ICE. From February 2002 to December 31, 2018, the ICE conducted more the 1,333,311 queries in support of the NICS.

2018 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 NICS Section. Many transactions are delayed because of 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 local, state, tribal, and/or federal agencies (e.g., arresting agencies, court systems). The Brady Act allows the FFL to legally transfer the firearm if the NICS transaction is not resolved within three business days. 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 can appeal the deny decision. The "denying agency" will be either the FBI or the state agency serving as a POC for the NICS. The provisions for appeals are outlined in Title 28, Code of Federal Regulations (C.F.R.), Section 25.10.

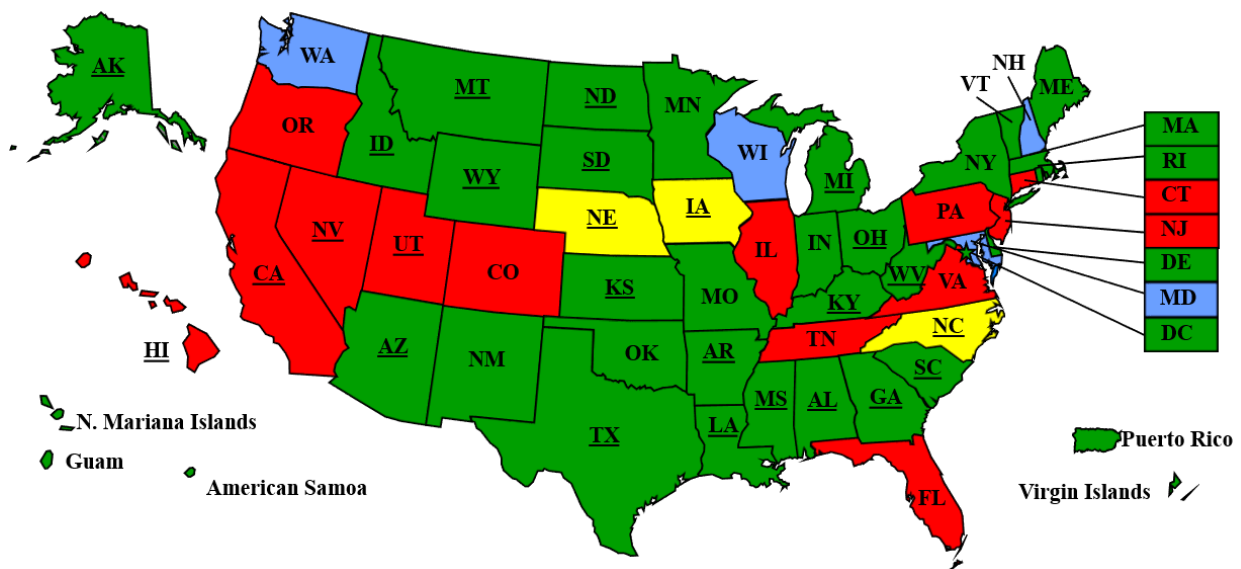
Extensive measures are taken by the FBI to ensure the security and the integrity of NICS information; however, all contributing agencies are ultimately responsible for the accuracy, completeness, and validity of the information made available to the NICS. The U.S. AG's regulations regarding the privacy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

NICS Participation

In 2018, the NICS Section served 49,809 FFLs conducting business in 30 states, five 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 telephone. In 2018, the FFLs initiated 81.05 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. Additionally, 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 check and determines if the subject is eligible, based on state and federal 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. Additionally, 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. 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 |
| Underlined | 26 | 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.

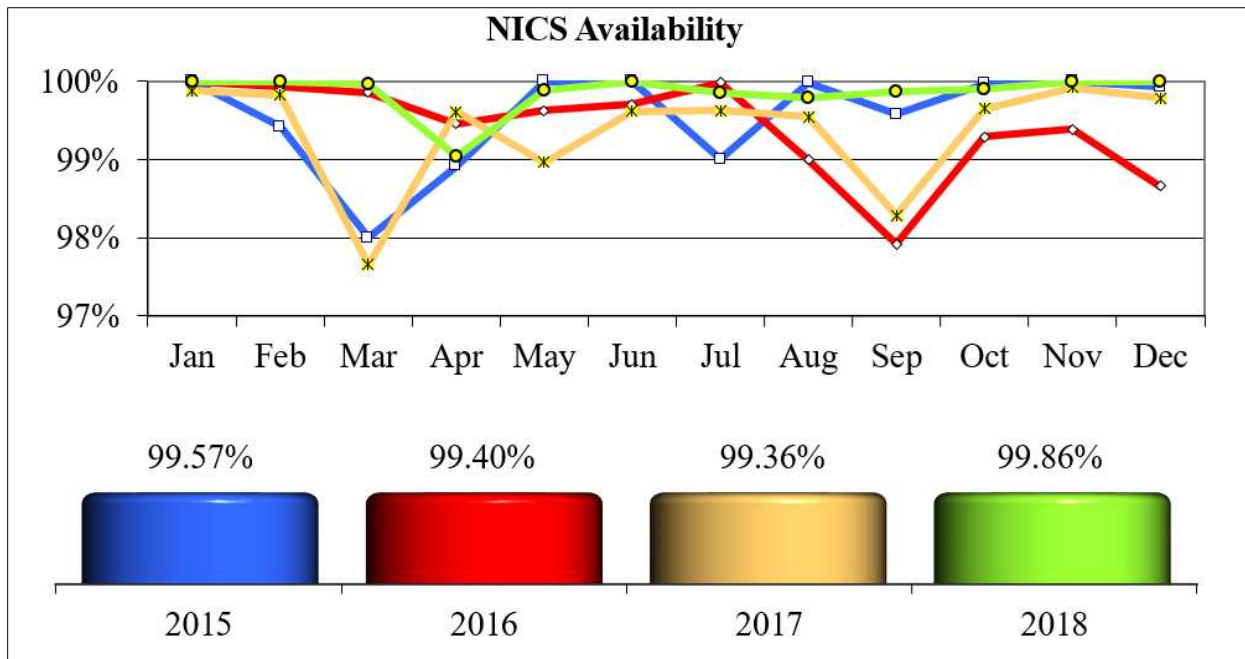
Partial POC states (contact the state for handgun permits and the FBI for long gun background checks) include Iowa, Nebraska, and North Carolina.

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: Alabama, 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

In order 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 2018, the average availability of the NICS was 99.86 percent, which is consistent with the availability average of years past.



| NICS Availability | | | | |
|-------------------|---------|---------|--------|---------|
| Month | 2015 | 2016 | 2017 | 2018 |
| January | 100.00% | 100.00% | 99.88% | 100.00% |
| February | 99.42% | 99.94% | 99.83% | 100.00% |
| March | 98.00% | 99.86% | 97.66% | 99.96% |
| April | 98.92% | 99.46% | 99.61% | 99.05% |
| May | 100.00% | 99.63% | 98.97% | 99.89% |
| June | 100.00% | 99.71% | 99.62% | 100.00% |
| July | 99.01% | 99.99% | 99.63% | 99.85% |
| August | 99.99% | 99.00% | 99.55% | 99.79% |
| September | 99.58% | 97.92% | 98.29% | 99.87% |
| October | 99.97% | 99.29% | 99.65% | 99.91% |
| November | 100.00% | 99.39% | 99.92% | 100.00% |
| December | 99.93% | 98.66% | 99.79% | 100.00% |
| Yearly Average | 99.57% | 99.40% | 99.36% | 99.86% |

NICS E-Check

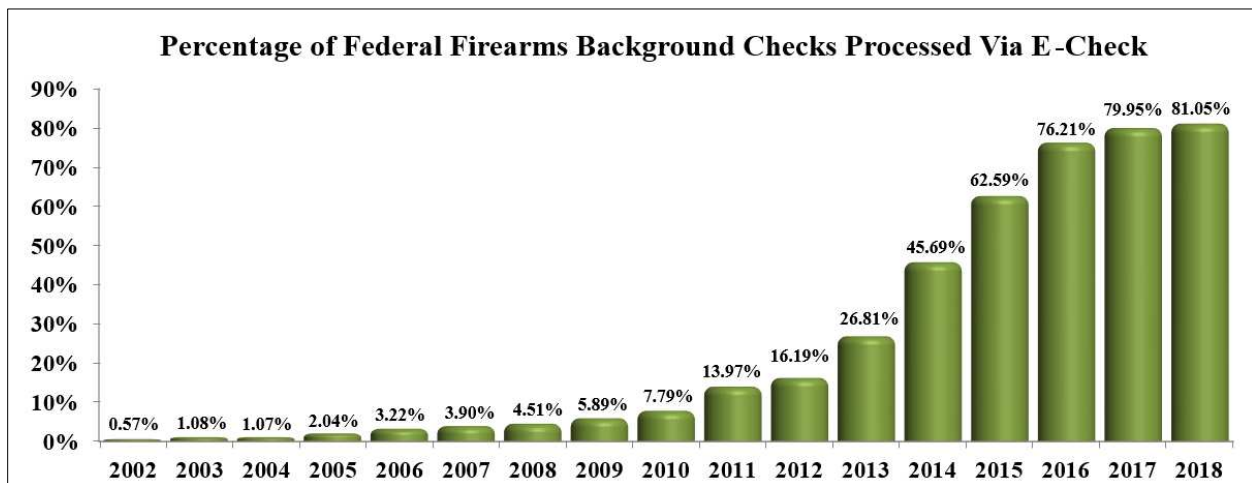
The NICS E-Check provides the capability to conduct background checks electronically through a secure Internet connection and has many benefits not available through the use of telephones via the NICS Contracted Call Center (NCCC). Upon receipt of a NICS E-Check request, the NICS Section’s staff will process the NICS E-Check by performing a cursory review in an attempt to complete the transaction.

As of December 31, 2018, an estimated 31,240 FFLs were enrolled to submit background checks to the NICS via the NICS E-Check. This represents over 62 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, 2018, a total of 38,032,361 firearms and explosives background checks were processed via the NICS E-Check. In 2018, there were 6,814,676 NICS E-Check transactions processed. Of the 2018 NICS E-Check transactions, 6,674,847 were inquiries for firearms.

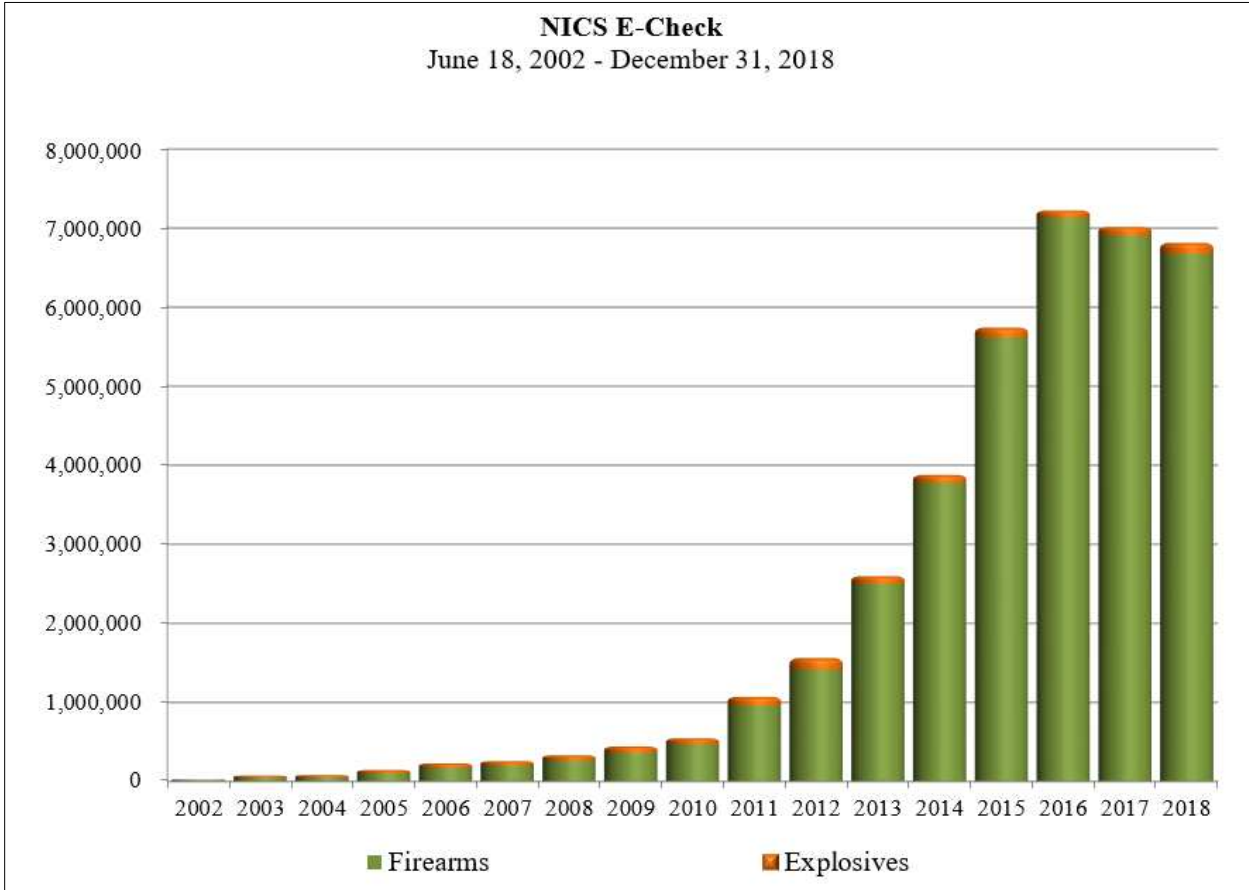
To increase the usage of the NICS E-Check, the NICS Section continued to undertake many initiatives in 2018 including:

- 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 2019 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 2018, the percentage of transactions initiated via the NICS E-Check was 81.05 percent.



| 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% |

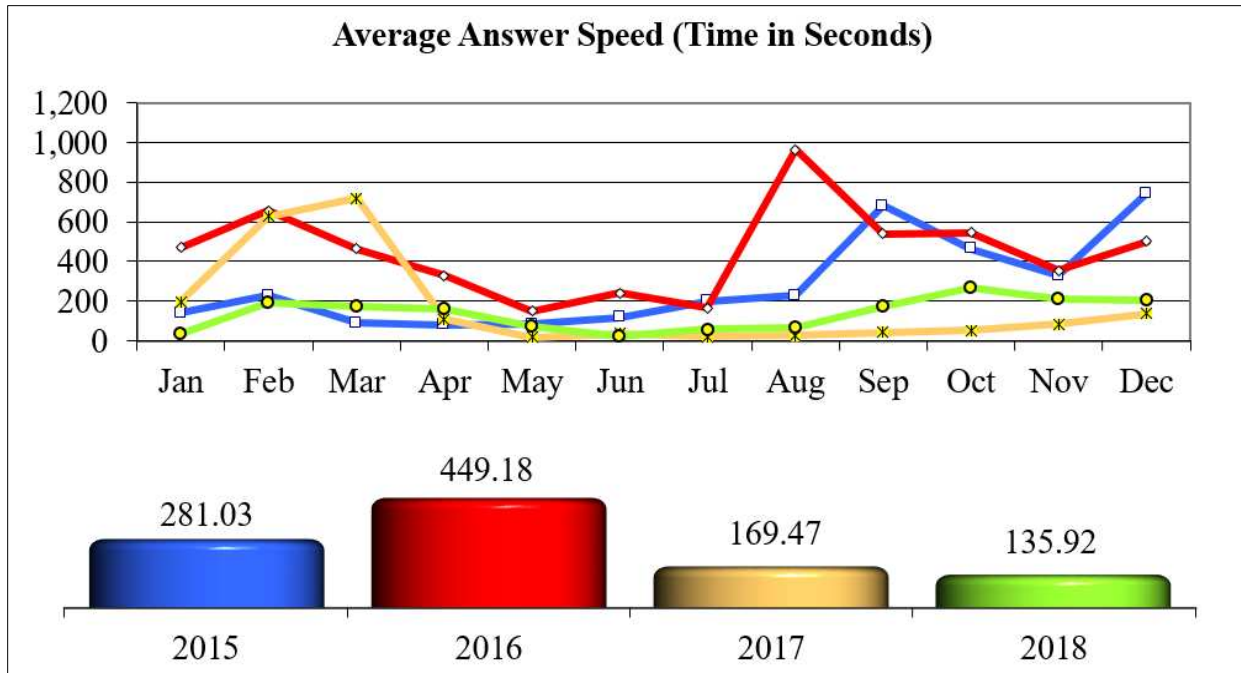


| NICS E-Check Volume for June 18, 2002-December 31, 2018 | | |
|----------------------------------------------------------------|-----------|------------|
| *NICS background checks for explosives began in 2003 | | |
| Year | Firearms | Explosives |
| 2002 | 24,413 | * |
| 2003 | 48,184 | 26,294 |
| 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 |

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.

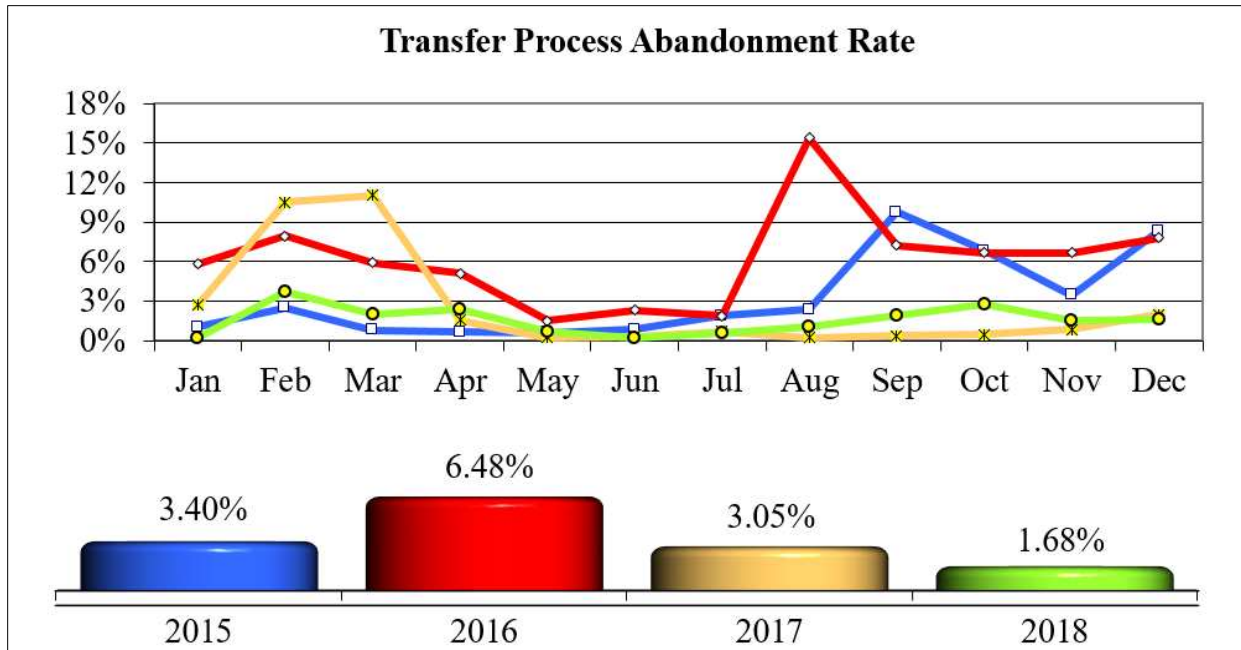
Many call center operations have a target goal of answering 80 percent of calls within 20 seconds. In 2018, the NCCC answered 83.44 percent of the 1,564,839 calls offered within 20 seconds. Based on historical data specific to transaction and call volumes, the NICS Section is able to forecast anticipated levels of staffing needed to effectively process incoming work. In 2018, the NICS Section's Transfer Process service level goal was set at 80 percent of calls being answered within 20 seconds. The actual yearly service level achieved in 2018 was 63.81 percent, with an average answer speed of 135.92 seconds (or just over two minutes).



| Average Answer Speed (Time in Seconds) | | | | |
|----------------------------------------|--------|--------|--------|--------|
| Month | 2015 | 2016 | 2017 | 2018 |
| January | 138.84 | 471.26 | 196.44 | 36.77 |
| February | 229.68 | 655.76 | 626.86 | 191.18 |
| March | 89.74 | 465.23 | 719.71 | 173.16 |
| April | 80.57 | 329.13 | 108.77 | 162.37 |
| May | 83.19 | 149.00 | 17.94 | 72.35 |
| June | 118.57 | 239.80 | 35.63 | 25.33 |
| July | 198.74 | 165.97 | 19.10 | 56.90 |
| August | 227.65 | 962.74 | 27.42 | 64.68 |
| September | 679.93 | 539.83 | 42.63 | 174.77 |
| October | 463.48 | 544.63 | 51.45 | 266.23 |
| November | 329.63 | 354.65 | 84.20 | 208.43 |
| December | 745.07 | 502.91 | 137.10 | 207.43 |
| Yearly Average | 281.03 | 449.18 | 169.47 | 135.92 |

Transfer Process Abandonment Rate

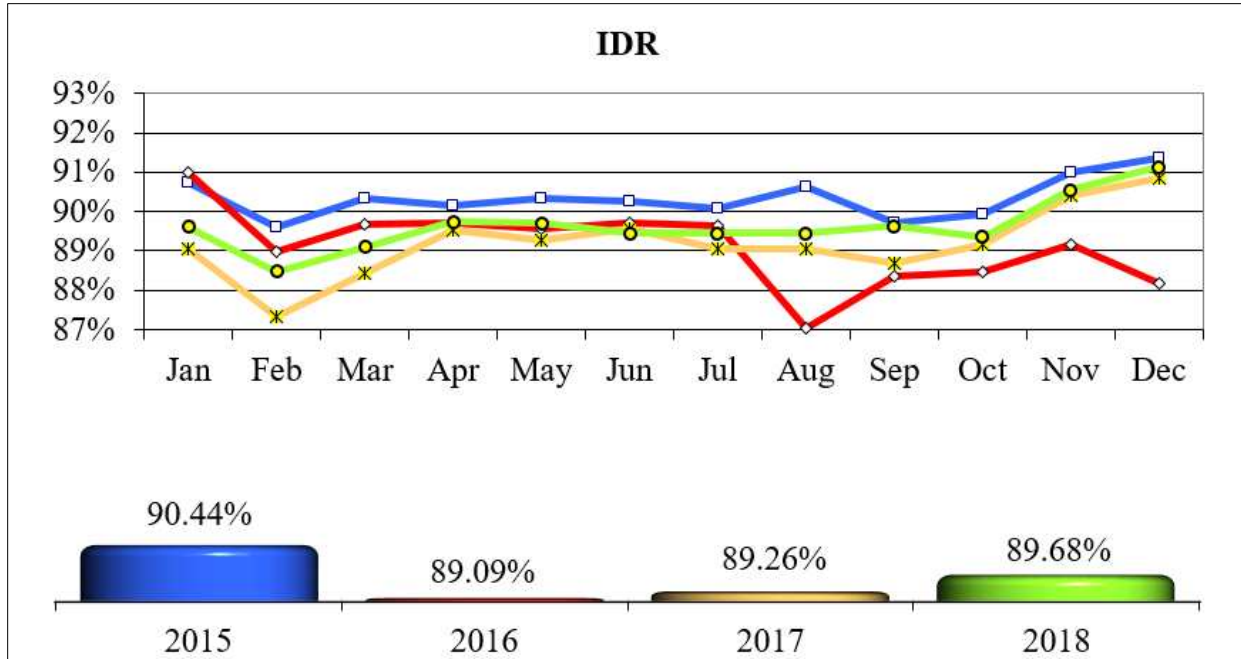
In 2018, the average time a caller waited for the Transfer Process to be answered was 135.92 seconds. The wait time can fluctuate depending on the number of incoming calls. There are times when a caller will prematurely terminate, or “abandon” a call. The NICS Section makes every effort to address each call as quickly as possible. The goal of the NICS Section is to limit the level of abandoned calls to less than one percent. The average abandonment rate decreased from the previous year to 1.68 percent in 2018.



| Transfer Process Abandonment Rate | | | | |
|------------------------------------------|-------|--------|--------|-------|
| Month | 2015 | 2016 | 2017 | 2018 |
| January | 1.03% | 5.82% | 2.66% | 0.23% |
| February | 2.51% | 7.94% | 10.53% | 3.67% |
| March | 0.79% | 5.89% | 11.04% | 2.02% |
| April | 0.66% | 5.08% | 1.56% | 2.40% |
| May | 0.57% | 1.51% | 0.22% | 0.67% |
| June | 0.85% | 2.28% | 0.32% | 0.21% |
| July | 1.89% | 1.85% | 0.67% | 0.56% |
| August | 2.36% | 15.38% | 0.23% | 1.04% |
| September | 9.75% | 7.25% | 0.35% | 1.88% |
| October | 6.82% | 6.67% | 0.46% | 2.77% |
| November | 3.42% | 6.65% | 0.82% | 1.49% |
| December | 8.32% | 7.81% | 1.95% | 1.64% |
| Yearly Average | 3.40% | 6.48% | 3.05% | 1.68% |

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 89.68 percent in 2018 when combining all of the NICS transactions. This is slightly higher than the previous year.



| IDR | | | | |
|----------------|--------|--------|--------|--------|
| Month | 2015 | 2016 | 2017 | 2018 |
| January | 90.75% | 90.98% | 89.07% | 89.62% |
| February | 89.60% | 88.98% | 87.32% | 88.47% |
| March | 90.35% | 89.67% | 88.42% | 89.10% |
| April | 90.15% | 89.70% | 89.54% | 89.74% |
| May | 90.33% | 89.55% | 89.26% | 89.71% |
| June | 90.25% | 89.71% | 89.57% | 89.44% |
| July | 90.08% | 89.63% | 89.04% | 89.45% |
| August | 90.62% | 87.03% | 89.04% | 89.45% |
| September | 89.73% | 88.37% | 88.69% | 89.63% |
| October | 89.95% | 88.46% | 89.16% | 89.36% |
| November | 90.99% | 89.16% | 90.42% | 90.55% |
| December | 91.37% | 88.17% | 90.86% | 91.14% |
| Yearly Average | 90.44% | 89.09% | 89.26% | 89.68% |

Transactions Created in the NICS

From November 30, 1998, through December 31, 2018, the NICS conducted a total of 304,634,316 background checks. In 2018, there were 26,181,936 background checks submitted to the NICS. Of these, the NICS Section processed 8,235,342 transactions. State users of the NICS processed the remaining 5,293,391 firearm transactions and 12,653,203 permit transactions which totaled 17,946,594 transactions.

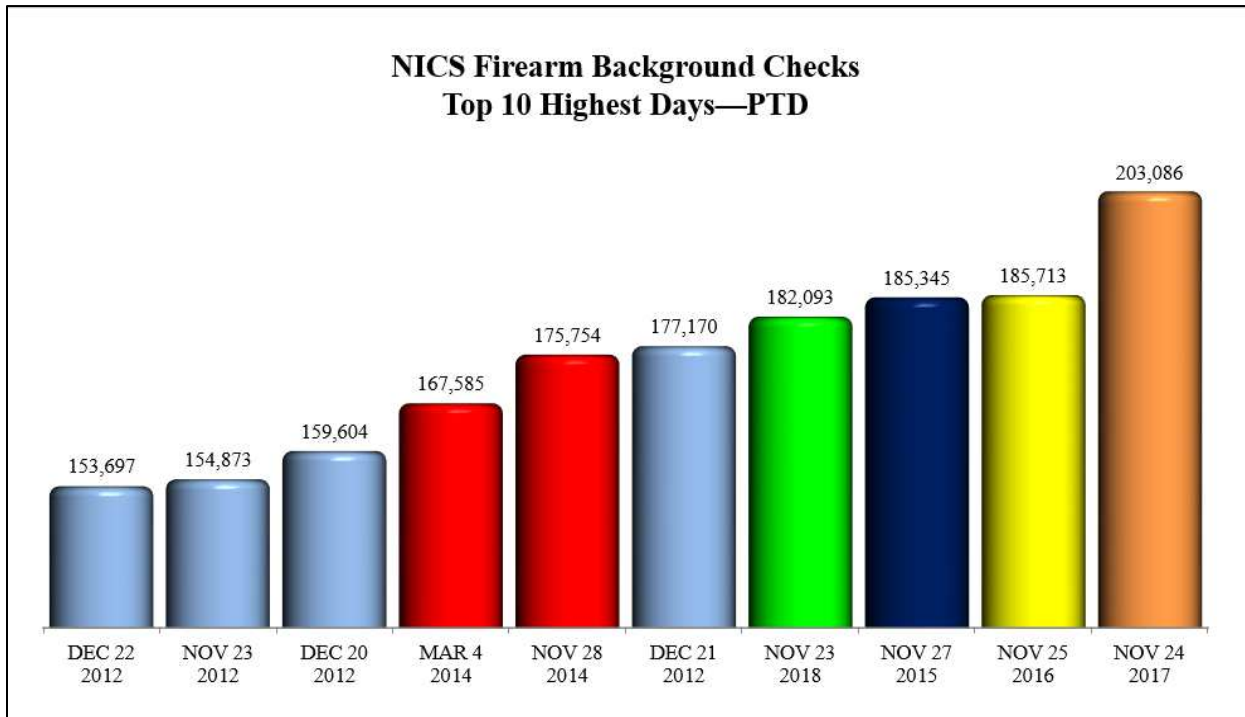
| Transactions Created in the NICS | | | | | |
|-----------------------------------------|--------------|------------|-------------|-------------|-----------------------------|
| Year | State | | Federal | Total | Program-to-Date (PTD) Total |
| | Transactions | Permits | | | |
| 1998 ¹ | 308,117 | 78,169 | 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 |
| Total | 79,361,958 | 96,610,871 | 128,661,487 | 304,634,316 | |

NICS Peak Season

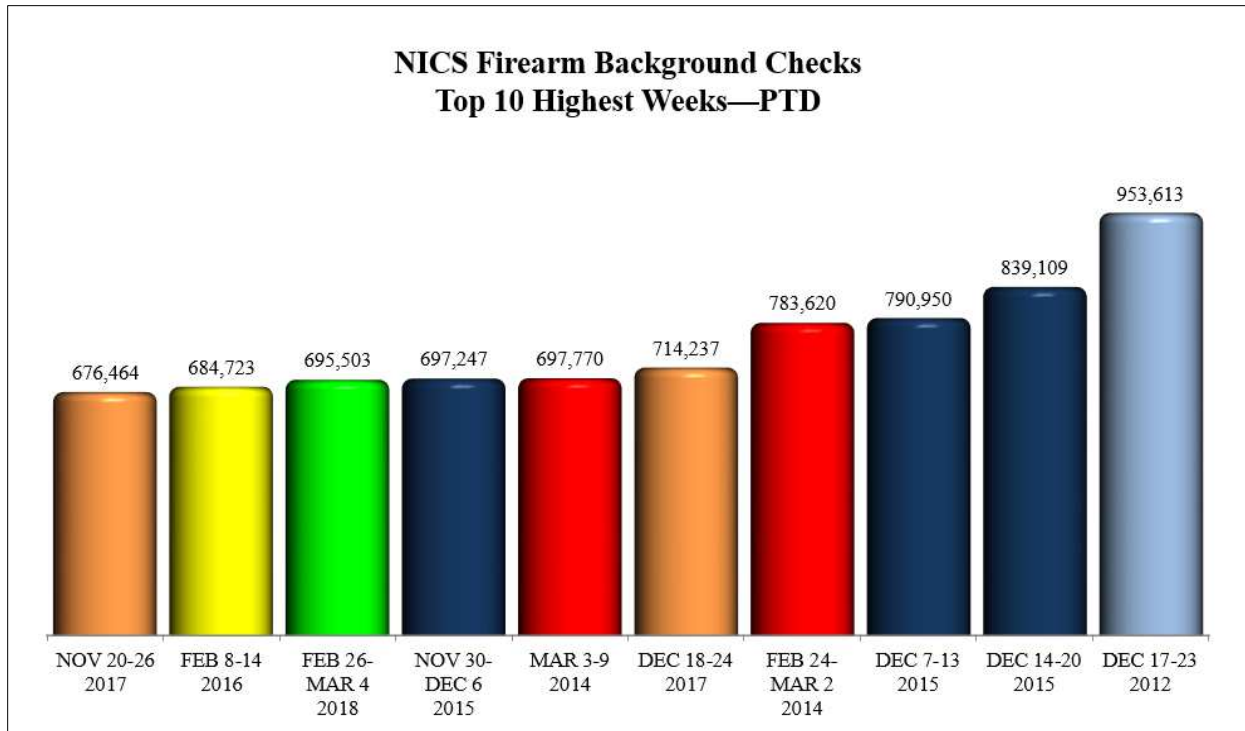
The NICS Section observes an increase in transaction activity associated with major hunting seasons and year-end holidays. Since the inception of the NICS, the day after Thanksgiving continues to be a day the NICS processes a high volume of firearm background checks. In 2017, the day after Thanksgiving (November 24, 2017) ranked as the highest day to date when the NICS processed 203,086 background checks. The day after Thanksgiving in 2018 (November 23, 2018) saw a decrease of slightly more than 10 percent. There were 182,093 transactions processed which ended up being recorded as the fourth highest day in NICS history.

¹ November 30, 1998—December 31, 1998

The highest days and weeks for NICS firearm background checks are depicted as follow:



| NICS Firearm Background Checks Top 10 Highest Days—PTD | |
|-------------------------------------------------------------------|---------------------|
| End Date | Daily Totals |
| November 24, 2017 | 203,086 |
| November 25, 2016 | 185,713 |
| November 27, 2015 | 185,345 |
| November 23, 2018 | 182,093 |
| December 21, 2012 | 177,170 |
| November 28, 2014 | 175,754 |
| March 4, 2014 | 167,585 |
| December 20, 2012 | 159,604 |
| November 23, 2012 | 154,873 |
| December 22, 2012 | 153,697 |



| NICS Firearm Background Checks Top 10 Highest Weeks—PTD | |
|--------------------------------------------------------------------|---------------|
| End Date | Weekly Totals |
| December 23, 2012 | 953,613 |
| December 20, 2015 | 839,109 |
| December 13, 2015 | 790,950 |
| March 2, 2014 | 783,620 |
| December 24, 2017 | 714,237 |
| March 9, 2014 | 697,770 |
| December 6, 2015 | 697,247 |
| March 4, 2018 | 695,503 |
| February 14, 2016 | 684,723 |
| November 26, 2017 | 676,464 |

Federal Prohibitions

A deny decision indicates the prospective firearm transferee or another individual with a similar name and/or similar descriptive features was matched with either federally-prohibitive criteria 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)**.

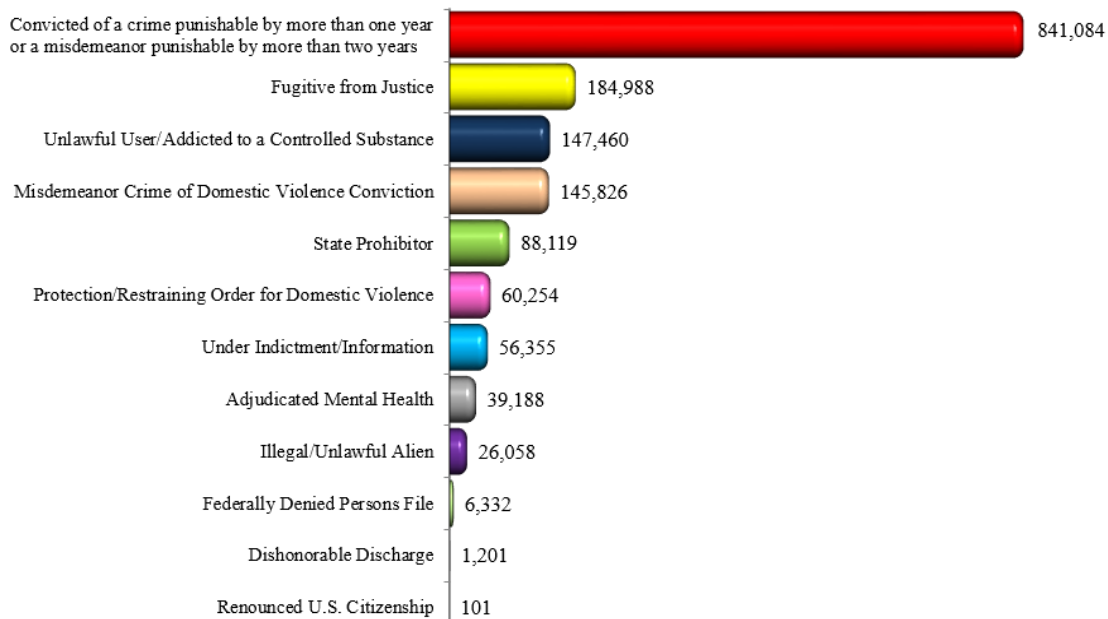
- Is an unlawful user of or addicted to any controlled substance—**18 U.S.C. §922(g)(3)**.
- Has been adjudicated as a mental defective or committed to a mental institution—**18 U.S.C. §922(g)(4)**.
- Is illegally or unlawfully in the United States—**18 U.S.C. §922(g)(5)**.
- Has been discharged from 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

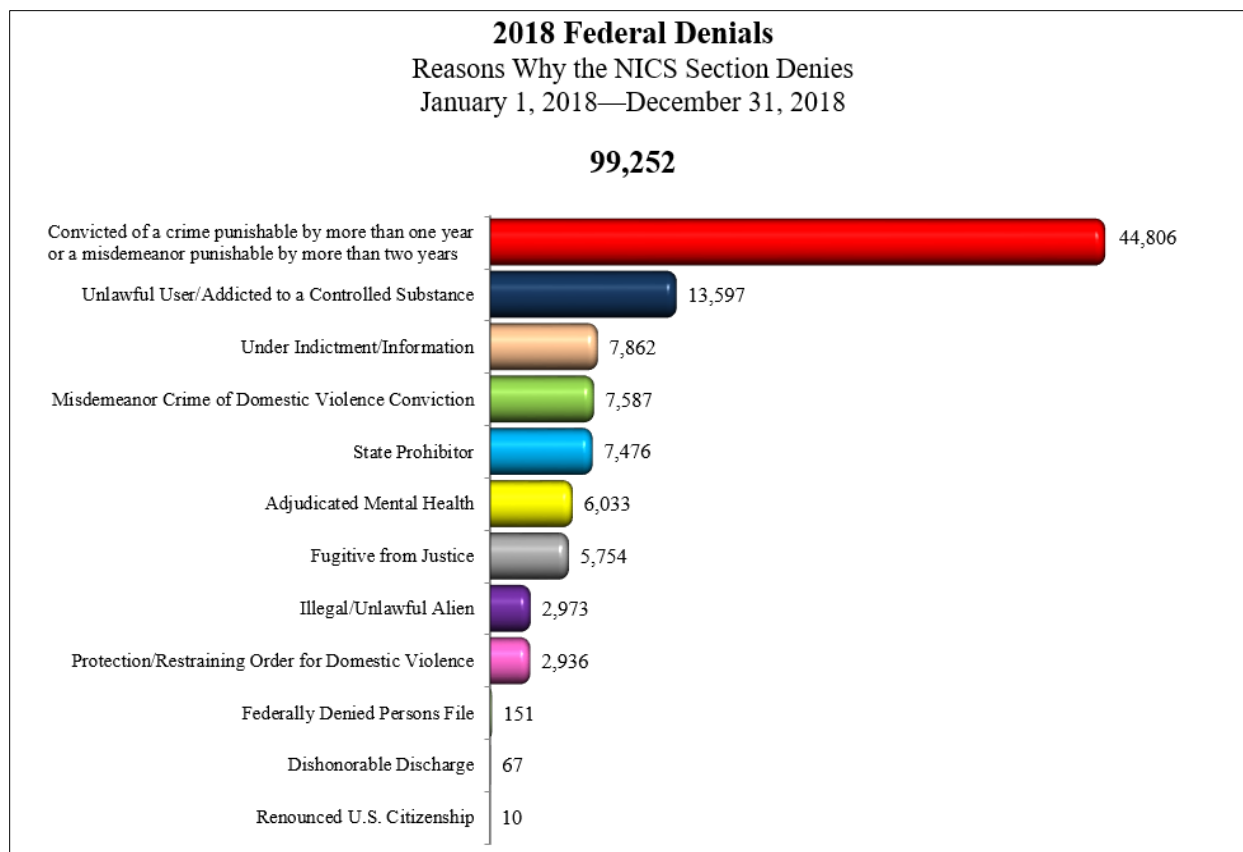
When a NICS background check matches a record to the prospective firearms transferee, the NICS Section determines if a federal prohibition exists. However, if no federal prohibition exists, the NICS Section employee processing the background check must further review the record match(es) to determine if any applicable state law renders the prospective firearms transferee prohibited. From the inception of the NICS on November 30, 1998, through December 31, 2018, the NICS Section has denied 1,596,966 transactions. Of these, 99,252 denial decisions were provided in 2018. Historically, and again in 2018, U.S.C. §922(g)(1) is the leading reason for a NICS Section denial.

PTD Federal Denials
Reasons Why the NICS Section Denies
November 30, 1998—December 31, 2018

1,596,966



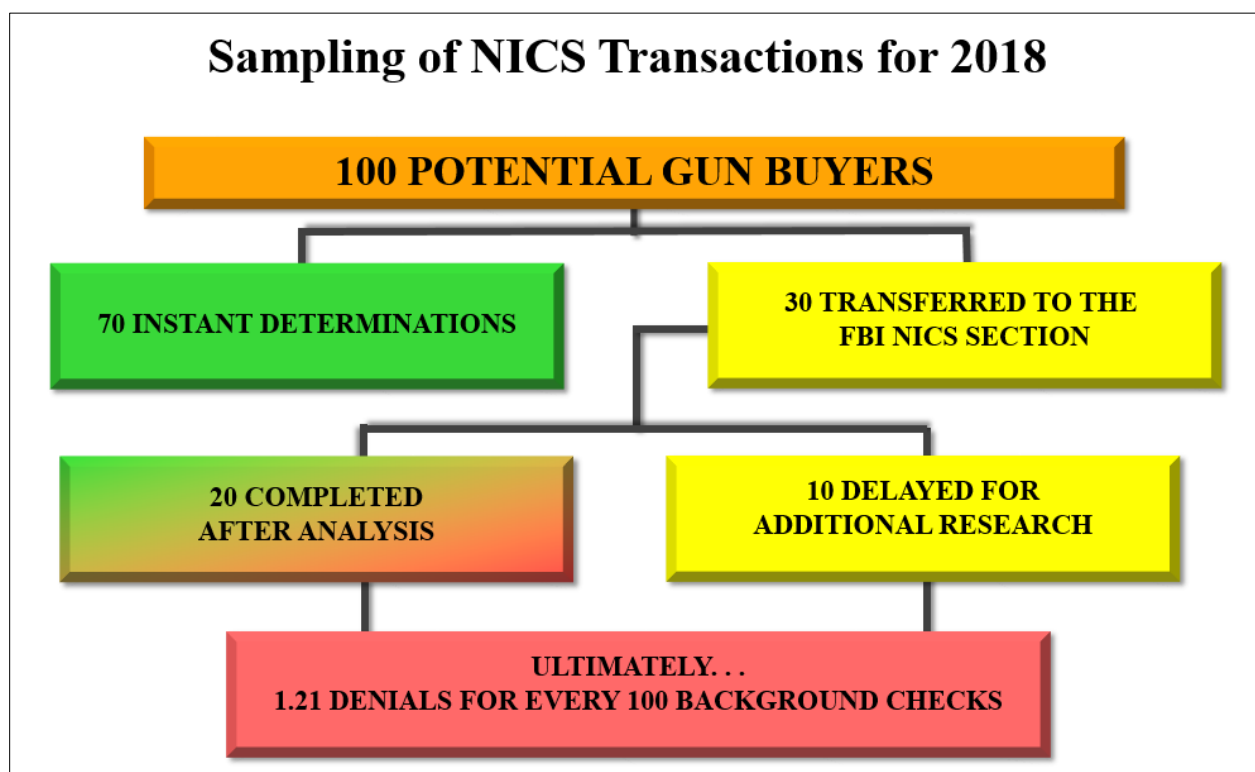
| PTD Federal Denials Reasons Why the NICS Section Denies November 30, 1998—December 31, 2018 | |
|----------------------------------------------------------------------------------------------------------|------------------|
| Prohibited Category Description | Total |
| Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years | 841,084 |
| Fugitive from Justice | 184,988 |
| Unlawful User/Addicted to a Controlled Substance | 147,460 |
| Misdemeanor Crime of Domestic Violence Conviction | 145,826 |
| State Prohibitor | 88,119 |
| Protection/Restraining Order for Domestic Violence | 60,254 |
| Under Indictment/Information | 56,355 |
| Adjudicated Mental Health | 39,188 |
| Illegal/Unlawful Alien | 26,058 |
| Federally Denied Persons File | 6,332 |
| Dishonorable Discharge | 1,201 |
| Renounced U.S. Citizenship | 101 |
| Total PTD Federal Denials | 1,596,966 |



| 2018 Federal Denials Reasons Why the NICS Section Denies January 1, 2018—December 31, 2018 | |
|----------------------------------------------------------------------------------------------------------|---------------|
| Prohibited Category Description | Total |
| Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years | 44,806 |
| Unlawful User/Addicted to a Controlled Substance | 13,597 |
| Under Indictment/Information | 7,862 |
| Misdemeanor Crime of Domestic Violence Conviction | 7,587 |
| State Prohibitor | 7,476 |
| Adjudicated Mental Health | 6,033 |
| Fugitive from Justice | 5,754 |
| Illegal/Unlawful Alien | 2,973 |
| Protection/Restraining Order for Domestic Violence | 2,936 |
| Federally Denied Persons File | 151 |
| Dishonorable Discharge | 67 |
| Renounced U.S. Citizenship | 10 |
| Total 2018 Federal Denials | 99,252 |

Out of One Hundred Checks

Pursuant to 28 C.F.R. §25.6, based on the information returned in response to a NICS background check, the NICS Section provides either a proceed, deny, or delay transaction determination to the FFL. 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 Brady Act allows the FFL to legally transfer the firearm if the NICS transaction is not resolved within three business days. However, the NICS Section continues to search for the information necessary to make a final determination until the transaction is purged prior to 90 days. From January 1, 2018, through December 31, 2018, approximately 10 percent of all transactions processed were given an initial delay status. Ultimately, 1.21 percent of all transactions processed were denied.

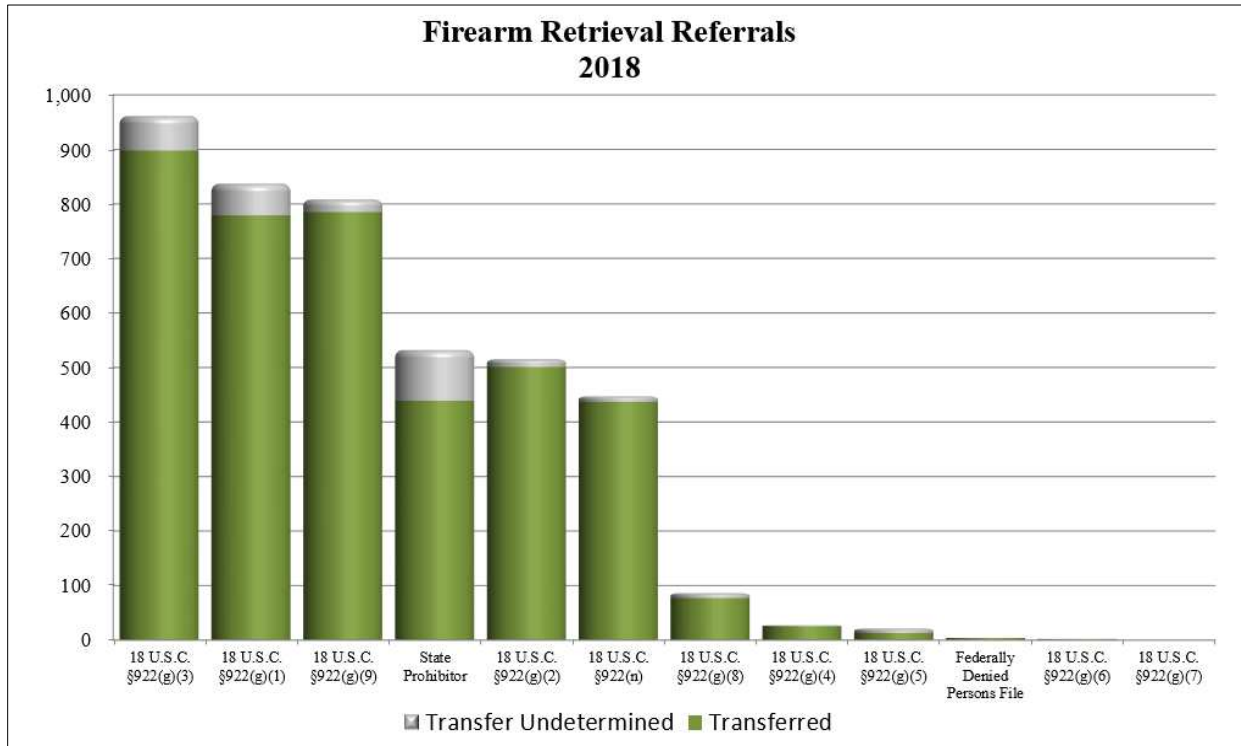


Firearm Retrieval Referrals

The Brady Act provides a three-business-day timeframe during which 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. If the background check is not resolved within the three-business-day timeframe, it is at the discretion of the FFL whether or not to transfer the firearm. The NICS Section is committed to public safety and national security; therefore, the search for all relevant documentation continues beyond the three business days to provide a final determination as stated in the Brady Act. In some instances, the information is subsequently obtained and a final status determined. If the final determination results in a deny decision after the lapse of the three business days and

the NICS Section is advised by the FFL that the firearm was transferred, the ATF is notified a prohibited person is in possession of a firearm. These instances are referred to as firearm retrieval referrals.

In 2018, there were 4,240 background check transaction denials referred to the ATF that potentially involved a firearm retrieval. Of those, the NICS Section and the ATF confirmed that FFLs transferred firearms for 3,960 of those transactions. The NICS Section and the ATF attempted to determine if the firearms were transferred for the remaining 280 transactions referred to the ATF; however, definitive data was unattainable.



| 2018 Firearm Retrieval Referrals | | | |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------|--------------------|
| Firearm Disqualification | Prohibited Category Description | Transfer Undetermined | Transferred |
| 18 U.S.C. 922(g)(3) | Unlawful User/Addicted to a Controlled Substance | 63 | 898 |
| 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 | 58 | 779 |
| 18 U.S.C. 922(g)(9) | Misdemeanor Crime of Domestic Violence Conviction | 23 | 785 |
| State Prohibitor | State Prohibitor | 93 | 439 |
| 18 U.S.C. 922(n) | Fugitive from Justice | 14 | 501 |
| 18 U.S.C. 922(g)(2) | Under Indictment/Information | 10 | 437 |
| 18 U.S.C. 922(g)(8) | Protection/Restraining Order for Domestic Violence | 9 | 77 |
| 18 U.S.C. 922(g)(4) | Adjudicated Mental Health | 2 | 25 |
| 18 U.S.C. 922(g)(5) | Illegal/Unlawful Alien | 8 | 13 |
| Federally Denied Persons File | Federally Denied Persons File | 0 | 4 |
| 18 U.S.C. 922(g)(6) | Dishonorable Discharge | 0 | 2 |
| 18 U.S.C. 922(g)(7) | Renounced U.S. Citizenship | 0 | 0 |
| Total | | 280 | 3,960 |

NICS Appeals and the Voluntary Appeal File

In 2018, approximately 1.21 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, based on a record returned in response to a NICS background check, may request an appeal of the decision. An appeal is defined as “a formal procedure to challenge the denial of a firearm transfer.” 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 of a denial status, a subsequent request must be submitted. This request should include a set of his/her fingerprints as proof of identity if definitive information is being requested. In cases where the matches are refuted by fingerprints, the NICS Section may overturn the subject’s deny decision and allow the transaction to proceed. However, 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.

On October 1, 2018, the NICS appeal process was augmented with the FBI’s challenge process in order to leverage existing technologies. The challenge process, which provides the

capability to electronically receive and respond to criminal history challenges, offers customers the opportunity to submit challenge 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 should be directed to the following website: <<https://www.edo.cjis.gov>>. Faxed and e-mailed requests are not accepted; however, individuals who wish to submit a request via mail may send the request to the FBI CJIS Division, Attention: Criminal History Analysis Team 1, BTC 3, 1000 Custer Hollow Road, Clarksburg, WV 26306.

The status of a transaction is 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. Requests involving transactions that have been created within the previous 30 days and remain in a delay status will not be considered in the appeal process.

From January 1, 2018, through December 31, 2018, appeal-related requests received totaled 28,254 resulting in 4,716 overturned deny transactions. The primary reason for overturned deny decisions in 2018 was the appellant's fingerprints not matching the fingerprints of the subject of the firearms-disqualifying record. Another prominent reason deny decisions are overturned pertain to state-imposed Identification for Firearms Flags on criminal history records that needed to be removed after further research was conducted.

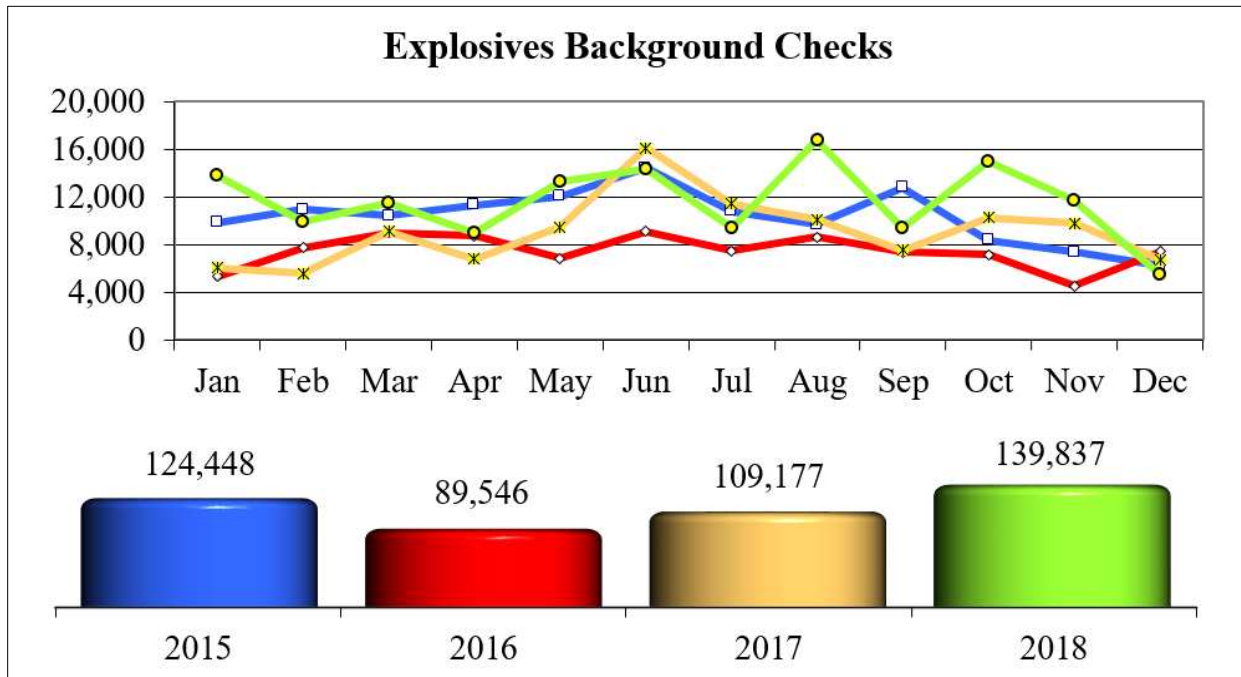
The Voluntary Appeal File (VAF) was implemented in July 2004 to prevent subsequent delays and erroneous denials of a firearm transfer. Since the availability of the VAF, more than 162,675 transactions have been processed using a UPIN, thus expediting the firearms background check for the applicant in most cases. 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. In 2018, there were 1,405 VAF applications received and 1,915 UPINs activated from VAF applications that were in progress. Since July 2004, over 36,756 lawful firearm transferees received a UPIN and have been entered into the VAF. Individuals wishing to request entry into the VAF may access <<https://www.fbi.gov/nics-appeals>> for further information.

Explosives Background Checks

The Safe Explosives Act requires a NICS background check as part of the licensing process for any person who transports, ships, causes to be transported, or receives explosives materials in either intrastate or interstate commerce. The NICS Section performs background checks 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 a batch submission to the NICS E-Check, for processing. All results of explosives background checks are forwarded to the ATF. 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, 2018, the NICS Section has processed a total of 1,406,638 explosives background checks. The NICS Section processed 139,837 explosives background checks in 2018.



| Explosives Background Checks | | | | |
|------------------------------|---------|--------|---------|---------|
| Month | 2015 | 2016 | 2017 | 2018 |
| January | 9,839 | 5,336 | 6,093 | 13,816 |
| February | 10,971 | 7,751 | 5,587 | 9,920 |
| March | 10,442 | 9,038 | 9,131 | 11,509 |
| April | 11,356 | 8,734 | 6,803 | 8,982 |
| May | 12,093 | 6,865 | 9,465 | 13,342 |
| June | 14,427 | 9,111 | 16,108 | 14,345 |
| July | 10,782 | 7,486 | 11,460 | 9,460 |
| August | 9,688 | 8,674 | 10,107 | 16,732 |
| September | 12,795 | 7,376 | 7,552 | 9,413 |
| October | 8,365 | 7,183 | 10,298 | 15,009 |
| November | 7,406 | 4,560 | 9,817 | 11,764 |
| December | 6,284 | 7,432 | 6,756 | 5,545 |
| Yearly Average | 124,448 | 89,546 | 109,177 | 139,837 |

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 1,133 NRC background checks in 2018.

Disposition of Firearms Background Checks

In January 2015, the NICS became accessible by criminal justice agencies prior to disposing/returning firearms currently under the agency's control to a prospective transferee. Allowing law enforcement to conduct a NICS background check assists in determining an individual's eligibility to possess or receive firearms in accordance with state and federal law. Currently, 38 states, 25 tribal, and 35 federal agencies process Disposition of Firearms (DOF) background checks. From January 1, 2018, through December 31, 2018, a total of 53,191 background checks were conducted for this purpose. Approximately, 3,526 DOF background checks were denied in 2018, equating to a 6.63 percent denial rate.

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 state and federal prohibiting records available at the national level. 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 state and/or federally prohibited from possessing or receiving firearms. A valid match of a NICS Indices hit allows the NICS user to render an immediate denial determination. This 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. This 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 when this circumstance arises.

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 legal services and guidance for 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 local, state, tribal, and federal agencies. There are two main methods for making an entry to 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 2018, there were significant increases to the NICS Indices in several categories. The top three increases are listed as follows:

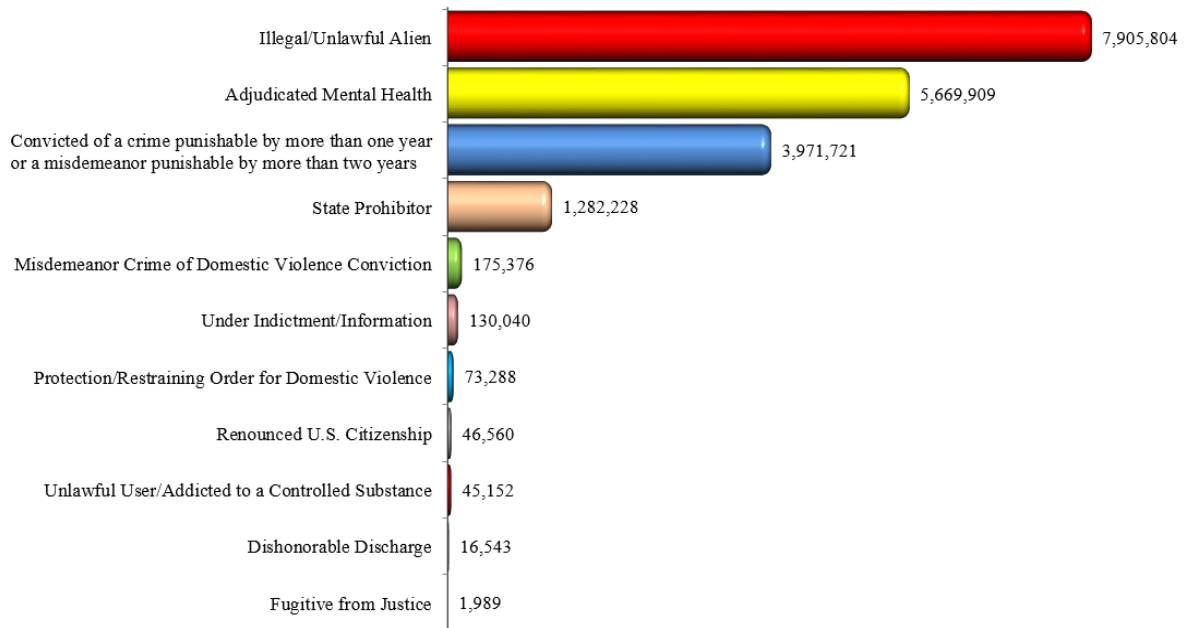
- Fugitive from Justice—entries have increased by over 131 percent.
- Unlawful user or addicted to any controlled substance—entries have increased by just over 50 percent.
- Under Indictment/Information—entries have increased by slightly more than 26 percent.

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 states and federal agencies as of December 31, of the current year. On December 31, 2018, the NICS Indices included 19,318,610 records. This includes an increase of 1,919,149 records since the end of 2017.

Active Records in the NICS Indices

As of December 31, 2018

19,318,610



Active Records in the NICS Indices

As of December 31, 2018

| Prohibited Category Description | Total |
|----------------------------------------------------------------------------------------------------------|-------------------|
| Illegal/Unlawful Alien | 7,905,804 |
| Adjudicated Mental Health | 5,669,909 |
| Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years | 3,971,721 |
| State Prohibitor | 1,282,228 |
| Misdemeanor Crime of Domestic Violence Conviction | 175,376 |
| Under Indictment/Information | 130,040 |
| Protection/Restraining Order for Domestic Violence | 73,288 |
| Renounced U.S. Citizenship | 46,560 |
| Unlawful User/Addicted to a Controlled Substance | 45,152 |
| Dishonorable Discharge | 16,543 |
| Fugitive from Justice | 1,989 |
| Total Active Records in the NICS Indices | 19,318,610 |

Success, Outreach, and the Future

The following information illustrates the many areas of successful outreach and interaction conducted by the NICS Section in 2018:

FFL Interaction

This year offered several opportunities for the NICS Section's staff to interact with FFLs. In January 2018, five staff members from the NICS Section, along with the CJIS Division's Assistant Director, attended the Shooting, Hunting, and Outdoor Trade (SHOT) Show in Las Vegas, Nevada. The NICS Section's staff hosted and maintained a booth, interacted with event attendees by answering questions and assisting with NICS E-Check enrollments and facilitating a training session. Staff also met with members of the National Shooting Sports Foundation for a round table discussion, participated in a meeting with members of the corporate retailers, and participated in a joint Town Hall Meeting with the ATF during forums at the SHOT University.

In August 2018, three staff members from the NICS Section attended the Nation's Best Sports Show in Fort Worth, Texas. As they did at the SHOT Show, the NICS Section's staff hosted and maintained a booth, interacted with event attendees by answering questions and assisting with NICS E-Check enrollments and password resets, and facilitating a NICS Overview during a lunch break for the attendees.

The NICS Section has hosted a Retailer Day event at the CJIS Division facility since 2012, with the exception of 2016 due to the update to the NICS in August of that year. The biggest issue voiced every year when invitations were sent was, "I would attend if you held Retailer Day at a location closer to my shop." Based on these requests, Retailer Day went on the road to Independence, Missouri. Two separate Retailer Day events were held on September 17, and 18, 2018. In total, there were 99 attendees between both days. 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.

In addition to the above events, the NICS Section interacted with another 58 FFLs in 6 states during promotional on-site visits in which staff assisted with NICS E-Check enrollments in 2018. The NICS Section's staff also provided presentations at 13 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 2018. 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 visited included the Mashantucket Pequot Indian Tribe and the Mohegan Tribal of Indians of Connecticut, the Narragansett Indian Tribe of Rhode Island, and the Wampanoag Tribe of Gay Head Aquinnah and the Mashpee Wampanoag Tribe, both of Massachusetts. The NICS Section uses the platform 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 making records available to 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.

State and Federal Partner Interaction

On August 28 and 29, 2018, the NICS Section hosted the NICS User Conference in Pittsburgh, Pennsylvania. This was the first opportunity in over three years for NICS users to meet face-to-face with NICS Section staff, as well as other CJIS Division staff, federal agencies, and special interest groups.

The NICS User Conference proved once again to be the only forum in the country in which all NICS users share information and operational expertise, discuss lessons learned during peer-to-peer sessions, and bring problematic issues such as resource availability to the forefront for resolution. Conference attendees discussed system enhancements that have decreased the manual work performed by their employees, possible enhancements to state's internal quality assurance programs, and ways to utilize the National Criminal History Improvement Program and the NICS Act Record Improvement Program grant funding to develop real-time record reporting capabilities. Participants from other CJIS Division programs (the Biometric Services Section [BSS], the NCIC Program Office, the CJIS Audit Unit, the CJIS Training and Advisory Program Unit, and the LEEP Program Office) provided the NICS users detailed information on best practices for the collecting of information and making data available to the national systems, including information on persons who are prohibited under federal law from possessing or receiving firearms.

The 164 attendees included representatives from 44 states, the DOJ's Office of General Counsel, the Bureau of Justice Statistics, the ATF, the Department of Defense (DoD), the Naval Criminal Investigative Services, the United States Coast Guard, the Pentagon Force Protection Agency, and the National Consortium for Justice Information and Statistics (SEARCH).

The NICS training instructors conducted approximately 40 training sessions to over 340 agencies hosting over 800 attendees in 2018. Agencies receiving training included POC state agencies, ATF-Qualified Alternate Permit state agencies, state-designated trainers, agencies performing disposition of firearm checks, and two U.S. territories. The NICS trainers used various training methods including on-site training and alternative methods such as teleconference, Skype for Business, and Train-the-Trainer. 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.

Additionally, NICS Section staff participated in and/or provided presentations at various meetings, conferences, teleconferences, and training forums throughout 2018. Some of the entities in which the NICS Section provided guidance and support included:

- SEARCH
- International Association of Chiefs of Police
- National Association of Drug Court Professionals
- Ohio Association of Court Administrators
- North Dakota Department of Corrections
- Arizona NICS Taskforce
- Idaho Public Safety and Security System
- Maryland NICS Record Improvement Plan Taskforce
- DoD
- U.S. Navy
- National Science Foundation
- Various other entities within the states of Alaska, Kansas, Louisiana, Maryland, Minnesota, New Hampshire, New York, and Oregon

NICS Indices Outreach

The NICS Section educates federal and state partners on the NICS Indices and promotes awareness of the mission to enhance public safety through information sharing. During 2018, the NICS Section provided information and promoted the sharing of records to not only the NICS Indices, but the III and NCIC databases as well. The NICS Section attended federal meetings with the Council of the Inspectors General on Integrity and Efficiency, the DoD along with all military branches. The NICS Section attended state meetings and conferences with Arizona, Idaho, Maryland, Minnesota, New York, Ohio, and Oregon. The NICS Section was also in attendance and participated in two conferences held by the SEARCH and presented NICS Indices-related information at the National Association for Justice Information System Conference.

AG Directives and the Fix NICS Act

In March 2018, the U.S. AG announced several steps in support of strengthening the FBI's national criminal justice information systems. As part of this action, on March 13, 2018, the AG sent letters to governors and state AGs, as well as federal agencies, to improve the reporting of local and state criminal justice data and other information accessed by the NICS.

In an effort to improve the reporting of criminal arrest and final disposition data, and other information accessed by the NICS, the AG provided every state with their respective level of disposition completion. The AG also directed the FBI to identify local jurisdictions that are not reporting arrests to their state repositories, as well as jurisdictions that are not providing all of their records identifying persons prohibited from possessing firearms based on the mental health federal firearm prohibition, 18 U.S.C. § 922(g)(4).

The NICS Section and the BSS coordinated with state partners to offer support and to gather information toward identifying jurisdictions not reporting information to the criminal information systems or reporting mental health records to the NICS. The most common themes reported by states as barriers in submission of mental health records to the NICS were:

- State laws are needed to allow for the submission of disqualifying mental defective records.
- Lack of automation can contribute to the records not being submitted in a timely manner.
- Lack of knowledge/training may result in the records not being submitted.

Most states are making submissions to the NICS Indices in the mental health category. The difficulty lies in ensuring that all agencies within the state are making the necessary submissions and that all aspects of the mental health prohibition are being considered when making those submissions. For instance, it was learned that it is possible not all qualified guardianship, outpatient treatment, and drug abuse treatment records are being entered into the NICS Indices.

Based on information obtained in continued support of the AG's directive, the NICS Section developed an action plan, which has the goals to:

- Extend conversations with the states in support of making submissions to the NICS for not only the mental health prohibition, but other prohibitions as well.
- Work with the states to address and assist with possible barriers to reporting information to the NICS.
- Educate the states and general public about the 18 U.S.C. 922 (g)(4) prohibition, and what qualifies for a NICS Indices entry.
- Attend state meetings and conferences to provide information and promote entry into not only the NICS Indices, but also the III and the NCIC.

On March 23, 2018, the President signed the Consolidated Appropriations Act. Included within this was the Fix NICS Act which requires:

- Federal agencies to submit a written certification to the U.S. AG, on a semiannual basis, indicating whether the agency is in compliance with the record submission requirements of the NICS Improvement Amendments Act of 2007 (NIAA);
- Federal agencies to establish an implementation plan to improve reporting, including through automated reporting, of records required by the NIAA and to improve the verification of the accuracy of submitted records; and
- The AG, in coordination with the states and Indian tribal governments, shall establish, for each state or Indian tribal government, a plan to ensure maximum coordination and automation of the reporting or making available appropriate records to the NICS.

As with the states, the NICS Section has worked with the federal agencies to address the lack of contributing records to the NICS Indices, the III and/or the NCIC. As a result, many federal agencies are performing self-audits of their data and filling the gaps in the criminal history records they originated by making the information available to a database searched during a NICS background check. In addition, about a half a dozen new federal agencies began submitting to the NICS Indices. The CJIS Division has lent support to the DOJ to develop a template for a state and federal implementation plan for use to meet the requirements of the Fix NICS Act.

The Fix NICS Act also includes a provision for the correction of erroneous system information within a 60-day timeframe from the date of receipt of information from an appellant for the correction of erroneous information on a denied transaction. The NICS Section has consistently met the mandated 60-day timeframe and continues to identify solutions to further improve and streamline appeal-related processes.

The Future

Looking to the future, the NICS Section will continue to strive to meet the goal to enhance national security and public safety by providing a timely and accurate determination of a person's eligibility to possess or receive firearms and/or explosives in accordance with federal law. Information Technology (IT) enhancements and efficiencies to the NICS are ongoing to further advance system functionality. Efforts continue to develop and enhance reporting capabilities and the NICS Section continues to refine the system. Some of the highlights of the future IT efforts include automated functionality for streamlining processes along with automated external outreach, data sharing features that support independent processes for external partners such as the ATF and state users, and increased automation of FBI operational processes.