



# NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM OPERATIONAL REPORT 2020-2021



# FBI

## NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS)

### MISSION STATEMENT

*SEEKING TO ENHANCE NATIONAL  
SECURITY AND PUBLIC SAFETY BY  
CONDUCTING BACKGROUND  
CHECKS TO DETERMINE A  
PERSON'S ELIGIBILITY TO POSSESS  
FIREARMS OR EXPLOSIVES IN  
ACCORDANCE WITH FEDERAL AND  
STATE LAWS*

## EXECUTIVE SUMMARY

The National Instant Criminal Background Check System (NICS) Section of the FBI's Criminal Justice Information Services (CJIS) Division has processed firearm background checks since November 30, 1998. Over time, the FBI has identified, developed, and implemented improvements supporting the NICS Section's mission as stated above. The NICS Section experienced significant events in the past two years resulting in many achievements in the furtherance of its mission. Daily decisions made, at all levels of the NICS Section, focus on the mission of making timely firearms eligibility determinations while striving for a culture of good judgment, high energy, demonstrated competence and customer service. Highlights of the NICS Section's operations in calendar years 2020 and 2021 include the following:

- From its first check through December 31, 2021, a total of 411,575,054 background checks have been conducted through NICS. Of those, 160,707,478 were processed by the NICS Section and 250,868,576 were processed by state users.
- In 2020, there were 11,144,467 NICS E-Check firearm and explosives transactions processed, and 9,927,987 were processed in 2021. Since the NICS E-Check began in 2002, the NICS Section has processed a total of 65,929,609 firearms and explosives transactions submitted via the NICS E-Check.
- In 2020, there were 185,384 transactions denied, and 153,565 transactions were denied in 2021. Since its inception, a total of 2,039,507 transactions have been denied.
- Immediate determination rates (IDR) of 85.30 percent and 87.98 percent were attained in 2020 and 2021, respectively. The NICS Section strives to reach an IDR of 90 percent or better.
- In 2020 there were 92,599 background checks for the issuance of explosives-related permits processed resulting in 890 recommendations to "deny" transactions. In 2021, NICS processed a total of 138,518 background checks for explosives-related permits with 1,656 resulting in a recommendation of "deny."
- As of December 31, 2021, there were 25,430,959 records in the NICS Indices. This was an increase of 8.78 percent from the 2020 year-end total of 23,377,233.
- Any person who believes he or she was wrongfully denied the transfer of a firearm may challenge or appeal that denial. In 2020, there were 24,748 firearm-related appeals resulting in 17,928 sustained denied transactions. In 2021, there were 24,095 requests resulting in 16,930 sustained denied transactions.
- The Voluntary Appeal File (VAF) was established in 2004 to allow NICS to retain information about nonprohibited individuals, with their consent, in order to prevent erroneous firearm denials or extended delays and document their eligibility to receive firearms. Once approved, an applicant is issued a unique personal identification number (UPIN). In 2020, the VAF contained 36,541 individuals who have an active UPIN. As of December 31, 2021, VAF contained 41,312 individuals who have an active UPIN. As of December 31, 2021, more than 221,582 background checks have been processed using a UPIN.

- 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 NICS, the Interstate Identification Index (III), and the National Crime Information Center (NCIC). In 2021, the availability of NICS averaged 99.81 percent, and in 2020, the availability of NICS averaged 99.82 percent.
- There were 11,564 denials forwarded to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that potentially involved a firearm retrieval. A total of 6,361 denials were forwarded in 2020, and 5,203 denials were forwarded in 2021.
- There were 175 U.S. Nuclear Regulatory Commission (NRC) background checks processed in 2020 and 133 were processed in 2021. A total of 4,070 NRC background checks have been conducted since 2013.
- There were 206,290 background checks processed for the disposition of firearms (DOF), with 84,329 and 121,961 processed in 2020 and 2021, respectively. Approximately 11,482 DOF denials were reported to the NICS Section during this period, equating to a 3.92 percent denial rate.
- In 2020, there were 56,490 transactions related to private sales involving transactions initiated by federal firearms licensees (FFLs) through NICS, and there were 208,588 transactions in 2021. A total of 455,274 background checks related to private sales have been conducted since 2015.
- With the outbreak of COVID-19 and the resulting pandemic, NICS continued to provide outreach and customer support throughout 2020 and 2021. The NICS Section provided customer support both virtually and in person during the last two years to federal, state, local, and tribal agencies and FFLs.

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## WELCOME TO THE NICS SECTION

As a result of the passage of the Gun Control Act of 1968, certain individuals, such as convicted felons, are prohibited from shipping, transporting, possessing and/or receiving firearms or ammunition. See Title 18, United States Code (U.S.C), sections 922(g) and (n). To strengthen federal firearms laws, the Brady Handgun Violence Prevention Act of 1993 (Brady Act) required the U.S. Attorney General to establish NICS for FFLs to contact by telephone, or other electronic means, for information to be supplied immediately as to whether the transfer of a firearm would violate 18 U.S.C §§ 922(g) or (n) or state law. See 18 U.S.C. § 922(t). See also, 18 U.S.C. § 922(b) (prohibiting, in part, FFLs from transferring firearms where the transfer would violate applicable state laws).

Through a cooperative effort with ATF, the Department of Justice (DOJ), and state and local law enforcement agencies, the FBI developed NICS. NICS was designed to instantly respond to NICS background check inquiries, submitted by FFLs, of 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, preventing the continuation of the NICS background check. An FFL is prohibited from conducting a NICS background check if answers to specific questions on the ATF Form 4473 reveal a prohibition. 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 CJIS Division and to request 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:

**III:** III provides access to criminal history records. The III records available to be searched by NICS during a NICS background check numbered 82,842,849, as of December 31, 2021. This is an increase of 1,476,631 from 2020.

**NCIC:** NCIC contains records of wanted persons, subjects of protection orders, and other persons who may pose a threat to officer and public safety. The NCIC records available to be searched by NICS during a NICS background check totaled 7,362,581 as of December 31, 2021. This is an increase of 78,348 from 2020.

**NICS Indices:** The NICS Indices, a database created specifically for NICS, contains information contributed by federal, state, local, and tribal agencies pertaining to persons prohibited from shipping, transporting, possessing, and/or receiving a firearm pursuant to federal and/or state law. Typically, the records maintained in the NICS Indices are not available via III or NCIC. As of December 31, 2021, the NICS Indices contained 25,429,958 records. This is an increase of 2,052,725 from 2020.

**ICE:** The relevant databases of ICE are searched for non-U.S. citizens attempting to receive firearms from FFLs. In 2020, the NICS Section and the point-of-contact (POC) states (states that have implemented a state-based NICS program) sent 319,237 queries to ICE, and a total of 404,209 queries were sent to ICE in 2021. From that time through December 31, 2021, ICE has conducted more than 2,263,243 queries in support of NICS transactions.

## NICS OPERATIONS

In most cases, the results of a firearm NICS background check yield definitive information regarding an individual's firearm eligibility. However, not all inquiries can be provided a final status. A relatively small percentage of 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)(B)(ii). If the state of residency (SOR) is different than the state of purchase (SOP), it may institute a longer waiting period for a particular firearm transaction. In some instances, the potentially prohibiting records are substantiated after three business days, and the transaction is denied. In these cases, the NICS Section notifies the FFL of the denial and determines if the firearm was transferred. If it was transferred, the NICS Section transmits this information to 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 FBI or with the state agency, serving as a POC for NICS, that issued the denial determination.

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

## NICS PARTICIPATION

As of December 31, 2021, the NICS Section supported 50,588 FFLs conducting business in 31 states, 5 U.S. territories, and the District of Columbia. This is an increase from the 2020 total of 49,470 FFLs. These FFLs contacted the NICS Section to initiate the required NICS

background checks using NICS E-Check via the Internet or the NCCC via telephone. FFLs initiated 86.60 percent of their transactions via NICS E-Check in 2020 and 88.14 percent in 2021.

There are six states that the NICS Section processes the NICS checks for all long gun transactions for FFLs, but those states conduct their own NICS background checks for handguns or handgun permits. This number is down one state from the last report. In addition, there are thirteen states that participate with NICS in a full POC capacity by performing all NICS 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 ATF as permits that may be used by the FFL, at their discretion, in lieu of a NICS background check. The transferee must still complete the ATF Form 4473. In addition to meeting the conditions required by state law to qualify for one of these alternate permits, the applicant 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 federal and state firearm laws. When attempting to obtain a firearm through an FFL, 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. Again, an FFL is not required to accept such permit in lieu of a NICS background check. The renewal of an alternate permit requires a NICS background check as part of the permit process. In addition, when authorized by state law, a NICS background re-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 re-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 <https://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 NICS background checks including permits
Blue	4	Partial POC—Contact state for handgun permits and FBI for long gun NICS background checks
Yellow	2	Partial POC—State-issued handgun permit is used for handguns, and FFLs contact FBI for long gun NICS background checks
Green	37	Non-POC—Contact FBI for all firearm NICS background checks
Asterisk	25	Denotes that the state has at least one ATF-qualified alternate permit

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

**Partial POC states** (blue) include Maryland, New Hampshire, Washington, and Wisconsin.

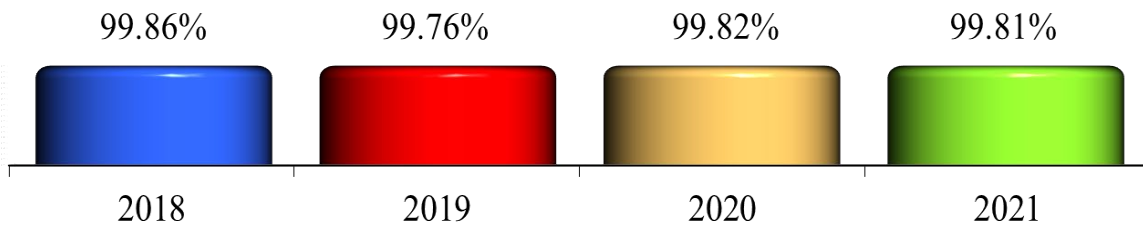
**Partial POC states** (yellow) include Nebraska and North Carolina.

**Non-POC states and territories** (green) include Alabama, Alaska, American Samoa, Arizona, Arkansas, Delaware, District of Columbia, Georgia, Guam, Idaho, Iowa, 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** (indicated with an asterisk): 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, NICS depends on the availability of III and NCIC. If either III or NCIC is not available, it impacts NICS even though NICS may be fully operational. The NICS Section, with the ongoing assistance and technical support of the CJIS Division's ITMS, works 24/7 to maximize the availability of NICS, III, and NCIC. Decreases in availability are typically due to scheduled maintenance for system upgrades and unscheduled maintenance to resolve any reported system issues. In 2020, the average availability of NICS was 99.82 percent and 99.81 percent in 2021, which is consistent with the availability for previous years.



## NICS E-CHECK

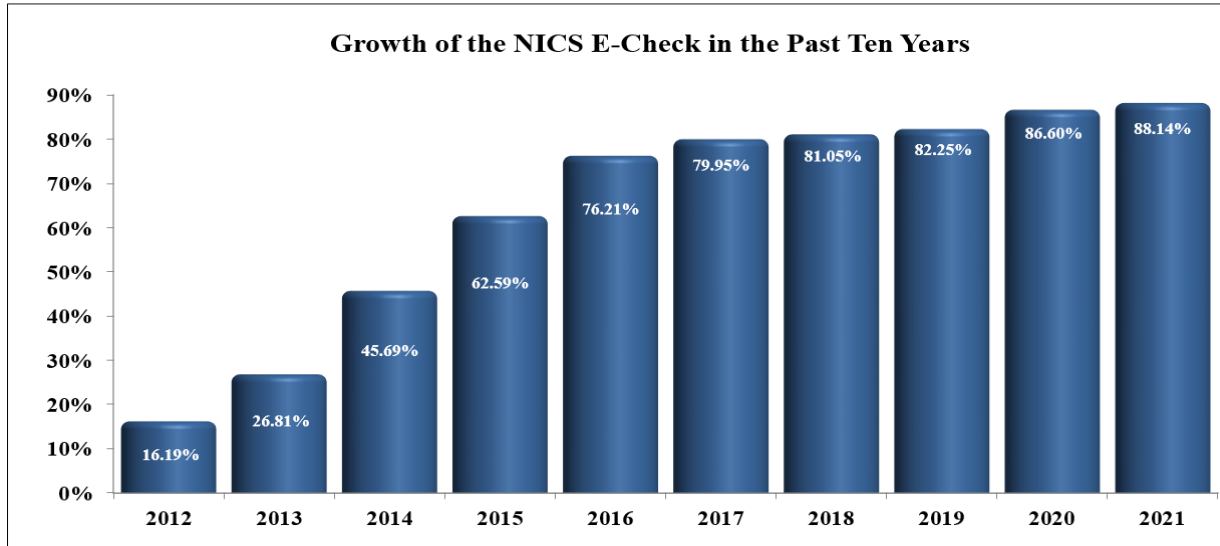
NICS E-Check provides the capability to conduct NICS background checks electronically through a secure internet connection and has many benefits not available through the use of telephones via the NCCC. Upon receipt of a NICS E-Check request, the NICS Section staff performs a cursory review to determine 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, 2021, an estimated 36,713 FFLs were enrolled to use NICS E-Check. This represents just over 73 percent of all FFLs located in non-POC states. Some of the major corporations access NICS E-Check through an extensible markup language (XML) process, which does not involve registering through the NICS E-Check website. Therefore, the number of FFLs submitting NICS background checks electronically is higher than the number of FFLs enrolled. Between June 18, 2002, and December 31, 2021, a total of 65,929,609 firearms and explosives NICS background checks were processed via NICS E-Check. In 2020, there were 11,144,467 NICS E-Check transactions processed and 9,927,987 were processed in 2021.

To increase the usage of NICS E-Check, the NICS Section continued to undertake the following initiatives in 2020/2021:

- On-site visits to assist FFLs with registration.
- Promotion of NICS E-Check at ATF-sponsored FFL seminars and other conferences.

Through these initiatives, and others since the inception of NICS E-Check in 2002, usage has steadily increased. By the end of 2021, the calendar year percentage of transactions initiated via NICS E-Check was 88.14.



Year	Percentage
2012	16.19%
2013	26.81%
2014	45.69%
2015	62.59%
2016	76.21%
2017	79.95%
2018	81.05%
2019	82.25%
2020	86.60%
2021	88.14%

## NICS CONTRACTED CALL CENTER

FFLs in non-POC states 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 ATF Form 4473, into 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 NICS determines a valid match to a prohibiting record, the system provides the CSR with a denied status, and the CSR advises the FFL the transfer is denied. Transactions with records requiring further review are no

longer transferred by the CSR to the NICS Section while the FFL is still on the telephone. Instead, the CSR provides the FFL with the NICS-generated Brady Transfer Date (BTD), and the NICS transaction number (NTN) is routed electronically to a NICS legal instruments examiner (examiner) to be processed. The BTD is the expiration of three business days (exclusive of the day on which the query is made). A business day is a 24-hour day (beginning at 12:01 a.m.) on which state offices are open. A business day does not include Saturday, Sunday, or holidays. If there is a state or federal holiday during the time period, the lawful transfer date may be delayed one additional day. After a review, if nothing prohibiting is on the record, the examiner will submit the NTN back to the NCCC for a return call to the FFL. This is the “new” transfer process (TP) functionality, and it helps to eliminate lengthy telephone hold times for the FFLs, yet still supports the FBI’s IDR.

## TRANSFER PROCESS ABANDONMENT RATE

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. As of April 2020, and as mentioned previously, the NICS Section made the decision to no longer transfer telephonic inquiries from the NCCC. Instead, the NICS Section began the process of integrating the telephonic firearm NICS background checks transferred by the NCCC into a more efficient electronic workflow process utilized with transactions submitted via NICS E-Check. As a result, only a few calls are now being transferred to the NICS Section making the abandonment rate irrelevant. This topic will not be included in future reports.

## 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 (prior to the aforementioned change in transfer process), and the determinations from NICS E-Check. All three functions require available staff to process the requests being submitted to the NICS Section. The U.S. Attorney General requested the NICS Section strive to maintain a 90 percent rate of immediate determinations. Historically, the NICS Section has maintained an average IDR of 90.14 percent since January 1, 2003. In 2020, the IDR was 85.30 percent, and 2021 showed an increase to 87.98 percent.

## TRANSACTIONS CREATED IN NICS

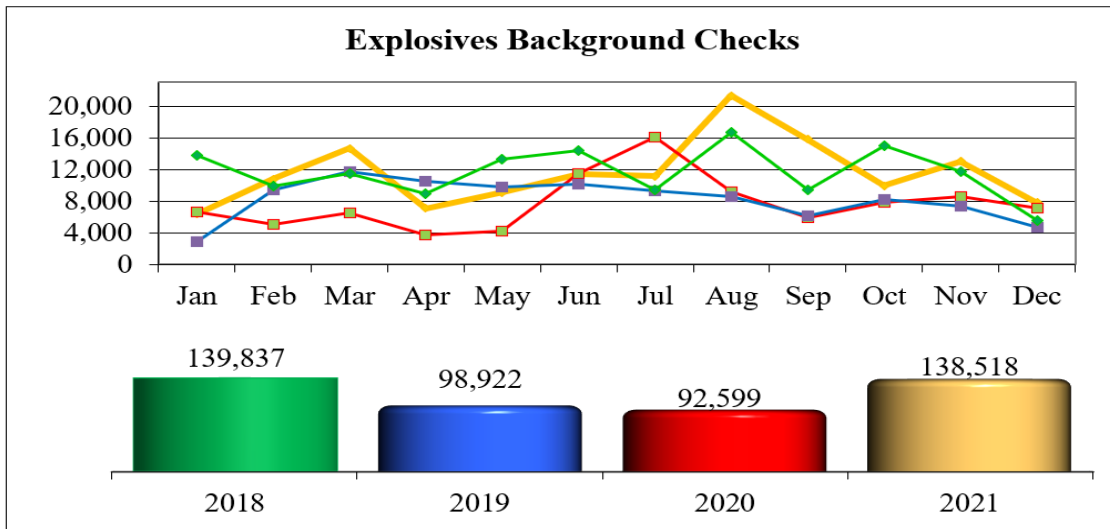
From November 30, 1998, through December 31, 2021, NICS processed a total of 411,575,054 NICS background checks. In 2020, there were 39,695,315 NICS background

checks submitted, the highest year in the history of NICS. It surpassed the previous highest year in 2019 by 11,325,565 transactions. Of the 2020 total, the NICS Section processed 12,761,328 transactions. State users of NICS processed the remaining 8,691,130 firearm transactions and 18,242,857 permit transactions totaling 26,933,987 state transactions. In 2021, there were 38,876,673 NICS background checks submitted. Of the 2021 total, the NICS Section processed 11,106,931 transactions. State users of NICS processed the remaining 7,711,803 firearm transactions and 20,057,939 permit transactions totaling 27,769,742 state transactions.

YEAR	STATE		FEDERAL	TOTAL	PROGRAM TO DATE (PTD) TOTAL
	Transactions	Permits			
1998-1999	3,870,520	1,115,869	5,044,574	10,030,963	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
2020	8,691,130	18,242,857	12,761,328	39,695,315	372,699,381
2021	7,711,803	20,057,939	11,106,931	38,876,673	411,576,054

## EXPLOSIVES BACKGROUND CHECKS

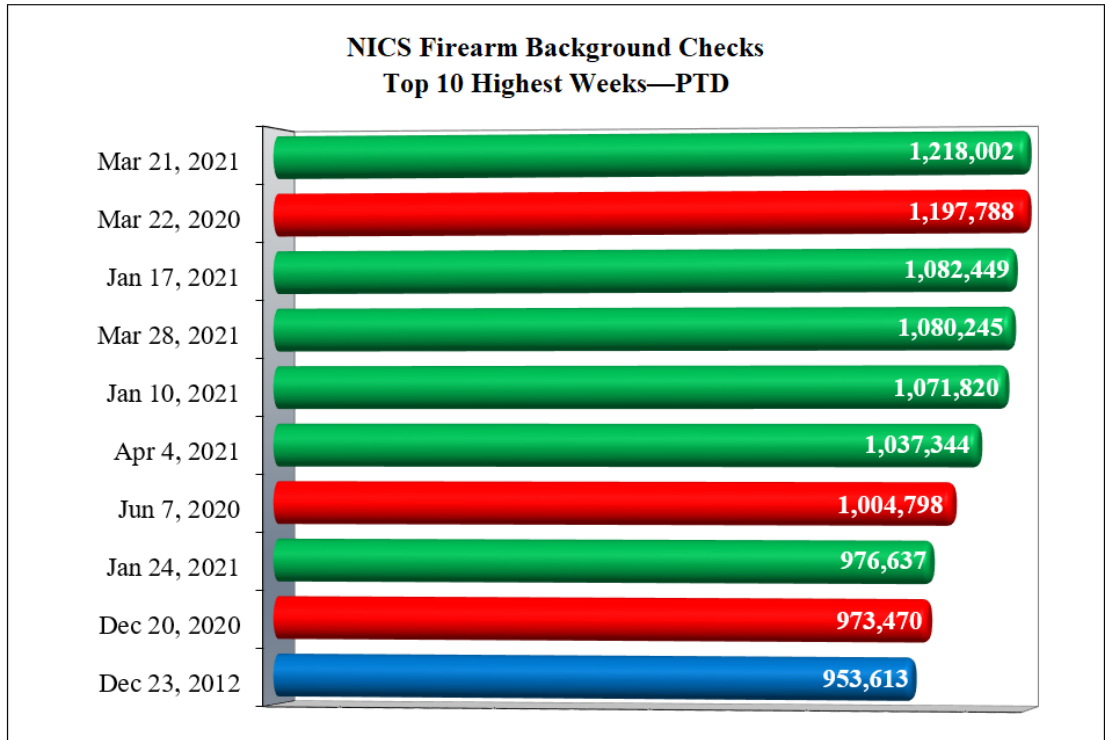
The Safe Explosives Act was signed into law on November 25, 2002, as part of the Homeland Security Act, and became effective on May 24, 2003. It requires that persons who export, ship, cause to be transported, or receive explosive material in either intrastate or interstate commerce must first obtain a federal explosives permit or license. A NICS background check is conducted as part of the licensing process to determine the eligibility of a subject to operate as a responsible person (RP) (sole proprietors, explosives facility site managers) in the explosives industry and for all persons designated as employee possessors (EP) (an employee of a license or permit holder). The RP and EP requests for NICS background checks are submitted by ATF, via batch submission. The results of explosives NICS background checks are forwarded to ATF along with a recommended status. ATF makes the final determination as to a subject’s eligibility to receive an explosives permit. Since 2003 through December 31, 2021, the NICS Section has processed a total of 1,736,677 explosives NICS background checks. The NICS Section processed 92,599 explosives NICS background checks in 2020, with 890 checks denied, and 138,518 in 2021 with 1,656 checks denied.



<b>Explosives Background Checks</b>				
Month	2018	2019	2020	2021
January	13,816	2,855	6,593	6,390
February	9,920	9,435	5,120	10,792
March	11,509	11,761	6,558	14,647
April	8,982	10,498	3,705	7,090
May	13,342	9,775	4,247	9,071
June	14,345	10,141	11,541	11,420
July	9,460	9,334	16,091	11,131
August	16,732	8,594	9,149	21,297
September	9,413	6,117	5,976	15,825
October	15,009	8,236	7,837	9,950
November	11,764	7,414	8,599	13,056
December	5,545	4,762	7,183	7,849
<b>Totals</b>	<b>139,837</b>	<b>98,922</b>	<b>92,599</b>	<b>138,518</b>

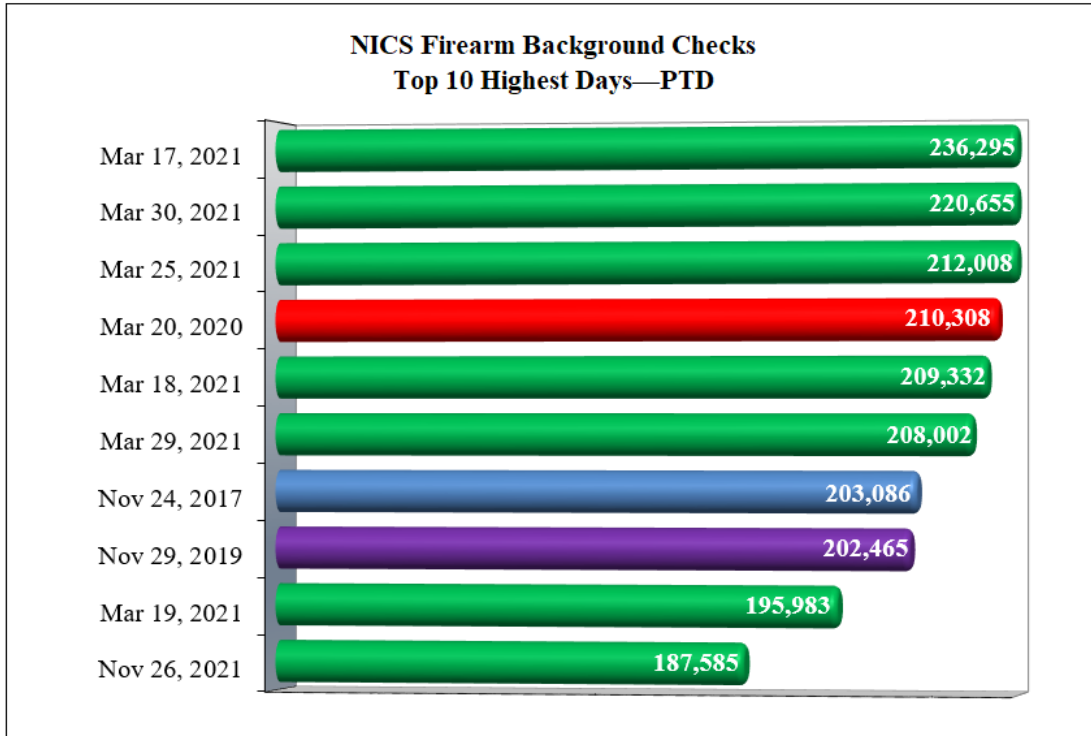
## NICS PEAK SEASON

The NICS Section typically observes an increase in transaction activity associated with major hunting seasons and year-end holidays. However, this trend has changed in recent years. The past two years were specifically impacted by the COVID-19 pandemic. During this timeframe, a majority of the NICS Section's highest days and weeks were processed. Many records were broken in calendar year 2020 from a volume perspective, only to be overtaken by further increases during 2021. In 2021, March 17<sup>th</sup> was the single highest volume day to date when NICS processed 236,295 NICS background checks. The year 2021 produced seven of the top ten highest days and six of the top ten highest weeks.



<b>Top 10 Highest Weeks - Program to Date</b>	
March 21, 2021	1,218,002
March 22, 2020	1,197,788
January 17, 2021	1,082,449
March 28, 2021	1,080,245
January 10, 2021	1,071,820
April 4, 2021	1,037,344
June 7, 2020	1,004,798
January 24, 2021	976,637
December 20, 2020	973,470
December 23, 2012	953,613





<b>Top 10 Highest Days – Program to Date</b>	
March 17, 2021	236,295
March 30, 2021	220,655
March 25, 2021	212,008
March 20, 2020	210,308
March 18, 2021	209,332
March 29, 2021	208,002
November 24, 2017	203,086
November 29, 2019	202,465
March 19, 2021	195,983
November 26, 2021	187,585

## 400 MILLION

NICS hit a major milestone by processing its 400 millionth transaction on August 25, 2021. The transaction was a state check processed by the state of Michigan. The 399,999,999 transaction was processed by the NICS Section on the same day via an E-Check from the state of Idaho.

## FEDERAL PROHIBITIONS

Federal law prohibits any person from possessing or receiving a firearm who:

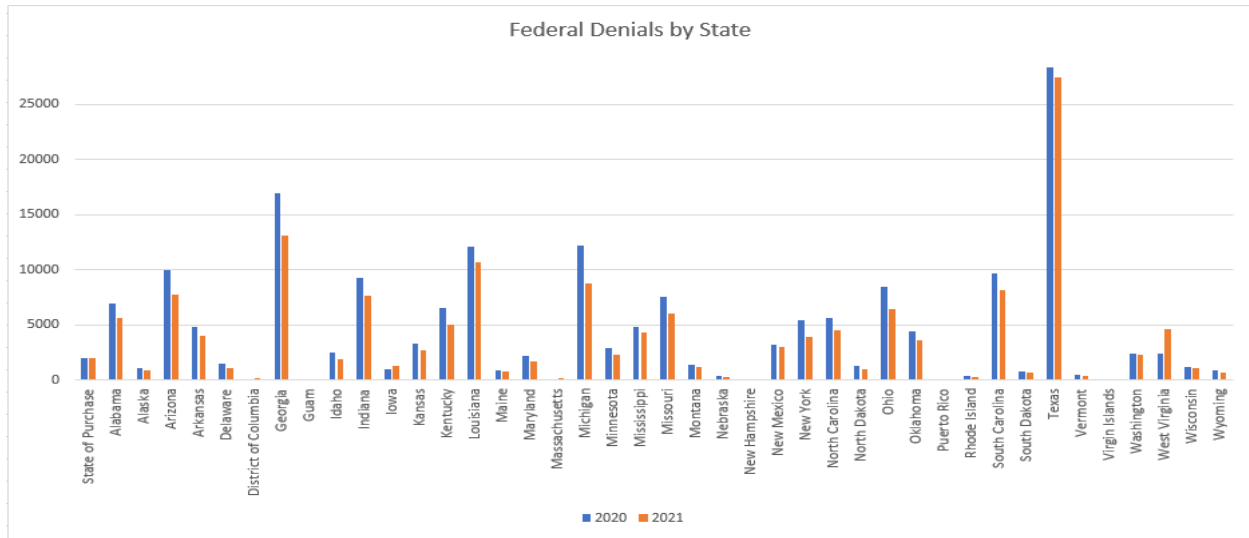
- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year—18 U.S.C. § 922(g)(1).
- Is a fugitive from justice—18 U.S.C. § 922(g)(2).
- Is an unlawful user of or addicted to any controlled substance—18 U.S.C. § 922(g)(3).
- Has been adjudicated as a mental defective 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 (MCDV)—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 first researches to determine if a federal prohibition exists. If no federal prohibition exists, the NICS Section must further review the record match(es) to determine if any applicable state law prohibits the transfer to the prospective firearms transferee. From the inception of NICS on November 30, 1998, through December 31, 2021, the NICS Section has denied 2,039,507 transactions. Of these, 185,384 denial decisions were provided in 2020, and 153,565 were denied in 2021. Historically, and again in 2020 and 2021, the leading reason for a NICS Section denial was 18 U.S.C. § 922(g)(1), being convicted of a crime punishable by imprisonment for a term of more than one year.

FEDERAL DENIALS	2020 TOTALS	2021 TOTALS
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	92,992	75,723
Unlawful User/Addict to a Controlled Substance	19,310	15,599
Under Indictment/Information	16,361	15,528
Fugitive from Justice	10,245	7,299
Misdemeanor Crime of Domestic Violence Conviction	12,620	10,500
State Prohibitor	12,588	11,766
Adjudicated Mental Health	10,331	8,484
Protection/Restraining Order for Domestic Violence	4,350	3,863
Illegal/Unlawful Alien	6,344	4,687
Dishonorable Discharge	211	105
Federally Denied Persons File	24	9
Renounced U.S. Citizenship	8	2
<b>Totals</b>	<b>185,384</b>	<b>153,565</b>

As specified in House Report 116-101 and required by the fiscal year 2020 Appropriations Act, information contained within this report was to be included and/or expanded. Some of these requests will not be available until publication of the next annual report. However, the NICS Section is able to provide expanded information regarding the denial data by state. Federal denials by state are presented below for those states the NICS Section conducts all or part of their firearm checks. State denial information cannot be verified by the NICS Section and is not included within this data. In upcoming reports, additional data will be reported. The number of checks taking longer than three days and the subset of these checks that were purged after 88 days will be included.

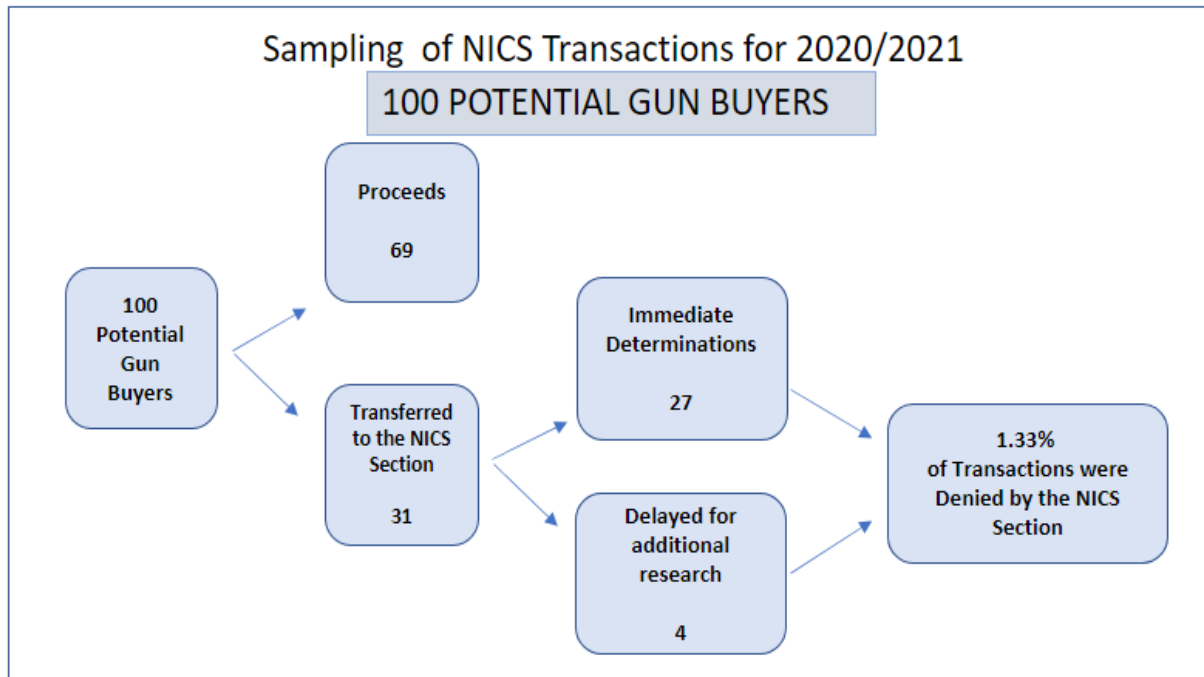


FEDERAL DENIALS BY STATE					
STATE	2020	2021	STATE	2020	2021
Alabama	6,905	5,663	Montana	1,366	1,175
Alaska	1,099	925	Nebraska	351	291
Arizona	9,957	7,782	New Hampshire	22	20
Arkansas	4,811	3,996	New Mexico	3,238	2,968
Delaware	1,493	1,118	New York	5,412	3,937
District of Columbia	99	179	North Carolina	5,597	4,564
Georgia	16,949	13,079	North Dakota	1,272	965
Idaho	1	2	Ohio	8,476	6,410
Indiana	9,216	7,597	Oklahoma	4,441	3,636
Iowa*	978	1,324	Puerto Rico	0	0
Kansas	3,348	2,729	Rhode Island	371	244
Kentucky	6,534	5,029	South Carolina	9,679	8,167
Louisiana	12,039	10,694	South Dakota	814	685
Maine	924	762	Texas	28,347	27,412
Maryland	2,234	1,663	Vermont	476	378
Massachusetts	109	160	Virgin Islands	0	0
Michigan	12,191	8,798	Washington	2,368	2,293
Minnesota	2,907	2,270	West Virginia	2,383	4,640
Mississippi	4,816	4,272	Wisconsin	1,226	1,111
Missouri	7,555	6,035	Wyoming	852	640

\*As of July 2021, Iowa was no longer a Partial POC state.

## OUT OF ONE HUNDRED CHECKS

Pursuant to Title 28, Code of Federal Regulations (C.F.R.), section 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 NICS Section conducts research attempting to acquire all relevant documentation that will allow a determination to be made regarding the prospective purchaser’s eligibility to ship, transport, possess, and/or receive a firearm. In accordance with 18 U.S.C. § 922(t), where no proceed or deny determination has been provided, an FFL is not prohibited by federal law from transferring a firearm after the third business day, provided relevant state laws for SOP and SOR allow. However, the NICS Section is committed to its mission, and the research for all relevant documentation continues beyond the third business day. Further research is conducted by the NICS Section until the transaction is proceeded, denied, or purged prior to 90 days (see below for information about purging delayed transactions). From January 1, 2021, through December 31, 2021, approximately 30 percent of all transactions processed were given an initial delay status. Ultimately, 1.26 percent of all transactions processed by the NICS Section were denied. From January 1, 2020, through December 31, 2020, approximately 31 percent of all transactions processed were given an initial delay status and 1.45 percent of these transactions were denied. It is important to note that transactions not subject to the three-business-day rule (e.g., National Firearms Act background checks, FFL application background checks, and canceled transactions) are not included in determining these statistics.

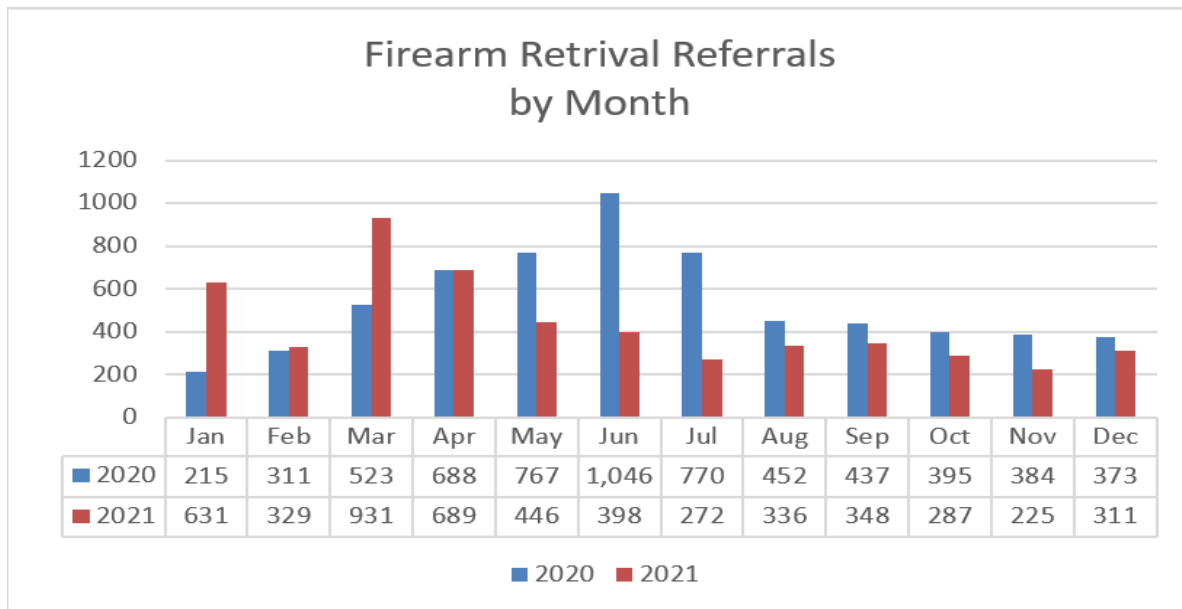


## UNRESOLVED TRANSACTIONS

The NICS Section requires accurate, complete, and timely information to make a final determination on a NICS background check. To make that final determination, the NICS Section sometimes needs to contact outside entities to try and obtain information (dispositions, incident reports, or other relevant information) not available in the III, NCIC, or NICS Indices. This information is not always available; the agency may not respond; or the agency's response is received after the third business day. The NICS Section, however, continues working the transaction until it is purged from NICS. Pursuant to 28 C.F.R. § 25.9, 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 transfer after three business days from the date of inquiry), all information relating to the check except for the NTN and date of inquiry is destroyed after not more than 90 days from the date of inquiry. In 2020, there were 535,786 transactions handled by the NICS Section that could not be resolved within three business days. Of these, 410,290 remained unresolved and were purged from the NICS Audit Log 88 days after the date of inquiry. In 2021, there were 466,488 transactions handled by the NICS Section that could not be resolved within three business days. At the time of this report, the total number of unresolved transactions after 88 days was not available due the report being finalized prior to the 88-day timeframe lapsing on the final calendar day of 2021. However, the 2021 total at the time of this report was 324,314, which covers the months of January through November. The percentage of unresolved transactions for 2020 and 2021 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 necessary background information is obtained, and a final status is rendered after three business days have elapsed. If the final determination results in a denial, the NICS Section will contact the FFL and ask whether the firearm was transferred. If the NICS Section is advised that the firearm was transferred, ATF is notified that a prohibited person is in possession of a firearm. These instances are referred to as firearm retrieval referrals. There were 6,361 firearm retrieval referrals provided to ATF in 2020 and 5,203 in 2021.



Firearm Retrieval Referrals		
Month	2020	2021
January	215	631
February	311	329
March	523	931
April	688	689
May	767	446
June	1,046	398
July	770	272
August	452	336
September	437	348
October	395	287
November	384	225
December	373	311

## FIREARM-RELATED CHALLENGES (APPEALS)

In 2020, approximately 1.45 percent of the NICS background checks processed by the NICS Section received a final transaction status of deny. In 2021, approximately 1.26 percent of the background checks processed by the NICS Section received a final transaction status of deny. 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 or the FBI (the ‘denying agency’ will be the FBI or the state or local law enforcement agency serving as the POC).” Individuals denied directly by a

POC state are encouraged to contact the POC state that determined the denial prior to contacting the FBI. 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 or via U.S. Postal Service-First Class Mail®.

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>. Faxed and e-mailed requests are not preferred; however, are accepted. In addition, individuals who wish to submit a challenge request via mail may send the request to:

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 POC state does not submit status notifications to 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 POC state that conducted the NICS background check.

From January 1, 2020, through December 31, 2020, the FBI received 24,748, firearm-related challenges, resulting in 6,820 denied transactions being overturned. The primary reason for overturning denied transactions in 2020 was the appellant's fingerprints did not match the fingerprints linked to the disqualifying record. From January 1, 2021, through December 31, 2021, the FBI received 24,095 firearm challenges, resulting in 7,165 overturned denials. Again in 2021, the primary reason for overturning denied transactions was the appellant's fingerprints did not match the fingerprints links to the disqualifying record.

## VOLUNTARY APPEAL FILE

NICS is required to purge all identifying information regarding proceeded transactions within 24 hours of notification to the FFL. Therefore, in many instances, specifically with overturned denials, an individual will be denied again, and the process must be repeated because the transferee is again biographically matched to the same prohibiting record. The VAF was implemented in July 2004 to prevent subsequent delays and erroneous denials of a firearm transfer. Having been through a NICS check, however, is not a prerequisite in order to apply for entry into the VAF; for example, persons having been subject to identity theft may wish to apply. All applicants approved for entry into the VAF receive a UPIN, which they must provide to an FFL, through entry on ATF Form 4473, during subsequent NICS background checks. The VAF is accessed during the NICS background check process only when the prospective transferee's UPIN is provided to NICS via the FFL. Since the availability of the VAF, more than 221,582 transactions have been processed using a UPIN; thus, expediting the NICS background check for



the applicant in most cases. In 2020, there were 11,667 VAF applications received and 2,203 UPINs activated from the VAF applications processed. In 2021, there were 12,890 applications received and 4,771 UPINs activated. 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, 2021, the VAF contained approximately 41,312 entries with an active UPIN. Individuals wishing to request entry into VAF may access <https://www.fbi.gov/nics-appeals> for further information.

## NUCLEAR REGULATORY COMMISSION

On September 11, 2009, 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, 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 NICS background check for armed security officers at designated NRC licensees. A firearms NICS background check is conducted on both current and prospective security officers, whose official duties require access to firearms. The NICS Section processed 175 NRC NICS background checks in 2020 and a total of 133 in 2021. A total of 4,070 NRC NICS background checks have been conducted since 2013.

## DISPOSITION OF FIREARMS

In January 2015, 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 NICS assists the agencies in determining an individual's eligibility to ship, transport, possess, and/or receive firearms in accordance with federal and state law. As of December 31, 2021, state law enforcement/criminal justice agencies within 44 states and the District of Columbia access NICS for DOF purposes. DOF checks are also conducted by 79 federal agencies such as the military, the FBI, and ATF offices, as well as 153 tribal agencies. From January 1, 2020, through December 31, 2020, there were 84,329 NICS background checks conducted for the DOF purpose. Approximately 4,388 DOF denials were reported to the NICS Section during this period, equating to a 5.2 percent denial rate. From January 1, 2021, through December 31, 2021, there were 121,961 NICS background checks conducted for the DOF purpose. Approximately 2,150 DOF denials were reported to the NICS Section during this period, equating to a 3.2 percent denial rate. It is important to note that not all DOF agencies report DOF denial statistics to the NICS Section, because it is not a requirement. As of December 31, 2021, a total of 420,678 DOF NICS background checks have been conducted since 2015.

## PRIVATE SALES

Access to 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 ATF. On September 16, 2015, the capability became available within 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 2020, there were 56,490 transactions related to private sales initiated through NICS and a total of 208,588 in 2021. A total of 455,274 NICS background checks related to private sales have been conducted since 2015.

## NICS INDICES

The NICS Section encourages and promotes agencies to make federal and state prohibiting records available at the national level. Typically, the information submitted to the NICS Indices is not available in III or 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 prevalidation, 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. The prevalidation 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 those transactions.

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

- Training and educating users of NICS in making NICS Indices entries.
- Participating and interacting at various conferences and seminars, as well as continued participation in state NICS task force 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 to create a NICS Indices entry.
- 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 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 NICS E-Check. Entry via the NICS E-Check functionality within LEEP is made available to agencies that do not have NCIC access but are still authorized to make entry into the NICS Indices. An application for utilization of LEEP must be submitted for approval, and the agency must have a valid Originating Agency Identifier (ORI) which, once activated in 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 LEEP, agencies can enter, modify, supplement, and cancel their entries in a “realtime” 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>.

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 federal and state agencies as of December 31 of the current year. On December 31, 2021, the NICS Indices contained 25,430,959 records. This includes an increase of 8.79 percent in records since the end of 2020.

Category	As of Dec 31, 2020	As of Dec 31, 2021	Increase/Decrease Percentage
Convicted of a crime punishable by more than one year or a misdemeanor punishable by more than two years	4,615,459	4,862,239	5.35%
Unlawful User/Addicted to a Controlled Substance	49,746	59,908	20.43%
Under Indictment/Information	183,386	214,517	16.98%
Fugitive from Justice	145	248	71.03%
Misdemeanor Crime of Domestic Violence Conviction	222,191	238,000	7.12%
State Prohibitor	1,765,325	2,238,581	26.81%
Adjudicated Mental Health	6,396,880	6,776,082	5.93%
Protection/Restraining Order for Domestic Violence	76,910	73,419	-4.54%
Illegal/Unlawful Alien	9,994,293	10,892,227	8.98%
Dishonorable Discharge	18,923	19,251	1.73%
Federally Denied Persons File	0	0	0.00%
Renounced U.S. Citizenship	53,975	56,487	4.65%
Totals	23,377,233	25,430,959	8.79%

## NICS INDICES OUTREACH

The NICS Section educates federal and state partners on the NICS Indices and promotes information sharing. During 2020 and 2021, the NICS Section continued to provide information and promote to state, local, and tribal agencies that they share their records to not only the NICS Indices, but also to the III and NCIC databases.

The NICS Section continues to focus on all federal agencies regarding the NICS Indices. In 2020, the Department of Defense's (DoD's) National Security Administration began submitting records to the NICS Indices, whereas their Pentagon Force Protection Agency continues to submit. The Internal Revenue Service, Department of Labor, and the military branches continue to make huge strides in their submissions. In July 2021, the DoD's Defense Intelligence Agency obtained access to the NICS Indices to begin making entries.

The U.S. Customs and Border Protection (CBP) entries continue to increase. As of December 31, 2021, the CBP had over 1.86 million records in the illegal alien category. The U.S. ICE continues to perform a review of their more than eight million records to ensure accuracy.

## FFL INTERACTION

The NICS Section attended the annual Shooting, Hunting, and Outdoor Trade (SHOT) Show in Las Vegas, Nevada, January 21-24, 2020. The NICS Section personnel met with individuals from 43 different states and 6 countries and were able to answer questions about conducting NICS background checks and other processes relative to NICS. The NICS Section staff assisted FFLs in signing up for NICS E-Check access, resetting existing access, and providing demonstrations on how NICS E-Check works. The NICS Section partnered with a government contractor to conduct a survey of FFLs on what they would like to see improved with the NICS E-Check process. The NICS Section also provided two SHOT Show University seminars to attending FFLs.

The NICS Section was also able to attend the Nation's Best Sports Show in Fort Worth, Texas, in February 2020. The NICS Section staff hosted and maintained a booth, interacted with event attendees by answering questions, and assisted with NICS E-Check enrollments and resetting existing accesses. With the outbreak of COVID-19 and the resulting pandemic, all other external travel for the year was suspended in March 2020.

In-person interaction with FFLs started again in 2021. The NICS Section was able to present at four FFL seminars in the last half of 2021. The sites included Columbus, Ohio; Suttons Bay, Michigan; Livonia, Michigan; and Tulsa, Oklahoma. During the Tulsa, Oklahoma, trip, the NICS liaison specialists were able to visit 13 FFL establishments to guide the FFLs through the process of setting up and conducting NICS E-Check searches. The NICS Section

presented four FFL seminars to the corporate retailer companies of Gebo's and Academy Sporting Goods.

In addition, the NICS Section attended the annual National Pawnbrokers Association Show in Fort Worth, Texas. The NICS Section personnel met with individuals from 15 different states and were able to answer questions about conducting NICS background checks and other processes relative to NICS.

## TRIBAL AGENCY OUTREACH

The NICS Section traveled to tribal reservations in coordination with the CJIS Division's Global Law Enforcement Support Section's Tribal Engagement Program (TEP) in 2020. The intent of these visits was to provide tribal agencies with an overview of six primary CJIS Division services, including access to NICS, and offering assistance regarding connectivity and use of services available.

Tribal agencies visited by the NICS Section included the Seminole and Miccosukee Tribes of Florida. The NICS Section used the platform to emphasize the importance of making records available on a national level. As a result of the NICS Section's overall tribal outreach, several tribal agencies are now entering records into the NICS Indices. The NICS Section continues to also support the DOJ's Tribal Access Program in addressing connectivity issues and providing support to tribal agencies.

NICS was highlighted in a video on the CJIS Division services, specifically targeted to the tribal communities. The NICS Section visited the Tulalip Tribe of Washington and assisted with filming of the tribe and spotlighting the tribe's participation with respect to the use of NICS. The finalized video was released in August 2021 to all 574 federally recognized tribes and showcased tribal agencies and their successes using CJIS Division systems.

Due to the COVID-19 pandemic, other scheduled travel to tribal agencies and tribal conferences was canceled; however, the NICS Section participated in virtual conferences and events in coordination with the TEP. For fiscal year 2021, TEP facilitated nine CJIS Division TEP virtual sessions with 333 participants from various federal, state, and tribal agencies. The NICS Section provided an overview of the various services as well as engaged the agencies in relevant record reporting.

The NICS Section also traveled to the National Native American Law Enforcement Conference in August 2021, to present an overview of NICS and various services available to the tribal community and to promote relevant record reporting.

## 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 NICS is a topic of discussion.

In 2020, the NICS external training instructors conducted approximately 46 training sessions, which encompassed over 400 agencies hosting over 830 attendees. Agencies receiving training included POC-state agencies, ATF-qualified alternate permit state agencies, state-designated trainers, agencies performing disposition of firearm checks, military branches, as well as ATF and FBI field offices. Training sessions were traditionally held at the CJIS Division or at the requesting agency's location; however, due to the COVID-19 pandemic, in-person training was suspended. The training instructors moved to a virtual training format and ensured agencies and attendees were given the flexibility to schedule and attend training. The curriculum was modified to enhance the virtual training environment to encourage information sharing, and increase knowledge retention by incorporating handouts, group activities and interactions. The move to virtual training ensured the training instructors were able to continue providing services and information to state partners benefitting the NICS Section, and federal and state agencies.

A modified 2021 NICS User Conference was held due to COVID-19 health concerns. To continue collaboration and education in 2021, the NICS Section held virtual discussions with NICS POCs and all CJIS Systems Officers (CSO), tribal representative (trainers), and representatives from ATF, DOJ, U.S. Customs and Border Protection, Office of the General Counsel, SEARCH, ICE, United States Attorneys' Office, and state Attorneys General offices. A total of 13 virtual sessions were held that covered 22 different topics. Participation in the sessions ranged from 80 to 145 participants, with a record total of 1,356 individuals participating in the 13 sessions, averaging a total of 104 individuals per session. Individuals could attend multiple sessions. Sessions included the following topics.

- NICS Indices—from the contributor's perspective
- JusticeConnect and Law Enforcement Enterprise Portal (LEEP) and LEEP Command Center
- NICS audits and NICS Section's internal quality assurance process and the federal fugitive from justice prohibition, 922(g)(2)
- Military record reporting and processing military information from the NICS user's perspective
- NICS Indices—from the user's perspective
- The federal controlled substance prohibition, 922(g)(3)
- The federal Misdemeanor Crime of Domestic Violence (MCDV) prohibition, 922(g)(9) and MCDV variants
- The Legal Analysis Team and identifying available resources and tribal topics
- The federal protection order prohibition, 922(g)(8), and court orders firearm restrictions
- The federal illegal/unlawful alien prohibition, 922(g)(5) and an ATF update

- NICS access for the DOF
- NICS training and the federal mental health prohibition, 922(g)(4)
- NICS Section's remote work initiatives and NICS Section's processing enhancements

## ADDITIONAL SERVICES PROVIDED TO USERS

JusticeConnect is a criminal justice network which facilitates the real-time collaboration, information sharing, partnership development, and project management for federal, state, local, tribal, and territorial partners in a secure environment. The portal is accessed through LEEP which acts as the gateway to JusticeConnect. Once an individual is a member of LEEP, they can make the request for JusticeConnect and the NICS community and subcommunities. The JusticeConnect community provides an excellent platform for information sharing and discussion.

The NICS Section has three communities in JusticeConnect. The parent, or main community, is the NICS community which is an overview page detailing the NICS Section's mission statement and state breakdown of liaison and training assignments for the NICS Section. As of January 31, 2022, the NICS community consists of 852 members from various law enforcement agencies.

Once membership is granted to the parent NICS community, a member may request membership to the two NICS subcommunities. The two subcommunities are the NICS Resources community and the VAF community. The NICS Resources community provides information for NICS users such as, federal, state, military, and U.S. territory reference pages that may be used in their NICS background check research process. This community page also offers various documents and resources such as information about NICS Indices, system documents, DOF, denial challenges, and how to contact the NICS Section's Legal Analysis Team to name a few. The NICS Resources community is the greatest resource of information for federal and state users of NICS. Requests are processed daily for the members community. The VAF subcommunity has 117 members and is primarily a resource for state and local users of NICS when establishing whether an individual possesses a valid UPIN. This report is queried monthly, and the UPIN report generated is uploaded to the site.

The NICS Section continues to explore other avenues offered on JusticeConnect to not only connect the FBI with other NICS users, but to also connect NICS users with one another.

## THE FIX NICS ACT

In March 2018, Congress passed the Fix NICS Act (the Act), Pub. L. 115-141, tit. VI, codified in part in 34 U.S.C§ 40901 which aims to improve NICS by imposing two primary



requirements. First, the Act requires federal departments and agencies to submit semiannual certifications to the U.S. Attorney General indicating whether the department or 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 department or agency during the previous six-month reporting period (January 1 through June 30 for the July certification; July 1 through December 31 for the January certification). Second, federal departments and agencies were required, and state governments were requested to establish four-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.” 34 U.S.C§ 40901(e)(1)(G)(i). The plans must include annual benchmarks for a number of metrics. The basics of the implementation plans include reporting or making appropriate records available to NICS, identifying gaps in record reporting, and verifying the accuracy of relevant records over the four-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. Attorney General must determine whether federal departments and agencies achieved “substantial compliance” with the benchmarks established in their respective plans. DOJ must also publish and submit to Congress a semi-annual report describing the compliance of federal departments and agencies. In addition, the Act requires all firearm challenges of a denied NICS background check be completed within 60 days of receiving information from the appellant that corrects, clarifies, or supplements records of the system with respect to the prospective transferee.

In collaboration with DOJ, the NICS Section, and other CJIS Division business lines have engaged with both federal departments and agencies and state governments to provide guidance on submitting relevant records to NICS and to support their efforts to achieve the benchmarks established in their implementation plans. In addition, this group likewise received, logged, and reviewed agency submissions of semiannual certifications. The CJIS Division also received and reviewed updates to the state implementation plans, compiled the information in the plans, and determined whether any clarifications were needed. When clarification was necessary, the CJIS Division conducted outreach with the agencies submitting those plans to provide the most comprehensive information to the DOJ.

The DOJ’s semi-annual report, which was published for a second time in July 2021, indicated only one federal agency failed to submit an implementation plan, and all 50 states and the District of Columbia were in compliance with the Act. Although growth can be perceived in respect to record increases in NCIC, 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 entire CJIS Division, remains committed to supporting DOJ with efforts to facilitate the Act and will continue to provide support to federal departments and agencies and state governments, as they move forward with compiling their certifications and implementation plans over the remaining years. The outreach continues to be 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 firearms eligibility and/or explosives in accordance with federal and state law. Information technology enhancements to NICS are ongoing to further advance system functionality.

In July 2021, the NICS Section implemented a state sharing initiative where the NICS Section is returning disposition information missing from state held records, that is obtained through its research to the State Identification Bureaus for updating their respective state records, if possible. The state agency is not required to update this information but by doing so could reduce the requests an agency may receive from the NICS Section for future firearm purchases related to that individual.