THE ATTORNEY GENERAL'S SEMIANNUAL REPORT ON THE FIX NICS ACT

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The National Instant Criminal Background Check System (NICS) is a critical tool in helping keep firearms out of the hands of those who are legally prohibited from purchasing or possessing them. To function effectively, the NICS must have access to complete, accurate, and timely information submitted by relevant agencies in all levels of government across the country. Although agency participation in the NICS has greatly increased over the years, continued improvement makes for a system that works better to keep the public safe and reduce burdens on law-abiding citizens who purchase firearms. In March 2018, Congress passed the Fix NICS Act (the Act) to spur such improvements and further strengthen the NICS. The Act reinforces the legal obligations of Federal agencies to submit relevant records to the NICS by requiring Federal agencies to report certain record submission metrics to the Attorney General in semiannual certifications, and to establish four-year implementation plans to improve records submissions. Pub. L. No. 115-141, 132 Stat. 1132-38. The Act also requires the Attorney General to coordinate with States and Indian tribal governments to establish four-year implementation plans.

The Act directs the Attorney General to publish, including on the Department of Justice (the Department) website, and to submit to Congress, a semiannual report on Federal agency compliance with the Act. It also requires the Attorney General to determine whether Federal agencies, States, and Indian tribal governments have achieved substantial compliance with the benchmarks set out in their implementation plans. This is the first semiannual report under the Act, and it will address Federal agency certifications received for the periods January-June 2018, July-December 2018, and January-June 2019, as well as the implementation plans and compliance determinations for Federal agencies, States, and Indian tribal governments.

As this report demonstrates, compliance with the Act is strong. Certifications and implementation plans were submitted by 45 Federal agencies, and implementation plans were established for all 50 States, the District of Columbia, and Indian tribal governments. The high compliance has sparked renewed efforts at all levels of government to reexamine record submission processes and identify where improvements can be made. Awareness of the NICS requirements has never been higher, and communication and collaboration between submitting agencies and NICS staff have never been more robust.

These efforts are already paying off. Between April 2018 and August 2019:

- There was an increase of over six million records in the three national databases searched with every NICS check—a 6.2 percent increase. In addition, there was a 15 percent increase in records in one of those databases, the NICS Indices.
- The number of Firearm Retrieval Referrals (FRRs) (where a prohibited person is able to purchase a firearm because the background check could not be concluded within three business days due to incomplete records) decreased each month in comparison to the same month during the previous year, for an average monthly decline of 102 FRRs.

- With the exception of June 2018, there was an increase in the percentage of NICS checks resulting in an immediate determination compared to the previous year. Specifically, there was an average increase of 0.51 percent for each month when compared with the same month of the previous year.

These early indicators are encouraging, but the real work is just beginning—the implementation plans have been in place for just a few months. As those plans are executed over the next several years, the Department expects to see a real and lasting positive impact on NICS records and operations. In short, the Fix NICS Act is well on its way to doing exactly what it was intended to do—make the NICS better.

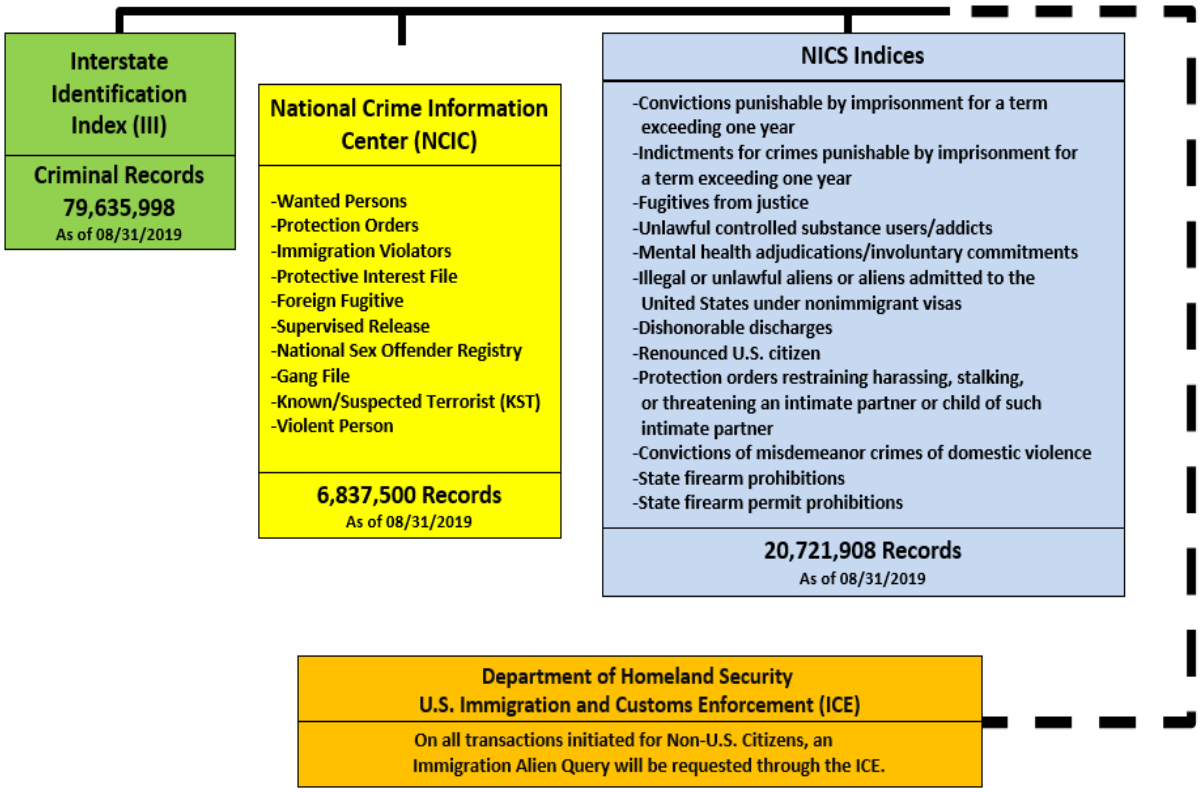
I. Background

A. The NICS

The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFLs) to use the NICS to determine whether a prospective firearm transfer would violate State or Federal laws. The NICS is a computerized system designed to help determine if a person is disqualified from possessing or receiving firearms by conducting a search of available relevant records. The databases used by the NICS in its searches contain records with information relevant to the various legal prohibitions against firearm possession and purchasing under both Federal and State law. There are ten Federal firearm prohibitions, while State law prohibitions vary across the nation.

When an FFL initiates a NICS transaction, a name check is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which accesses criminal history records; and the NICS Indices, which contain information on prohibited persons as defined in the Gun Control Act of 1968, as amended. The NICS Indices include records for individuals who have been determined to be State or Federally prohibited from possessing or receiving a firearm when disqualifying information may not be available through the NCIC or III databases. In addition, in transactions involving a non-U.S. citizen, an Immigration Alien Query is requested through U.S. Immigration and Customs Enforcement to establish the immigration status of a prospective purchaser.

Types of Records Searched by the NICS



B. The Fix NICS Act

The NICS requires accurate, complete, and timely information to be effective. There have been a number of efforts over the years to ensure that the NICS has access to as many relevant records as possible. The most recent of these efforts is the Fix NICS Act.

As relevant to this report, the Act imposes two primary requirements. *First*, the Act requires Federal departments and agencies to submit semiannual certifications to the Attorney General indicating whether the agency is in compliance with the NICS record submission requirements. Certifications must be submitted by January 31 and July 31 of each calendar year, and must describe all relevant records in the possession of the agency during the previous 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, States, and Indian tribal governments must establish four-year implementation plans, which are meant "to ensure maximum coordination and automated reporting or making available of records to the Attorney General, and the verification of the accuracy of those records." Pub. L. No. 115-141, 132 Stat. 1133. The plans must include annual benchmarks for a number of metrics. The deadline for submission of these plans was within one year of the Act's passage (*i.e.*, March 2019).

The Act also reauthorizes two NICS-related grant programs (the NICS Act Record Improvement Program (NARIP) and the National Criminal History Improvement Program (NCHIP)), which provide incentives for States to improve the quality, completeness, automation, and accessibility

of criminal history records to State and Federal systems accessed by the NICS. It also directs the Department to provide grant preferences to States and Indian tribal governments that are in substantial compliance with their implementation plans.

By the end of each fiscal year, the Attorney General must determine whether Federal agencies, States, and Indian tribal governments have achieved "substantial compliance" with the benchmarks established in their plans. The Department must also publish and submit to Congress a semiannual report describing Federal agency, State, and Indian tribal government compliance with the Act. Bonus pay is prohibited for political appointees of Federal agencies that fail to certify compliance with the record submission requirements and are not in substantial compliance with an implementation plan.

II. Implementation Efforts

Following passage of the Act, the Department began implementation efforts in coordination with the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Division, NICS Section. In July 2018, the Attorney General transmitted a memo to Federal agencies advising them of the Act's requirements and deadlines. The memo also provided guidance on the Federal firearms prohibitors, procedures for submitting records to the NICS, and the statutory provisions governing record submission.[1] In response to questions that were generated, the Department provided Federal agencies with a Frequently Asked Questions (FAQ) document. Subsequently, Federal agencies received a template for the implementation plans, along with an updated FAQ and the guidance materials that had been shared the previous July. When it appeared that some agencies were not aware of their obligations under the Act, the Department conducted additional, directed outreach efforts to the relevant agencies.

With respect to the States, in December 2018 the Department disseminated a memo along with information on the Act's requirements and a detailed implementation plan template. Through its Office of Tribal Justice, the Department also developed a plan to increase tribal access to and

[1] In preparing the distribution list for this memo and subsequent communications, the Department relied on prior determinations regarding which agencies have relevant records, FBI records regarding agency record submissions, and the list of Federal agencies in the Executive Secretariat Directory. Where available, the materials were sent via email to the addresses in the Executive Secretariat Directory; in other cases, hard copies were mailed. Materials were distributed to the following agencies: Department of Agriculture; Department of Commerce; Department of Defense; Department of Education; Department of Energy; Department of Health and Human Services; Department of Homeland Security; Department of Housing and Urban Development; Department of the Interior; Department of Justice; Department of Labor; Department of State; Department of Transportation; Department of the Treasury; Department of Veterans Affairs; Administrative Office of the U.S. Courts; Amtrak Police Department; Central Intelligence Agency; Consumer Financial Protection Bureau; Corporation for National and Community Service; Court Services and Offender Supervision Agency; Environmental Protection Agency; Equal Employment Opportunity Commission; Federal Communications Commission; Federal Deposit Insurance Corporation; Federal Reserve Systems Board of Governors; Federal Trade Commission; General Services Administration; Millennium Challenge Corporation; National Aeronautics and Space Administration; National Archives and Records Administration; National Science Foundation; National Transportation Safety Board; Nuclear Regulatory Commission; Occupational Safety and Health Review Commission; Office of Personnel Management; Peace Corps; Railroad Retirement Board; Securities and Exchange Commission; Small Business Administration; Smithsonian Institution; Social Security Administration; Tennessee Valley Authority; U.S. Agency for International Development; U.S. Capitol Police; and the U.S. Postal Service.

submission of records to the NICS. In July 2019, the Department sent a memo to all Federal agency and State partners asking them to provide updates on their progress in meeting the benchmarks laid out in their implementation plans. (Federal agencies were asked to include this information in the July semiannual certification.) These updates are intended to inform the Attorney General's annual determinations of whether the submitter has achieved substantial compliance with its implementation plan.

In collaboration with the Department, the FBI CJIS Division has engaged with both States and Federal agencies to provide guidance on submitting relevant records to the NICS and to support their efforts to achieve the benchmarks established in their plans. In addition, the CJIS Division tracks and reviews agency submission of semiannual certifications. The CJIS Division also undertook a careful review and evaluation of the implementation plans, compiled the information in the plans, and determined whether any clarifications were needed.

III. Compliance with Fix NICS Act Requirements

The Act requires the Attorney General to submit a semiannual report to Congress documenting a number of metrics to measure compliance with the Act and NICS record submission requirements. The report must include:

(i) "the name of each Federal department or agency that has failed to submit a required [semiannual] certification …;
(ii) the name of each Federal department or agency that has submitted a required semiannual certification … but failed to certify compliance with the record submission requirements …;
(iii) the name of each Federal department or agency that has failed to submit an implementation plan …;
(iv) the name of each Federal department or agency that is not in substantial compliance with an implementation plan …;
(v) a detailed summary of the data, broken down by department or agency, contained in the [semiannual] certifications submitted …;
(vi) a detailed summary of the contents and status, broken down by department or agency, of the implementation plans established under [the Act]; and
(vii) the reasons for which the Attorney General has determined that a Federal department or agency is not in substantial compliance with an implementation plan established under [the Act]."

Pub. L. No. 115-141, 132 Stat. 1133-34.

The Act also requires the Attorney General to determine, by the end of each fiscal year, whether each State has achieved substantial compliance with its implementation plan. *Id*. at 1133. Though not required to be included in the semiannual report, that information must also be published and so is included here.

The following sections and appendices provide information satisfying each of these requirements. As contemplated by the Act, the data and summaries provided in this report are

based on the information submitted by the Federal agencies and States themselves. They reflect the Department's best understanding of the submitted documents, as well as subsequent communications where clarification was necessary.

A. Federal Agency Semiannual Certifications

The Act requires that this report identify: (1) Federal agencies that failed to submit a semiannual certification; (2) Federal agencies that submitted a certification but failed to certify compliance with the NICS record submission requirements; and (3) a detailed summary of the data contained in the certifications.

Semiannual certifications documenting agency records were received from the following 45 Federal agencies[2]:

- Administrative Office of the United States Courts
- Amtrak – OIG[3]
- Board of Governors of the Federal Reserve System/Consumer Financial Protection Bureau – OIG
- Court Services and Offender Supervisions Agency
- Department of Agriculture – OIG
- Department of Commerce – OIG
- Department of Defense
- Department of Education – OIG
- Department of Energy
- Department of Health and Human Services – OIG
- Department of Homeland Security
- Department of Homeland Security – OIG
- Department of Housing and Urban Development – OIG
- Department of the Interior
- Department of the Interior – OIG
- Department of Justice
- Department of Labor
- Department of Labor – OIG
- Department of State
- Department of State – OIG
- Department of the Treasury – Bureau of Printing and Engraving

[2] The Department asked agencies to submit a single certification on behalf of the entire agency, including any subdivisions of the agency. The Department later clarified that an agency's Office of the Inspector General (OIG) could submit a separate certification. Throughout this report, any reference to documents submitted by a subdivision of an agency are so designated; where no such designation appears, the reference is to the broader agency.

[3] Although Amtrak Police Department was on the original distribution list, *supra* note 1, it is not a federal agency. *See* 49 U.S.C. § 24301, 24305. The Amtrak Office of the Inspector General nonetheless appears in the appendices because it responded separately.

- Department of the Treasury – Internal Revenue Service
- Department of the Treasury – OIG
- Department of the Treasury – Office of the Treasury Inspector General for Tax Administration
- Department of the Treasury – Mint Police
- Department of Veterans Affairs – Veterans Benefits Administration
- Department of Veterans Affairs – OIG
- Environmental Protection Agency – Criminal Investigation Division
- Environmental Protection Agency – OIG
- Export-Import Bank of the United States – OIG
- Federal Deposit Insurance Corporation – OIG
- Federal Housing Finance Agency – OIG
- General Services Administration – OIG
- Government Publishing Office – OIG
- Library of Congress – OIG
- National Aeronautics and Space Administration – OIG
- National Archives and Records Administration – OIG
- Nuclear Regulatory Commission
- Pension Benefit Guaranty Corporation – OIG
- Pretrial Services Agency
- Securities and Exchange Commission – OIG
- Small Business Administration – OIG
- Social Security Administration – OIG
- United States Agency for International Development – OIG
- United States Postal Service – OIG

Appendix A summarizes the data contained in certifications for the three reporting periods that have elapsed thus far (January-June 2018; July 2018-December 2018; January 2019-June 2019). The chart reflects: (1) whether each agency submitted a certification for the relevant reporting period; (2) how many records the agency possessed during the relevant timeframe; (3) how many of those records were shared with the Attorney General, by prohibitor category; and (4) whether each agency indicated that it is in compliance with the NICS record submission requirements.

The following 44 Federal agencies certified they have no relevant records and do not expect to create any relevant records.[4] These agencies were advised they need not submit further certifications or an implementation plan unless they begin to create relevant records.

[4] The Department advised agencies to prioritize records created by the agency rather than records in its possession that were created by another entity (*e.g.*, another Federal agency or a State agency) unless they could vouch for the accuracy—and continued accuracy—of those records. In addition, some agencies do not themselves create relevant records but rely on law enforcement agencies with which they work to submit them. For example, the Department has taken on the administrative burden of making Federal convictions, felony warrants, indictments, and informations available to the NICS for cases that involved a United States Attorney's Office or a litigating division

- Department of Agriculture
- Department of Commerce
- Department of Education
- Department of Health and Human Services
- Department of Housing and Urban Development
- Department of Justice – OIG
- Department of Transportation
- Department of the Treasury – Mint Police
- Department of the Treasury – Office of the Special Inspector General for the Troubled Asset Relief Program
- Department of Veterans Affairs – Veterans Health Administration
- Central Intelligence Agency
- Committee for Purchase from People who are Blind or Severely Disabled – OIG
- Commodity Futures Trading Commission – OIG
- Consumer Financial Protection Bureau
- Corporation for National and Community Service
- Corporation for National and Community Service – OIG
- Council on Environmental Quality
- Equal Employment Opportunity Commission
- Federal Communications Commission
- Federal Deposit Insurance Corporation
- Federal Reserve System Board of Governors
- Federal Trade Commission
- Federal Trade Commission – OIG
- General Services Administration
- Government Accountability Office
- Library of Congress
- Millennium Challenge Corporation
- National Aeronautics and Space Administration
- National Archives and Records Administration
- National Science Foundation
- National Transportation Safety Board
- Occupational Safety and Health Review Commission
- Office of Personnel Management
- Office of Personnel Management – OIG
- Peace Corps
- Railroad Retirement Board

of the Department. Several agencies on this list rely on these arrangements and do not create records themselves, but nonetheless are auditing records arising out of their cases and submitting updated information to the NICS if gaps are found.

- Railroad Retirement Board – OIG
- Securities and Exchange Commission
- Small Business Administration
- Smithsonian Institution
- Social Security Administration
- Tennessee Valley Authority
- U.S. Agency for International Development
- U.S. Trade Representative

Only one agency—the U.S. Capitol Police—did not submit any semiannual certifications. Although the Act applies, by its text, to "each Federal department or agency," the U.S. Capitol Police contends that it is not subject to the Act because it is a legislative—not an executive—agency. Even so, the U.S. Capitol Police has indicated that it is currently evaluating what responsive records it may have.

B. Federal Agency Implementation Plans

The Act also requires the Attorney General to report: (1) the names of agencies that failed to submit an implementation plan; (2) the names of agencies that are not in substantial compliance with an implementation plan; (3) a detailed summary of the contents and status of the implementation plans; and (4) the reasons the Attorney General found that an agency is not in substantial compliance with an implementation plan. The Act directs that the Attorney General base his compliance determinations on whether the agency is substantially meeting the annual benchmarks set out in its plan, including:

- Qualitative goals and quantitative measures;
- Measures to monitor internal compliance, including any reporting failures and inaccuracies;
- A needs assessment, including estimated compliance costs; and
- An estimated date by which the agency will fully comply with the record submission requirements.

In total, 45 implementation plans were received from the following Federal agencies:

- Administrative Office of the United States Courts
- Amtrak – OIG
- Board of Governors of the Federal Reserve System/Consumer Financial Protection Bureau – OIG
- Court Services and Offender Supervisions Agency
- Department of Agriculture – OIG
- Department of Commerce – OIG
- Department of Defense
- Department of Education – OIG
- Department of Energy
- Department of Health and Human Services – OIG

- Department of Homeland Security
- Department of Homeland Security – OIG
- Department of Housing and Urban Development – OIG
- Department of the Interior
- Department of the Interior – OIG
- Department of Justice
- Department of Labor
- Department of Labor – OIG
- Department of State
- Department of State – OIG
- Department of the Treasury – Bureau of Printing and Engraving
- Department of the Treasury – Internal Revenue Service
- Department of the Treasury – OIG
- Department of the Treasury – Office of the Treasury Inspector General for Tax Administration
- Department of the Treasury – Mint Police
- Department of Veterans Affairs – Veterans Benefits Administration
- Department of Veterans Affairs – OIG
- Environmental Protection Agency – Criminal Investigation Division
- Environmental Protection Agency – OIG
- Export-Import Bank of the United States – OIG
- Federal Deposit Insurance Corporation – OIG
- Federal Housing Finance Agency – OIG
- General Services Administration – OIG
- Government Publishing Office – OIG
- Library of Congress – OIG
- National Aeronautics and Space Administration – OIG
- National Archives and Records Administration – OIG
- Nuclear Regulatory Commission
- Pension Benefit Guaranty Corporation – OIG
- Pretrial Services Agency
- Securities and Exchange Commission – OIG
- Small Business Administration – OIG
- Social Security Administration – OIG
- United States Agency for International Development – OIG
- United States Postal Service – OIG

Detailed summaries of the benchmarks contained in those implementation plans can be found in Appendix B.

Only one agency—the U.S. Capitol Police—did not submit an implementation plan. As explained in Section III.A, the agency contends it is not covered by the Act but has indicated it is currently evaluating whether it maintains responsive records.

As noted above, the statute also requires the Attorney General to determine whether each agency has achieved substantial compliance with the benchmarks in its implementation plan and, if not, to explain the reasons for that finding. These benchmarks include:

- Qualitative goals and quantitative measures;
- Measures to monitor internal compliance, including any reporting failures and inaccuracies;
- A needs assessment, including estimated compliance costs; and
- An estimated date by which the agency will fully comply with the NICS record submission requirements.

Because the statute does not specify a means for the Department to determine whether an agency is meeting its benchmarks, the Department asked each agency to provide such an update with its July semiannual certifications. Given that Federal agencies established their implementation plans at the end of March of this year and were asked to provide progress reports by July 31, the Department recognized that agencies were unlikely to be able to report measurable progress on achieving their benchmarks during the initial abbreviated reporting period. Accordingly, the Attorney General found substantial compliance during the initial period whenever agencies in good faith submitted implementation plans that appear reasonably calculated to produce meaningful improvement in NICS record submissions.

Applying this standard, the Attorney General concluded that all of the implementation plans submitted by Federal agencies were satisfactory. Accordingly, the Attorney General did not determine that any Federal agencies are out of compliance with an implementation plan during the initial abbreviated reported period, other than those that failed to submit any plan at all. In future reporting periods, compliance determinations will be based on actual progress toward meeting the benchmarks, as reported in the agency's updates. In particular, agencies will be required to demonstrate that they have made substantial progress toward meeting each of the benchmarks set out in their plans, or to explain in detail any unexpected hurdles that have caused the agency to revise its benchmarks.

C. State Compliance

For States, the Act directs that the Attorney General base his compliance determinations on whether the State is substantially meeting the annual benchmarks set out in its plan, including:

- Qualitative goals and quantitative measures; and
- A needs assessment, including estimated compliance costs.

As with Federal agencies, the Department recognized that States were unlikely to be able to report measurable progress on achieving these benchmarks during the initial abbreviated reporting period. Accordingly, the Department found States to be in substantial compliance

during the initial reporting period whenever they in good faith submitted an implementation plan that appears reasonably calculated to produce meaningful improvement in NICS record submissions.

The Department received satisfactory implementation plans from all 50 States and the District of Columbia. Accordingly, the Attorney General did not determine that any States are out of compliance with an implementation plan. In future reporting periods, States will be required to demonstrate that they have made substantial progress toward meeting each of the benchmarks set out in their plans, or to explain in detail any unexpected hurdles that have caused the State to revise its benchmarks.

D. Tribal Compliance

The Tribal Law and Order Act of 2010 (TLOA) mandates that "[t]he Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases." 34 U.S.C. § 41107(1). To fulfill this mandate and establish access to the NICS and other law enforcement databases, the Department developed the Tribal Access Program for National Crime Information (TAP) in 2015. There are two possible ways for Tribes to access the NICS: (1) through the State in which their Tribal land is located if they are allowed to do so by State law, or (2) through the Department of Justice. There is no Federal legal authority that requires Tribes to participate in NICS information sharing; Tribes participate at their discretion and may end participation at any time.

In light of this unique relationship, the Department determined that it was appropriate for it to take responsibility—through the Department's Office of Tribal Justice (OTJ)—for preparing an implementation plan that would ensure better access and submission of records to the NICS for Tribes. That implementation plan notes that, of the 573 Federally recognized Tribes in the United States, 331 do not have Tribal courts and therefore would be unlikely to have relevant records, and 72 Tribes already have access to the NICS through the TAP. Another 52 Tribes may have access through the Department of the Interior's Bureau of Indian Affairs (BIA), and 118 Tribes may have relevant records but it is unknown whether they have access to the NICS.

The Department's benchmarks in the Tribal implementation plan for Fiscal Year 2019 included: (1) determining the number of Tribes accessing the NICS through the BIA TAP partnership; and (2) providing information on establishing NICS access to the remaining Tribes that may have relevant records. With respect to the first benchmark, OTJ has confirmed that 52 Tribes will have access to the NICS through the BIA TAP partnership. Access to Tribes participating through BIA will be completed by the end of Fiscal Year 2020. With respect to the second benchmark, OTJ sent a package to all Tribal leaders on August 16, 2019, that describes the NICS and the Fix NICS Act, encourages Tribes to establish access to and submit relevant records to the NICS, and offers OTJ's assistance in accomplishing those goals.[5] Along with an explanatory letter, Tribal leaders were provided with the implementation plan, information on the NICS

[5] In August 2019, the Department announced the fifth expansion of the TAP, and applications are currently being reviewed.

Federal prohibitors, guidance on how to determine whether Tribes have relevant records, and an overview of the TAP. OTJ sent the package to the full list of federally recognized Tribes to ensure that all Tribes receive consistent information from the Department about access to and submission of records to the NICS.

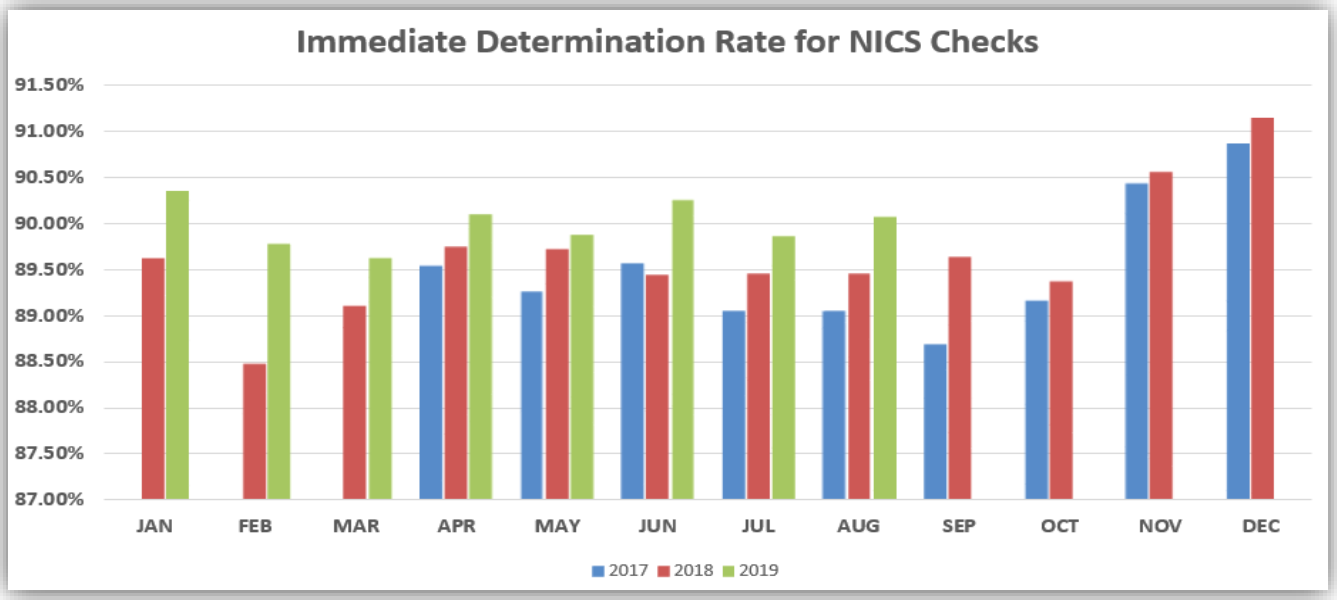
IV. Why It Matters

The foregoing section describes the high rate of compliance with the reporting obligations of the Act. But the submission of semiannual certifications and implementation plans would mean little if it did not lead to a stronger, more effective NICS. Although it is too soon to see the full impact of the Act on the NICS, early indicators are positive.

In many respects, the numbers tell the story. Between April 2018 and August 2019, there was a large increase in the number of records in the NICS databases. Specifically, there was an increase of over six million additional records in the three national databases searched with every NICS check—III, NCIC and the NICS Indices. The total number of records jumped from 100,849,193 to 107,195,406—a 6.2 percent increase. In addition, there was a 15 percent increase in records in the NICS Indices—an important database used by the NICS because it permits an immediate deny determination when any record matches the prospective purchaser. The NICS Indices, among other things, is the primary source for records related to the mental health adjudication and illegal/unlawful alien prohibitors.

Between April 2018 and August 2019, the number of FRRs decreased each month in comparison to the same month during the previous year, potentially due to the increase in available records. In fact, during that time period, FBI's NICS Section saw an average decline of 102 FRRs per month as compared to the same month from the prior year, according to the FRR statistics within the NICS as of September 10, 2019. Between April 2018 and August 2019, with the exception of June 2018, the NICS Section witnessed an increase in the percentage of NICS checks resulting in an immediate determination compared to the previous year. During this period, the Immediate Determination Rate (IDR) increased an average of 0.51 percent for each month when compared with the same month of the previous year. (Transactions that are not subject to the three business day rule—such as licensing and permit checks—were not factored into this calculation.)[6]

[6] A number of other factors may have also contributed to the results seen with the FRRs and IDR, including system enhancements, transaction volume, more expeditious handling of incoming work, and an increase in available records.



There is also notable progress on an issue that has long been a concern for the NICS—the existence of arrest records in the NICS without a corresponding disposition (*e.g.*, acquittal, conviction, dismissal of charges, etc.). These gaps frequently cause delays in determinations because NICS Legal Instruments Examiners must conduct additional research to determine whether the prospective purchaser was ever convicted of a prohibiting crime. The Act has provided the impetus for a number of agencies to review their arrest records and identify any missing dispositions. As a result, the total arrest to disposition completion percentage for all Federal agencies increased from 60 percent to 67 percent between March 31, 2018 and August 31, 2019. In addition, as the table below demonstrates, the number of agencies achieving high rates of disposition completeness has increased over this time period as well.

Number of Agencies with a High Disposition Completion Rate

As of…	85-89% Completion	90-100% Completion
March 31, 2018	5	15
August 31, 2019	8	22

There are a number of significant disposition-related efforts underway. For example, between June 2018 and June 2019, the U.S. Immigration and Customs Enforcement (ICE) submitted over 2,024,000 dispositions via an electronic method. Prior to this, all ICE dispositions were submitted in paper format and required manual review and manual posting to criminal history records. In addition, the Homeland Security Investigations Section of ICE recently began submitting dispositions electronically, and the Enforcement and Removal Operations Section is anticipating the same in the future. Likewise, the United States Army and Air Force have collaborated to program for an electronic submission method, similar to a fingerprint transaction,

for the submission of dispositional data to the Next Generation Identification System. They are the first agencies, Federal or State, to utilize this method.

As impressive as these improvements are, there have also been less tangible—but no less significant—achievements. The passage of the Act has strengthened dialogue between the Department and its State, Tribal, and Federal partners. It has opened conversations about overcoming obstacles in sharing and identifying relevant and missing records. Agencies have worked hard to review their current submission practices to identify areas for improvement.

A few examples of agency progress include:

- The ***military*** continues to increase its record entry into the NICS Indices for multiple categories. From May 2019 through July 2019, the military branches enhanced their record reporting by increasing entries into the Controlled Substance category by 10 percent, with an overall increase in multiple categories of 2.63 percent.
- The ***U.S. Postal Service – OIG*** rose from 25 entries on January 31, 2019, to 171 entries on March 31, 2019, primarily in the Felony category. Its entries tripled in the next four months, bringing its total entries to 519 as of July 31, 2019.
- The ***U.S. Customs and Border Protection*** entered approximately 13 million illegal/unlawful alien records into the NICS Indices in October 2019.
- The ***Department of State*** indicated it is reporting all fugitive from justice records, but is looking for ways to enhance their submission. Specifically, the agency plans to automate entries of warrants into the NCIC, conduct mandatory case reviews to ensure accuracy, and continue training efforts related to NICS reporting requirements.

Likewise, the States are making significant progress, and are taking steps necessary to ensure the long-term submission of accurate and timely records to the NICS:

- ***North Carolina*** established a NICS Working Group of internal and external subject matter experts to ensure the State is doing its part to provide the NICS with more complete information. The Governor announced a Gun Safety Directive to improve the background check process by calling on the North Carolina State Bureau of Identification (SBI) to close informational gaps where the State should be sharing information with the NICS. Since March 2018, the SBI has updated 284,289 criminal convictions that previously had not been reported to the national database.
- In April 2018, the Governor of ***Ohio*** established a NICS Working Group to assist in reporting all relevant records to the NICS. The NICS Working Group has been educating local courts regarding their reporting responsibilities to the NICS through development of quick reference guides for each court level within the State of Ohio. The Ohio Governor also established a NICS/Warrant Task Force that has examined the system of issuing, serving, and tracking arrest warrants. The ongoing research will assist Ohio in identifying pertinent issues relating to warrant reform. The first report of the NICS/Warrant Task Force was released in May 2019.

- As of June 2019, the ***South Carolina*** Law Enforcement Division has taken control of 15,123 State criminal history records in III that had previously been maintained by FBI, resulting in an increase of 31 percent more dispositions reported compared to the same period in 2018. Likewise, the ***Illinois*** State Police has taken control of more than 300,000 of these records since May 2019.
- In January 2019, the ***Washington*** State Patrol (WSP) created a new Records Improvement Unit to work with criminal justice stakeholders to improve the quality and quantity of criminal history record submissions throughout the State. The WSP staff met with all 39 counties in the State and has held 16 stakeholder meetings thus far this year to educate local criminal justice agencies regarding the criminal history process and discuss fingerprinting for certain charges.
- The State of ***Wisconsin*** implemented programmatic changes to require entry of misdemeanor warrants into the NCIC. This change resulted in a 297 percent increase of misdemeanor warrants in the NCIC from July 1, 2018, to January 1, 2019. Wisconsin also has been actively submitting missing dispositions over the last year, adding more than 3.3 million to the criminal history records. On June 30, 2018, Wisconsin had a disposition completion rate of 34 percent, and by June 30, 2019, that rate had increased dramatically to 82 percent.

V. Conclusion

To be effective, it is essential that the NICS has access to complete and accurate records. Achieving this outcome is the singular goal of the Fix NICS Act. The results thus far are encouraging—improved dialogue and collaboration, increased record submissions, and renewed efforts at all levels of government to reexamine reporting practices. But there is much more to be done, especially as Federal agencies, States, and Indian tribal governments now work to execute the goals set out in their respective implementation plans. The Department is committed to making the Fix NICS Act a success, and will continue to work with our partners to build upon the progress of the last year.

Appendix A – Summary of Federal Agency Semiannual Certifications

Agency Name	Certification Period[+]	Agency Certified Compliance with NIAA Submission Requirements (Y/N)	Total Number of Records Found	Total Number of Records Submitted	Records Submitted Broken Down by Prohibitor Category									
					g(1)	g(2)	g(3)	g(4)	g(5)	g(6)	g(7)	g(8)	g(9)	(n)
Administrative Office of the United States Courts	2018 A	Y	84,642[a]	0[b]	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS	84,642
	2018 B	Y	88,886	0	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS	88,886
	2019 A	Y	90,220	0	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS	90,220
Amtrak - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	Y	18	18	16	0	0	0	0	0	0	0	0	2
	2019 A	Y	9	9	9	0	0	0	0	0	0	0	0	0
Board of Governors of the Federal Reserve System/Consumer Financial Protection Bureau - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	Y	0[o]	0	0	0	0	0	0	0	0	0	0	0
	2019 A	Y	2	0	DNS	DNS	0	0	0	0	0	0	0	DNS
Court Services and Offender Supervision Agency	2018 A	Y	3,622	954	0	0	954	0	0	0	0	0	0	0
	2018 B	Y	3,415	3,380	0	0	3,380	0	0	0	0	0	0	0
	2019 A	Y	3,509	3,504	0	0	3,504	0	0	0	0	0	0	0
Department of Agriculture - OIG	2018 A	Y	192	192	55	0	0	0	0	0	0	0	0	137
	2018 B	Y	129	129	31	0	0	0	0	0	0	0	0	98
	2019 A	Y	137	137	35	0	0	0	0	0	0	0	0	102
Department of Commerce - OIG	2018 A	Y	3	3	3	0	0	0	0	0	0	0	0	0
	2018 B	Y	2	2	1	0	0	0	0	0	0	0	0	1
	2019 A	Y	2	2	1	0	0	0	0	0	0	0	0	1
Department of Defense	2018 A	N[c]	3,736	3,736	1,387	17	1,533	20	0	286	0	1	254	238
	2018 B	N	4,055	4,055	2,887	0	290	12	0	661	0	3	107	95
	2019 A	N	6,256	6,256	1,049	0	3,568	1	0	1,318	0	8	106	206
Department of Education - OIG	2018 A	Y	111	111	76	5	0	0	0	0	0	0	0	30
	2018 B	Y	77	77	57	0	0	0	0	0	0	0	0	20
	2019 A	Y	72	72	43	2	0	0	0	0	0	0	0	27
Department of Energy	2018 A	Y	13	8[d]	1	0	1	0	0	0	0	0	0	6
	2018 B	Y	1	1	1	0	0	0	0	0	0	0	0	0
	2019 A	Y	1	1	1	0	0	0	0	0	0	0	0	0
Department of Health and Human Services - OIG	2018 A & 2018 B	Y	540[e]	540	DNS	DNS	0	0	0	0	0	0	0	DNS
	2019 A	Y	346	346	DNS	DNS	0	0	0	0	0	0	0	DNS
Department of Homeland Security	2018 A, 2018 B, & 2019 A[f]	Y	11,420,425	10,520,425	1,586	317,683	1,017	103	11,100,001	29	0	1	3	2
Department of Homeland Security - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	Y	89	89	62	0	0	0	0	0	0	0	0	27
	2019 A	Y	72	72	33	0	0	0	0	0	0	0	0	39
Department of Housing and Urban Development - OIG[g]	2018 A	Y	156	20	5	0	0	0	0	0	0	0	0	15
	2018 B	Y	112	22	7	0	0	0	0	0	0	0	0	15
	2019 A	Y	75	28	10	0	0	0	0	0	0	0	0	18

Appendix A – Summary of Federal Agency Semiannual Certifications

Agency Name	Certification Period[+]	Agency Certified Compliance with NIAA Submission Requirements (Y/N)	Total Number of Records Found	Total Number of Records Submitted	Records Submitted Broken Down by Prohibitor Category									
					g(1)	g(2)	g(3)	g(4)	g(5)	g(6)	g(7)	g(8)	g(9)	(n)
Department of the Interior	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	227	218	170	11	10	0	0	0	0	1	6	19
Department of the Interior - OIG	2018 A	Y	19	19	9	0	0	0	0	0	0	0	0	10
	2018 B	Y	14	14	4	0	0	0	0	0	0	0	0	10
	2019 A	Y	8	7	2	0	0	0	0	0	0	0	0	5
Department of Justice	2018 A	Y	37,565	37,565[h]	26,205	714	728	89	2,920	1	-1	152	2,103	2,863
	2018 B	Y	49,118	49,118	29,029	383	-263	74	13,642	0	0	4	3,143	2,584
	2019 A	Y	53,058	53,058	30,562	350	125	77	12,816	2	0	41	4,198	2,814
Department of Labor[i]	2018 A & partial 2018 B	Y	48	48	18	0	0	0	0	0	0	0	0	30
	Partial 2018 B & 2019 A	Y	56	56	18	0	0	0	0	0	0	0	0	38
Department of Labor - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	Y	243[j]	186	64	0	0	0	0	0	0	0	0	122
	2019 A	Y	207	197	96	0	0	0	0	0	0	0	0	101
Department of State	2018 A	Y	4,110	4,110	1,775	150	0	0	0	0	2,028	0	0	157
	2018 B	Y	2,797	2,797	601	148	1	0	0	0	1,889	0	0	158
	2019 A	Y	3,139	3,139	112	160	0	0	0	0	2,706	0	0	161
Department of State - OIG	2018 A	Y	2	2	2	0	0	0	0	0	0	0	0	0
	2018 B	Y	14	14	6	0	0	0	0	0	0	0	0	8
	2019 A	Y	17	17	7	0	0	0	0	0	0	0	0	10
Department of the Treasury - Bureau of Printing and Engraving	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	0	0	0	0	0	0	0	0	0	0	0	0
Department of the Treasury - Internal Revenue Service	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	1,850	Unknown[k]	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS	DNS
Department of the Treasury - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	31	31	16	0	0	0	0	0	0	0	0	15
Department of the Treasury - Office of the Treasury Inspector General for Tax Administration	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	Y	DNS[l]	DNS	0	DNS	0	0	0	0	0	0	0	0
	2019 A	Y	DNS	DNS	26	DNS	0	0	0	0	0	0	0	0
Department of the Treasury - Mint Police[m]	2018 A, 2018 B, & 2019 A	Y	0[n]	0	0	0	0	0	0	0	0	0	0	0
Department of Veterans Affairs - Veterans Benefits Administration	2018 A	Y	18,314	18,314	0	0	0	18,314	0	0	0	0	0	0
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	15,771	15,771	0	0	0	15,771	0	0	0	0	0	0

Appendix A – Summary of Federal Agency Semiannual Certifications

Agency Name	Certification Period[+]	Agency Certified Compliance with NIAA Submission Requirements (Y/N)	Total Number of Records Found	Total Number of Records Submitted	Records Submitted Broken Down by Prohibitor Category									
					g(1)	g(2)	g(3)	g(4)	g(5)	g(6)	g(7)	g(8)	g(9)	(n)
Department of Veterans Affairs - OIG	2018 A	Y	82	82	52	2	0	0	0	0	0	0	0	28
	2018 B	Y	96	96	62	1	0	0	0	0	0	0	0	33
	2019 A	Y	82	82	42	2	0	0	0	0	0	0	0	38
Environmental Protection Agency - Criminal Investigation Division	2018 A	Y	34	34	34	0	0	0	0	0	0	0	0	0
	2018 B	Y	37	37	37	0	0	0	0	0	0	0	0	0
	2019 A	Y	45	45	45	0	0	0	0	0	0	0	0	0
Environmental Protection Agency - OIG	2018 A	Y	3	3	3	0	0	0	0	0	0	0	0	0
	2018 B	Y	4	4	0	0	0	0	0	0	0	0	0	4
	2019 A	Y	7	7	7	0	0	0	0	0	0	0	0	0
Export-Import Bank of the United States - OIG	2018 A	Y	6	6	5	0	0	0	0	0	0	0	0	1
	2018 B	Y	4	4	3	1	0	0	0	0	0	0	0	0
	2019 A	Y	1	1	1	0	0	0	0	0	0	0	0	0
Federal Deposit Insurance Corporation - OIG	2018 A	Y	62	49	19	0	0	0	0	0	0	0	0	30
	2018 B	Y	47	45	21	0	0	0	0	0	0	0	0	24
	2019 A	Y	45	45	28	0	0	0	0	0	0	0	0	17
Federal Housing Finance Agency - OIG	2018 A	Y	8	8	2	0	0	0	0	0	0	0	0	6
	2018 B	Y	27	27	0	0	0	0	0	0	0	0	0	27
	2019 A	Y	90	90	30	0	0	0	0	0	0	0	0	60
General Services Administration - OIG	2018 A	Y	76	76	28	1	0	0	0	0	0	0	0	47
	2018 B	Y	58	58	18	1	0	0	0	0	0	0	0	39
	2019 A	Y	47	47	22	0	0	0	0	0	0	0	0	25
Government Publishing Office - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	0	0	0	0	0	0	0	0	0	0	0	0
Library of Congress - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	0	0	0	0	0	0	0	0	0	0	0	0
National Aeronautics and Space Administration - OIG	2018 A & 2018 B	Y	35	35	12	0	11	0	0	0	0	0	0	12
	2019 A	Y	17	17	7	0	3	0	0	0	0	0	0	7
National Archives and Records Administration - OIG	2018 A	Y	1	1[P]	DNS	DNS	0	0	0	0	0	0	0	DNS
	2018 B	Y	0	0	0	0	0	0	0	0	0	0	0	0
	2019 A	Y	2	2	DNS	DNS	0	0	0	0	0	0	0	DNS
Nuclear Regulatory Commission	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	Y	0	0	0	0	0	0	0	0	0	0	0	0
	2019 A	Y	0	0	0	0	0	0	0	0	0	0	0	0
Pension Benefit Guaranty Corporation - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	Y	3	3	DNS	0	0	0	0	0	0	0	0	DNS
	2019 A	Y	3	3	DNS	0	0	0	0	0	0	0	0	DNS

Appendix A – Summary of Federal Agency Semiannual Certifications

Agency Name	Certification Period[+]	Agency Certified Compliance with NIAA Submission Requirements (Y/N)	Total Number of Records Found	Total Number of Records Submitted	Records Submitted Broken Down by Prohibitor Category									
					g(1)	g(2)	g(3)	g(4)	g(5)	g(6)	g(7)	g(8)	g(9)	(n)
Pretrial Services Agency	2018 A	Y	5,097[q]	5,097	0	0	5,097	0	0	0	0	0	0	0
	2018 B	Y	5,033	4,540	0	0	4,540	0	0	0	0	0	0	0
	2019 A	Y	4,768	4,968	0	0	4,968	0	0	0	0	0	0	0
Securities and Exchange Commission - OIG	2018 A	Y	6	6[r]	DNS	DNS	0	0	0	0	0	0	0	DNS
	2018 B	Y	8	8	DNS	DNS	0	0	0	0	0	0	0	DNS
	2019 A	Y	5	5	DNS	DNS	0	0	0	0	0	0	0	DNS
Small Business Administration - OIG	2018 A	Y	6	6	3	0	0	0	0	0	0	0	0	3
	2018 B	Y	0	0	0	0	0	0	0	0	0	0	0	0
	2019 A	Y	1	1	0	0	0	0	0	0	0	0	0	1
Social Security Administration - OIG	2018 A	Y	78	78	46	0	0	0	0	0	0	0	0	32
	2018 B	Y	77	77	54	0	0	0	0	0	0	0	0	23
	2019 A	Y	65	65	31	0	0	0	0	0	0	0	0	34
United States Agency for International Development - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	3	3	0	0	0	0	0	0	0	0	0	3
United States Postal Service - OIG	2018 A	*	*	*	*	*	*	*	*	*	*	*	*	*
	2018 B	*	*	*	*	*	*	*	*	*	*	*	*	*
	2019 A	Y	691	217[s]	85	0	0	0	1	0	0	0	0	131

* Indicates certification not submitted for relevant semiannual certification period.

"DNS" indicates that the agency did not specify an answer in its certification.

[+] 2018 A = January 1, 2018 - June 30, 2018
2018 B = July 1, 2018 - December 31, 2018
2019 A = January 1, 2019 - June 30, 2019

[a] For each certification period for this agency, the figure in this column represents the number of individuals charged with federal crimes in the 12-month period ending as of the last date of the subject certification period.

[b] The agency does not submit records; however, the Judiciary provides DOJ prosecutors with electronic access to all criminal filing documents, pretrial services reports, presentence reports and supervision status reports. In addition, the agency is participating in DOJ-led working group exploring possibility of an enterprise solution to automate the matching of arrest and disposition records.

[c] The agency is working to identify reporting gaps and bring the agency into full compliance.

[d] 5 out of the 13 identified records were created by other agencies but the agency made arrangements for their submission.

[e] The record figures provided by this agency for each certification period do not reflect relevant federal records submitted by DOJ.

[f] The agency provided data summarized for all three certification periods.

[g] For each of the three certification periods, the balance of records not submitted by the agency were submitted by the charging agency.

[h] The total records submitted by this agency for each certification period include state prohibitors. The figures reflect the net changes in each prohibitor category from the beginning of the reporting period to the end of the reporting period.

Appendix A – Summary of Federal Agency Semiannual Certifications

[i] The agency submitted two certifications. The first certification submitted covered the period from January 1, 2018 through March 31, 2019. The second certification submitted covered the period from April 1, 2019 through July 1, 2019.

[j] For each certification period for this agency, the records figures include those records created by other agencies but possessed by this agency.

[k] The agency relies on other agencies - generally the charging agency - to submit records on its behalf. The agency does not know how many of the 1,850 records identified were submitted.

[l] The agency certified that it "submits all warrant entries" to the NICS but did not provide specific numbers in either certification submitted.

[m] The agency submitted one certification covering all three certification periods.

[n] The agency relies on other agencies - generally the charging agency - to submit records on its behalf.

[o] The agency relies on other agencies - generally the charging agency - to submit records on its behalf.

[p] The records the agency submitted for each certification period were "federally-prosecuted matters." The agency did not specify the relevant prohibitor(s).

[q] The agency provided the total number of active records in the NICS as of the date of each certification.

[r] The records the agency submitted for each certification period were "federally-prosecuted matters." The agency did not specify the relevant prohibitor(s).

[s] The agency often relies on other agencies - generally the charging agency - to submit records on its behalf. The agency confirmed that the remaining records were submitted by other agencies.

Appendix B – Summaries of Federal Agency Implementation Plans

Administrative Office of the United States Courts

Qualitative goals and quantitative measures:

Supply the DOJ with judgments, orders, and warrants in all qualifying cases through existing procedures (e.g., PACER access, eDesignate, Flash, LENS).

Participate in DOJ working group to improve record sharing, and implement additional benchmarks and metrics based on any new solutions identified by the working group.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Use existing data quality initiatives to ensure that the required information is made available.

Rely on probation and pretrial services system's data quality initiative, in which court personnel are trained to review the accuracy of the data and is subject to periodic audits.

Needs assessment, including compliance costs:

None specified. Costs will depend on solutions identified by working group.

Estimated date of compliance:

The agency and the Eastern District of New York clerk's Office have created a proof of concept for providing judiciary data under the Fix NICS Act of 2018. Any estimation of date of compliance will be determined after the judiciary committee approvals. Additionally, if the working group recommendations are fully implemented, the DOJ will have the responsibility of passing the agency's data along to CJIS.

Amtrak – Office of the Inspector General

Qualitative goals and quantitative measures:

Maintain 100% compliance with the FIX NICS Act through the implementation of policy and procedures for record verification and self-auditing.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

To ensure the accuracy of information, all records of criminal results are required to be verified and backed up by court documentation.

Record verification in the NCIC is required prior to closure of a criminal investigation.

The agency conducts semi-annual self-audits to ensure that all records are up to date in the NCIC. Any records not recorded properly in the NCIC are provided to CJIS.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Board of Governors of the Federal Reserve System/Consumer Financial Protection Bureau – Office of the Inspector General

Qualitative goals and quantitative measures:

The numeric goals for improved records reporting for each of the next four years:

- 2019: 70%
- 2020: 80%
- 2021: 90%
- 2022: 100%

Periodically reevaluate initial policies and procedures to improve automation.

Require certification from each agent that reportable documents are in the correct database and match the agency's case management database with a date of completion. This is to ensure that a comparison of relevant documentation to the correct database has been completed and any discrepancies corrected. A secondary management review is required by each Special Agent's ASAC during the case closing process to ensure that any changes in statutes are updated in the corresponding database.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Internal compliance monitoring measures are conducted by the managing ASAC when a case is submitted for closure, and any new record discrepancy or inaccuracy found will be corrected immediately. A third review and update is done by headquarters Investigative Analyst before the submission of the semiannual certification. Likewise, any record discrepancy or inaccuracy found will be corrected immediately. If the agency is unable to correct a discrepancy, it will be noted in the semiannual certification and the agency will work with the NICS section and record creator for a resolution.

Needs assessment, including compliance costs:

Over the next three years, the agency will continue to evaluate its process and make adjustments to the case management system and personnel workload to maintain compliance. This will determine programming costs for the agency's case management system and the potential cost of adding personnel to the organization.

Initial cost estimate: $4,250.

Estimated date of compliance:

Already in compliance.

Court Services and Offender Supervision Agency

Qualitative goals and quantitative measures:

Submit 100% of qualifying records to NICS.[1]

Maintain automation and system of protocols for verification and validation

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

NICS will send a list of agency records present in the NICS index on the first of every month.

The agency has created a matching program to compare this list with the records in the agency's system that qualify for the prohibitor to ensure accuracy.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

[1] Currently meeting this goal and intend to do so for the next four years and beyond.

Department of Agriculture – Office of the Inspector General

Qualitative goals and quantitative measures:

100% accuracy in reporting prohibited persons to NICS.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

All Assistant Special Agents-in-Charge and Special Agents-in-Charge will have as part of their annual Performance Plan a requirement to ensure compliance in the timely reporting of prohibited persons to NICS. This additional performance requirement will be added at the beginning of FY 2020.

Amended closing procedures will serve as a quality control check to ensure all records have an updated disposition prior to case closure.

Managers are responsible for addressing any inaccuracies identified during case closure. They will be required to submit a corrected R84 within 5 business days of identification of the inaccuracy 90% of the time. All inaccuracies must be corrected even if outside the 5 day timeframe.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Anticipates full compliance, to include a finalized AIG/I Bulletin solidifying the above referenced processes, by November 30, 2019.

Department of Commerce – Office of the Inspector General

Qualitative goals and quantitative measures:

Remain 100% complete and accurate for each of the next four years.

Review all of the agency's records during the life cycle of the case, without exception, and report all discrepancies to DOJ (or the entering agency) to effect correction immediately upon recognition.

Implement reminders and document procedures (e.g., checking data entered into NCIC by other entities) to achieve this and verify that the agency's reporting remains complete by September 2019.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Implement policies and procedures to ensure that the agency's investigative personnel and supervisors follow the above measures.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Department of Defense

Qualitative goals and quantitative measures:

Update historic criminal justice information (CJI) records.

- Complete review of records dating back to 1998 by June 2020.

Eliminate policy gaps and review procedures.

- Complete identification of internal NICS policy gaps by July 2019.
- Identify legislative changes required by December 2019.
- Publish agency NICS Implementation Policy by June 2021.
- Update all relevant agency policy to incorporate NICS Implementation Policy by June 2023.

Increase CJI record sharing automation.

- Submit request for CJI Records Management Tracking Process to Cost Assessment & Program Evaluation by September 2020.
- Initial operating capability for CJI tracking solution by September 2021.
- Enter law enforcement agencies' NICS records in CJI tracking solution by September 2022.
- Fully compliant with NICS Improvement Amendments Act of 2007 and Fix NICS Act by September 2023.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Continue to monitor internal compliance, including reporting any failures or inaccuracies.

Develop a quality assurance process as part of the implementation of additional policy and the CJI consolidated tracking process.

Needs assessment, including compliance costs:

Evaluating funding options for consolidated tracking process.

Estimated date of compliance:

September 2023.

Department of Education – Office of the Inspector General

Qualitative goals and quantitative measures:

Continue to submit and/or make available 100% of all relevant records to the NICS via the United States Attorney's Offices, LEEP, NCIC/III, or R-84s.

In conjunction with the upcoming National Incident Based Reporting System requirement, continue to update CMS fields to assist with NICS reporting requirements and allow for additional reports that will help automate future NICS Semiannual reporting and ensure all applicable information is captured.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Continue to conduct monthly reconciliations to ensure the records are being made available timely and updated accordingly.

Needs assessment, including compliance costs:

Not applicable.

Estimated date of compliance:

Already in compliance.

Department of Energy

Qualitative goals and quantitative measures:

Agency has determined 100% of its reportable information is being entered in a timely manner and it faces no hurdles or challenges.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Issues an internal semi-annual data call to verify reportable information and submit the required certifications.

Request from internal stakeholders status updates in preparation for the bi-annual certification reports.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Department of Health and Human Services – Office of the Inspector General

Qualitative goals and quantitative measures:

Improve record disposition deficiency rate, currently at 15%, by 2% per year in order to reduce this gap to below 10% over the next four years.

Reduce gap to as close to zero as is practicable in the long term.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Run periodic reports and validate them against CJIS reports.

Implement internal procedures that will require periodic review of cases and subjects to ensure compliance.

Needs assessment, including compliance costs:

Currently reviewing and identifying necessary case management system upgrades to better track results for NICS reporting.

Costs currently unknown.

Estimated date of compliance:

1-2 years.

Department of Homeland Security

Qualitative goals and quantitative measures:

United States Coast Guard (USCG): Streamline request for NICS entry by providing direct documentation with NICS entry request.

United States Immigration and Customs Enforcement: Enforcement and Removal Operations (ICE/ERO): Develop an "automated solution" that will provide the NICS with up-to-date information on illegal/unlawful aliens (in conjunction with United States Customs and Border Protection (CBP) and United States Citizenship and Immigration Services (USCIS)).

CBP: Begin a new, semi-automated sharing of information in CY 2019 and continue further discussions with the FBI to lead to a permanent, fully-automated solution.

USCIS: Along with ICE and CBP, coordinate automated approach to NICS requirements that does not involve duplication of data and subsequent maintenance in different systems.

United States Secret Service (USSS): Continue case management process's secondary review for compliance with various policies, to include relevant NICS records.

Federal Protective Service (FPS): Continue review of historical performance data to identify deficiencies and gaps and implement corrective strategies.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

USCG: Criminal Justice Information Services (CJIS) auditors verify entries on a monthly basis. Incorrect entries are reported to the entering and controlling entities, and necessary corrections are monitored until completed.

ICE: ICE/ERO submissions are verified through batch file reports generated by the Law Enforcement Enterprise Portal (LEEP) to determine if the records submitted were successful or if any fatal errors were encountered.

CBP: Maintain automated reporting environments to proactively identify concerns regarding data quality, prompting further research and subsequent modifications to the information systems involved.

USCIS: ICE, USCIS, and CBP are coordinating an automated approach to NICS requirements that does not involve duplication of data and subsequent maintenance in different systems.

USSS: Case management process includes a secondary review for compliance with various policies, to include NICS records.

FPS: Review internal controls and self-inspection processes to determine best quality control procedures.

Needs assessment, including compliance costs:

USCG: Dedicated NICS support personnel to enter, verify and validate NICS Indices in support of DHS and USCG criminal justice missions. Cost unknown.

CBP: Automated interface between ADIS and NICS. Cost unknown.

USSS: More field investigators and more case management analysts to reduce the overall time needed to obtain and identify relevant records. Cost unknown.

Estimated date of compliance:

Did not specify.

Department of Homeland Security – Office of the Inspector General

Qualitative goals and quantitative measures:

Difficult to provide numbers due to record fluctuations, but reporting goal is 100% compliance.

Verify via case agent (and their managers) that the R-84 Disposition form is submitted to the relevant record creator and that the indictment and convictions appear in NCIC.

Conduct quality control checks at the headquarters level and as part of the bi-annual NICS certifications and the Semi-Annual Report validation process.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Second level review process requires that quality control checks are conducted at the headquarters level and as part of the bi-annual NICS certifications and the Semi-Annual Report validation process.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

End of CY 2019.

Department of Housing and Urban Development – Office of the Inspector General

Qualitative goals and quantitative measures:

Maintain the target correlation between arrests and disposition in Interstate Identification Index (Ill) of 90% as informed by CJIS, accounting for deaths prior to convictions and the ongoing criminal justice process, by reviewing and updating records maintained by III.

Conduct an annual self-audit of those III arrest entries that do not have a related disposition.

Require all Special Agents to verify that all charging actions and convictions are included in NCIC or NICS before closing an investigation; complete before FY 2020.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Conduct Management Assistance Reviews, periodic reviews of field offices and case files, to ensure that Special Agents are verifying that charging and convictions actions are entered into NCIC or NICS before closing an investigation.

Create Standard Operating Procedure that includes a process to verify agency's submissions against those reported back in monthly reports generated by NICS to ensure those records have been received by the NICS system; complete during FY 2020.

Needs assessment, including compliance costs:

CJIS-provided training on using the NICS system through LEEP as well as best practices regarding pre-validation. Costs unknown.

Estimated date of compliance:

Already in compliance.

Department of the Interior

Qualitative goals and quantitative measures:

100% compliance within the next four years. Actual numeric percentages for each year will be established once CY 2018 data is evaluated.

Identify any records with a NICS nexus and provide case disposition updates to the CJIS system.

Provided law enforcement bureaus with an electronic means for case disposition updates (online R-84 form).

Investigate adding an Originating Agency Identifier (ORI) field in its record management systems to alert the officer/agent to update their case dispositions.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Conduct annual NICS reporting assessments of agency's law enforcement bureaus to ensure relevant records are submitted to the databases available to the NICS.

Needs assessment, including compliance costs:

None at this time, but this may change.

Estimated date of compliance:

On April 15, 2019, will report the status of CY 2018 numbers to NICS to establish a benchmark. Once this data is reviewed, appropriate suspense dates will be established to ensure all applicable records are made available to NICS via the III.

Department of the Interior – Office of the Inspector General

Qualitative goals and quantitative measures:

Submit a spreadsheet to CJIS with the corrected criminal history data compiled during review of records from January 1, 2014, to February 7, 2019, with a goal of 100% accuracy.

By February 1 of each year, perform a quality assurance review of criminal investigations annually on February 1 and verify the accuracy of 75% of criminal history records.

Any discrepancies will be reported via a Modification Request and/or an R-84 report.

Institute new internal protocols involving the CJIS Modification Request Form and the R-84 process through internal policy by December 1, 2019.

Standardize charge data reported by June 1, 2019.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Update internal policy by December 1, 2019, requiring:

- Annual review criminal investigations and verification of the accuracy of 75% of criminal history records.
- Regional management case review 100% of criminal history records upon case closure, within 30 days of last investigative activity.
- A 100% quality assurance review of agency's criminal history records upon case closure performed by headquarters management, within 60 days of last investigative activity.

Report inaccuracies or failures in reporting upon discovery for NICS correction, within 60 days of identification, via a Modification Request and/or an R-84 report, as required by CJIS.

Needs assessment, including compliance costs:

Not applicable.

Estimated date of compliance:

Compliant with the requirement of correcting 100% of past (January 1, 2014 through February 7, 2019) records available to NICS by October 31, 2019.

Department of Justice

Qualitative goals and quantitative measures:

Increase matching of arrest records with dispositions by 4% annually until maximum completeness, efficiency, and quality can be attained. Currently, 84% of arrests submitted by the agency to the NICS have a corresponding disposition record.

Establish working group to explore possibility of enterprise solution to automate the matching of arrest and disposition records. If a feasible solution is identified and sufficient funding is made available, the working group hopes to:

- Develop a pilot targeting one judicial district during the first year of the program to identify the challenges, resources, and efforts required to implement a national solution.
- Target three additional judicial districts the following fiscal year and update the implementation plan based on the findings of the pilot and initial implementations.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

The Office of the Chief Information Officer will work with FBI and leadership to identify appropriate internal monitoring measures, including annual goals for each of the next four years.

Needs assessment, including compliance costs:

Feasibility and costs under review.

Necessary additional resources would include technical and operational human resources, services, and support.

Costs expected to be substantial. If feasibility of the automation effort is established, agency will provide an update.

Estimated date of compliance:

Agency believes all relevant records it creates are being reported to appropriate databases. Estimates it will take four years to implement the solution to automate the matching of arrest and disposition records.

Department of Labor

Qualitative goals and quantitative measures:

Obtain system access for components that potentially have relevant records so they can enter data directly into the appropriate systems, by January 2020.

Explore opportunities to automate submissions of relevant records to appropriate system by July 2020.

Verify that relevant reportable information is reported in a timely manner with limited or no challenges by January 2021.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Issue an internal semiannual data call to verify reportable information and submit the required certifications.

Request status updates from internal stakeholders in preparation for the biannual certification reports to DOJ over the next four years.

Needs assessment, including compliance costs:

Case management system compatible with submitting information to NICS automatically. Estimated cost: $200,000.

Access to NICS reporting systems. Estimated cost: $0.

Appropriate staff/resources. Estimated cost: $300,000.

Estimated date of compliance:

Already in compliance.

Department of Labor – Office of the Inspector General

Qualitative goals and quantitative measures:

Target for accurate reporting of new actions over the next four years:

- FY 2019: 75%
- FY 2020: 80%
- FY 2021: 85%
- FY 2022: 90%

FY 2019 Goals:

- Obtain FBI Law Enforcement Portal (LEEP) accounts for any criminal investigator lacking an account.
- Obtain E-Check accounts for appropriate agency employees.
- Design, request, and implement Electronic Case File (ECF) modifications.
- Design custom reports to verify accurate and timely reporting.
- Make submissions to the NICS for unreported historical items.

FY 2020 Goals:

- Issue new Investigative Notices on Arrest and ECF Management.
- Assess ECF modifications for effectiveness and make adjustments.
- Consider adding a performance metric to criminal investigators' performance standards.

FY 2021 Goals:

- Determine if guidance, Investigative Notices, or ECF need modifications.
- Add performance metric to criminal investigator performance standards.

FY 2022 Goals:

- Refine tracking and reporting as necessary.
- Make submissions to NICS for unreported historical items.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Custom reports, case file reviews and case closing checklists will be used to monitor compliance with guidance, policy, and ECF requirements.

Needs assessment, including compliance costs:

Obtain system upgrades to add fields, rules, custom notifications, and reporting. If NCIC/III and/or the NICS have the ability to receive automated submissions from the ECF, significant and costly upgrades to the ECF would be required.

Agency estimates that ECF enhancements will cost approximately $10,000 in FY19 and approximately $5,000 in subsequent years.

Estimated date of compliance:

September 30, 2021.

Department of State

Qualitative goals and quantitative measures:

Ensure that records made available by the agency to NICS will have sufficient detail to enable NICS staff to swiftly identify the individual in question in name-based searches of NICS indices. Will spot check quality of records during 90-day case reviews. Benchmarks for percentage of records meeting this goal:

- CY 2019: 70%
- CY 2020: 80%
- CY 2021: 90%
- CY 2022: 100%

Confirm that records made available by the agency to NICS have at least one biometric-based identification feature of the individual named in the record, such as a FBI Universal Control Number or other unique biometric identifier. Will audit 5% of records per year. Benchmarks for percentage of records meeting this goal:

- CY 2019: 30%
- CY 2020: 40%
- CY 2021: 50%
- CY 2022: 60%

Convene an inter-departmental working group to discuss how increased automation, establishing new protocols or other NICS-related system improvements can be made to improve record reporting.

- By the end of CY 2019, a final report of recommendations must be approved.
- All relevant stakeholders will seek to implement at least the following percentages of the recommendations approved by the working group:
  - CY 2019: 25%
  - CY 2020: 50%
  - CY 2021: 75%
  - CY 2022: 100%

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Monitor compliance via an ongoing process of mandatory case reviews every 90 days for all open criminal investigations.

Supervisory special agents in all domestic offices and those who lead overseas investigative teams will review each open investigation to ensure compliance with existing policy, including the requirement to make information available to NICS.

Headquarters will add an additional layer of compliance monitoring by conducting random spot-checks of investigative case files. Through this process, the agency will confirm required records were made available to the NICS. Benchmarks for percentage of case files checked:

- CY 2019: 2%
- CY 2020: 3%
- CY 2021: 4%
- CY 2022: 5%

Needs assessment, including compliance costs:

Recommends a full-time employee to educate the workforce, coordinate with NICS, conduct the required semiannual certifications to NICS, and implement regular quality control checks to ensure required records are made available to NICS.

Estimated costs are approximately $95,000 per year.

Estimated date of compliance:

December 31, 2019.

Department of State – Office of the Inspector General

Qualitative goals and quantitative measures:

Continue to review accessible electronic case management data dating back to July 2016, while also validating the current year. (For example, during 2019, the agency will validate 2016 and 2019 data.)

By end of CY 2019, establish increased communication with CJIS to share and compare known records.

By end of CY 2020, improve internal policies that directly impact the reporting of responsive and relevant records to the NICS.

By end of CY 2021, implement any enhancements necessary to improve the reporting of responsive and relevant records required by the Fix NICS Act.

By end of CY 2022, ensure that 100% of the agency's responsive and relevant records are made available to NICS through appropriate documentation in NCIC/III.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Internal compliance measures include, but are not limited to, quarterly verification by the divisions within the Office of Investigations of relevant case data pertinent to NICS reporting requirements.

Investigative staff routinely review case data for case activities that impact reporting requirements.

Data is also verified for accuracy as part of the agency's internal case closing procedures.

Needs assessment, including compliance costs:

None identified.

Estimated date of compliance:

As of March 2019, agency is in compliance for all known relevant records dating back to July 2018. By 2022 all records from 2016 through 2018 will be accurate.

Department of the Treasury – Bureau of Printing and Engraving

Qualitative goals and quantitative measures:

Have zero (0) records that need updating in National Crime Information Center (NCIC) or Interstate Identification Index (III).

Within six months of implementation plan, 100% of officers trained on procedures outlined in plan.

100% of the arrests that contain agency's Originating Agency Identifier (ORI) will be input into the Desk Sergeant's spreadsheet, tracked internally, and timely updated into the COBALT system.

Each arrest being tracked will be reviewed by the arresting officer to ensure any updates occur.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Police Inspector or designee will inspect tracking and reporting of arrests on a monthly basis.

Needs assessment, including compliance costs:

None identified.

Estimated date of compliance:

Already in compliance.

Department of the Treasury – Internal Revenue Service

Qualitative goals and quantitative measures:

Compare 180,000 relevant records identified by agency to information received from the FBI and determine which records are not already in NICS.

Provide 100 or more records to the FBI on a biweekly basis until all records are included in NICS.

For records that cannot be verified using PACER, work with the clerk's offices for the relevant United States District Courts to obtain Judgment & Committal Orders to verify records before submission to the FBI. These records will be submitted to the FBI for input into NICS when verified.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Institute quarterly accuracy reviews to ensure accuracy and timeliness of submissions.

Continue existing annual reviews for programs that have reportable information.

Institute quarterly updates by field offices pertaining to the categories of relevant information identified by agency. This will assist with the bi-annual certifications.

Needs assessment, including compliance costs:

Once agency compares the records and identifies any missing dispositions for relevant records, it will perform a timely analysis to ensure the proper amount of resources are allocated and utilized in accordance with best business practices.

No additional costs.

Estimated date of compliance:

An estimated compliance date could not be provided at this time, as the agency is still in the process of determining the extent of missing dispositions for relevant records.

Department of the Treasury – Office of the Inspector General

Qualitative goals and quantitative measures:

Identify and update 100% of all outstanding criminal history dispositions for the shared Treasury ORIs by the end of 2019.

Provide NICS training to 100% of personnel during required annual training sessions by the end of 2020.

Complete 100% of the major case management system (VIPER) software upgrades by the end of 2020.

Make, create, and implement 100% of NICS reports by the end of 2020.

Update the Special Agent Handbook with a NICS section by the end of 2021.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Complete major VIPER software upgrades by the end of 2020.

Create notifications and tasks within the software to identify situations where relevant NICS records have been created. This will enable agency to conduct internal compliance checks to ensure that all relevant records appear in the reports and to review the records to ensure they are comprehensive and accurate.

Needs assessment, including compliance costs:

Update the VIPER software so that identifying and reporting relevant NICS records can be automated to ensure compliance.

Update some existing policies and procedures, including the Special Agent Handbook to include a section to address NICS records and reporting.

No costs identified.

Estimated date of compliance:

June 2023.

Department of the Treasury – Office of the Treasury Inspector General for Tax Administration

Qualitative goals and quantitative measures:

Verify all new arrest records and identify final disposition information:

- no less than quarterly
- submit records to the Federal Bureau of Investigation/ Criminal Justice Investigation System within 15 days after the end of each quarter, whenever possible.

Goals for improved reporting include the implementation of internal procedures to ensure compliance and the delivery of these procedures to all TIGTA special agents.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Monitor internal compliance through the continuous, but no less than quarterly, reviews of legal actions.

Needs assessment, including compliance costs:

Shift of some responsibilities and/or additional resources for a primary and alternate program manager, at a minimum, to identify and monitor continued compliance and the timely submission of records.

Costs are expected to be approximately $368,000.

Estimated date of compliance:

June 2019.

Department of the Treasury – Mint Police

Qualitative goals and quantitative measures:

Develop automated Fix NICS pop-up screens in National Electronic Incident Reporting System (NEIRS) for verification of the presence of any NICS-relevant information; complete by the end of CY 2019.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Issue an internal semi-annual data call to verify reportable information and submit the required certifications.

Continue to request from internal stakeholders status updates in preparation for the bi-annual certification reports.

Needs assessment, including compliance costs:

Modify NEIRS.

Sufficient annual funding available.

Estimated date of compliance:

Already in compliance.

Department of Veterans Affairs – Veterans Benefits Administration

Qualitative goals and quantitative measures:

Continue to maintain 100% accuracy rate.

Increase the frequency of reporting to the NICS from monthly to weekly.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Ensure decisionmakers accurately identify incompetent beneficiaries for inclusion in the NICS program through the agency's monthly review using Systematic Technical Accuracy Review (STAR).

Perform an average of five quality checks on each decisionmaker monthly. This local review evaluates an individual's performance and provides immediate, focused feedback. To maintain employment, employees must meet the quality element in their specific performance standard by position.

Retrieve a list of all pending NICS relief requests each quarter and monitor processing timeliness to ensure these requests are completed within one year.

Needs assessment, including compliance costs:

Increase the frequency of reporting to the NICS from monthly to weekly.

No additional costs.

Estimated date of compliance:

Already in compliance.

Department of Veterans Affairs – Office of the Inspector General

Qualitative goals and quantitative measures:

Ensure supervisor reviews are conducted on completed case work that involves relevant records.

Achieve accurate quantitative measures of relevant records through communication with supervisors and field agents regarding reporting criteria.

Supervisors responsible for reporting their region's operational results to the agency's designated NICS POC.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Initiated and requested appropriated adjustments to the case management system to capture future data through internal compliance. Currently, the agency is not capable of capturing all requested data from the case management system.

Monitor internal compliance when supervisors report inaccurate information, creating a system of checks and balances.

Identify, correct, and report any reporting accuracies to the NICS liaison in a timely manner.

Develop policy that outlines and guides the agency through the data collection process.

Needs assessment, including compliance costs:

Outlined framework (above) has been designed, implemented, and launched by completing the required semi-annual reports to the NICS liaison for CY 2018.

Estimated cost of compliance: $50,000.

Estimated date of compliance:

Already in compliance; additional improvements by end of CY 2019.

Environmental Protection Agency – Criminal Investigation Division

Qualitative goals and quantitative measures:

Monitor compliance and make any necessary corrections using annual self-audits. Agency expects to have 100% accuracy for record reporting.

Provide special agents additional guidance on Fix NICS Act to ensure timely and accurate reporting in the electronic case management system. Within 12 months, establish a formalized written policy regarding the reporting procedures within the next 12 months.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Confirm on annual basis that all defendants' criminal disposition information is accurately entered and available to the NICS.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

End of FY 2019.

Environmental Protection Agency – Office of the Inspector General

Qualitative goals and quantitative measures:

Through bi-annual self-audits and use of the R-84 for all relevant records submitted at least bi-annually, agency expects to have 100% accuracy for record reporting by 2020.

Train agents on the Fix NICS Act to ensure timely and accurate reporting in the electronic case management system. Verification of this improvement will be conducted through self-audits and semi-annual review of the electronic case management system.

Establish formalized written procedures regarding the reporting procedures within 18 months.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Monitor compliance and take any necessary corrections through use of bi-annual self-audits and R-84 submissions upon completion of the audits.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

February 1, 2020 (for completion of R-84s for pre-2018 convictions).

Export-Import Bank of the United States – Office of the Inspector General

Qualitative goals and quantitative measures:

Ensure 100% compliance with the Fix NICS Act.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Migration from an in-house developed database to a COTS, cloud based client-server database ensures more verifications and supervisory oversight through the use of routings, approvals, database warehoused documents, fully indexed and searchable documents; including uploaded NCIC/NLETS convictions, indictments, and arrests.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Federal Deposit Insurance Corporation – Office of the Inspector General

Qualitative goals and quantitative measures:

Goal for future semiannual certifications is to have zero records that need updating when the semi-annual certification is prepared. The agency is checking and updating its records throughout the year.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Upgrade case management system to assist with Fix NICS reporting requirements. Adding new data entries and creating new reports will help to automate future Fix NICS reporting and ensure that all applicable information is captured. Also, FDIC OIG is in the process of updating its internal manual/policy to include FIX NICS.

Needs assessment, including compliance costs:

Agency is in the process of upgrading its case management system; final costs unknown.

Estimated date of compliance:

Already in compliance.

Federal Housing Finance Agency – Office of the Inspector General

Qualitative goals and quantitative measures:

Upload all future responsive (unsealed) records to the NICS database as soon as practicable, and no later than 90 days after the criminal action occurs, provided there are no delays with the receipt of supporting court records.

Over next five years, explore additional automation for NICS compliance process, to include programming new modules to collect NICS-specific data and developing automated processes to transfer relevant data to the NICS.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Add additional validations that will prompt the Special Agents and Supervisors to verify that all relevant NICS entries have been completed quarterly and at case closing.

Operations Officers will conduct regular reviews for compliance with agency policy.

Needs assessment, including compliance costs:

Unable to estimate at this time.

Estimated date of compliance:

December 31, 2019.

General Services Administration – Office of the Inspector General

Qualitative goals and quantitative measures:

Agent compliance with new Assistant Inspector General for Investigations (AIGI) directive and policy in properly documenting case files with required information and documents directly linked to all criminal actions from January 1, 2019 going forward.

- 1st year goal – 70% incidents properly documented in case file.
- 2nd year goal – 80% incidents properly documented in case file.
- 3rd year goal – 90% incidents properly documented in case file.
- 4th year goal – 90% incidents properly documented in case file.

Conditional on funding, implement identified enhancements to Investigative Documentation Electronic Administrative System (IDEAS) to capture NICS related information and documentation from specific data fields in case files to incorporate into comprehensive statistical reports.

- 1st year goal – Identify requirements and obtain quote from vendor.
- 2nd year goal – Implement enhancements in system.
- 3rd year goal – Identify additional enhancements if necessary.
- 4th year goal – Implement second round of enhancements if necessary.

For NICS reporting compliance after January 1, 2019, ensure case agent and supervisor confirm all pertinent records, including those containing NICS responsive documents, were submitted to National Crime Information Center (NCIC)/ Interstate Identification Index (III) and that NCIC records are accurate and complete, prior to case closure.

- 1st year – 85%
- 2nd year – 85%
- 3rd-4th years – 100%

For NICS reporting compliance 2008-2017, ensure all subjects meeting NICS reporting requirements are reflected correctly in NCIC/III or were directly reported to NICS.

- 1st year – 50%
- 2nd year – 60%
- 3rd year – 70%
- 4th year – 90%

Request an increase in the number of full time equivalent staff.

Increase staff training on reporting requirements and internal protocols.

Explore options to determine if automated reporting is viable.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Creating policies and procedures for how compliance reviews will be conducted and the frequency of those reviews via newly established Policy and Compliance Branch (PCB).

Implemented procedures to ensure that a pre-validation of relevant records, including fingerprint cards and R-84s, are submitted to CJIS no less than quarterly. Conduct supervisory case reviews every 90 days to verify statistics and referrals are being properly performed and documented.

Review all case files to confirm that all pertinent R-84s have been submitted and NCIC/III records are correct prior to case closure.

Run quarterly reports to extract investigative statistics from IDEAS to identify potentially relevant records that need to be reported to NICS.

Query NCIC for NICS responsive state and local criminal records dated within the previous six months to ensure those records are complete and accurate.
Conduct semiannual closed case reviews for all "Investigative" case files to ensure accuracy of records prior to case closure.

Needs assessment, including compliance costs:

Incorporate procedures outlined in 2018 AIGI Directive into policy manual.

Enhance the case management system to better track and report out NICS related data.

Provide training to investigative personnel on how to properly document NICS related information in IDEAS after the identified enhancements have been made to IDEAS.

Costs not specified.

Estimated date of compliance:

End of 2022.

Government Publishing Office – Office of the Inspector General

Qualitative goals and quantitative measures:

Ensure 100% of responsive documents are submitted to NICS.

Inquire with the contractor who provides support for electronic case management system regarding whether an automatic reminder can be triggered by the entering of information related to the NICS prohibitors.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Semi-annual review of case management system by Assistant Inspector General for Investigations.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

July 31, 2019.

Library of Congress – Office of the Inspector General

Qualitative goals and quantitative measures:

Report 100% of the required data on a semiannual basis to NICS.

Establish internal protocols in the agency Investigations Manual to ensure that data is reported timely and accurately.

Maintain supporting documentation for all reported data.

Inquire with the contractor who provides support for electronic case management system regarding whether an automatic reminder can be triggered by the entering of information related to the NICS prohibitors.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

To mitigate risk of erroneous reporting, information will go through an additional quality assurance process with the counsel to the Inspector General.

Needs assessment, including compliance costs:

Costs expected to be de minimis.

Estimated date of compliance:

July 31, 2019.

National Aeronautics and Space Administration – Office of the Inspector General

Qualitative goals and quantitative measures:

Review of 12 years of data showed that all reporting had been made. Accordingly, no benchmarks for improvement are required.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Developed procedures to crosscheck state and local cases on a quarterly basis to ensure prohibiting records are reported to NICS.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

National Archives and Record Administration – Office of the Inspector General

Qualitative goals and quantitative measures:

Review all applicable records for accuracy and completeness upon the closure of each investigation and ensure 100% compliance of every reportable area.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Document investigative steps within five business days of activity.

Require periodic case progress reviews (not to exceed 90 days) where compliance with internal and external requirements are reviewed (including NICS reportable information).

Complete Case Closing Quality Assurance Checklist at the conclusion of each investigation to ensure accuracy of information and verification for criminal statistics, which includes verifying all judicial information reported for the subject is accurate.

Perform independent monthly quality assurance review of recently closed investigations to verify compliance with policy and data integrity.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Nuclear Regulatory Commission

Qualitative goals and quantitative measures

Remain at 100% compliance over the next four years.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Agency is confident in its reporting mechanism and has achieved maximum coordination amongst the offices responsible for these records. Agency has thus far not experienced any reporting failures or inaccuracies.

Needs assessment, including compliance costs:

No areas in need of improvement.

Estimated date of compliance:

Already in compliance.

Pension Benefit Guaranty Corporation – Office of the Inspector General

Qualitative goals and quantitative measures:

Agency has made appropriate records available to the NICS, and therefore cannot identify any goals for improving reporting.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Agents will obtain National Crime Information Center (NCIC) Criminal History checks for subjects who are indicted or convicted to ensure that the information is accurate in the system.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Pretrial Services Agency

Qualitative goals and quantitative measures:

Stay within the 96% accuracy range in a given month.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Agency has created a matching program to compare files received from NICS with the records in agency's client management system (PRISM) to ensure synchronization and corrections were necessary.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Securities and Exchange Commission – Office of the Inspector General

Qualitative goals and quantitative measures:

Review all applicable records for accuracy and completeness upon the closure of each investigation and ensure 100% compliance of every reportable area.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Document investigative steps within five business days of activity.

Require periodic case progress reviews (not to exceed 90 days) where compliance with internal and external requirements are reviewed (including NICS reportable information).

Complete Quality Control Checklist at the conclusion of each investigation to ensure accuracy of information and verification for criminal statistics. Prior to closing, an NCIC check is run on all subjects to ensure all applicable information has been submitted.

Perform independent quarterly quality assurance review of recently closed investigations to verify compliance with policy and data integrity.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Small Business Administration – Office of the Inspector General

Qualitative goals and quantitative measures:

Ensure 100% compliance with statutory requirements of Fix NICS Act.

Develop a new electronic case management system that will aid in continued NICS compliance, specifically by leveraging robust reporting capabilities.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Conduct quarterly reviews of federal and state judicial actions to determine what records require submission to NICS.

Continue submitting annual report and semiannual certifications.

Needs assessment, including compliance costs:

None.

Estimated date of compliance:

Already in compliance.

Social Security Administration – Office of the Inspector General

Qualitative goals and quantitative measures:

Continue to work with the FBI's Quality Solutions Team to update any agency arrest records without recorded final dispositions.

Update agency policies to ensure the agency is reporting complete and accurate federal, state or local criminal history information.

Continue to explore ways the agency's electronic case management system can be updated to report relevant records.

Explore the possibility of conducting semi-annual self-audits to ensure criminal history information has been reported.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Continue to issue a quarterly control to field divisions regarding the relevant information submitted during the reportable time period. This information is retained for use in submitting the required semi-annual certifications.

Evaluate need for periodic self-audits comparing the information from agency case files with that entered into NCIC and/or III.

Needs assessment, including compliance costs:

Replace electronic case management system, which could potentially allow for the automated reporting of relevant records to the NICS or other improved functionality. The agency is in the initial stages of developing a list of needs with the vendor.

The agency already assumes all costs necessary to provide accurate accounting of reportable events for which it is the originating agency of record.

Estimated date of compliance:

Already in compliance.

United States Agency for International Development – Office of the Inspector General

Qualitative goals and quantitative measures:

Maintain 100% reporting for applicable cases.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Review compliance as part of its routine case oversight process.

Needs assessment, including compliance costs:

Research the feasibility of obtaining entry and/or query access to NCIC to be able to better validate the entry of agency information into the system.

Track via agency's reporting system required NCIC submissions.

No additional costs.

Estimated date of compliance:

Already in compliance.

United States Postal Service – Office of the Inspector General

Qualitative goals and quantitative measures:

Have zero records requiring updates during the semi-annual certifications in January and July of each year.

Continue to utilize personnel trained and certified in NCIC and NICS to review and update the historical data from 2006 through 2017.

Update case management system to allow for real-time verification and auditing functionality by May 1, 2019.

Measure(s) to monitor internal compliance, including any reporting failures and inaccuracies:

Conduct monthly audits of all arrests, indictments, pleas, convictions, and sentences.

The more robust reporting capabilities being created in the case management system will allow this functionality to be available in real time.

Needs assessment, including compliance costs:

Assigned additional personnel to the Fix NICS program.

Initiated several case management system upgrades.

No costs identified.

Estimated date of compliance:

For the review and entry of historical state arrests, indictments, informations, and convictions from 2006-2017 – no longer than three months.

For the review and entry of historical federal arrests, indictments, informations, and convictions from 2006-2017 – approximately twelve months.