

Supporting Statement for Paperwork Reduction Act Submissions
Approval of an existing collection currently in use without an OMB control number for the
Request for the National Instant Criminal Background Check System Checks by Criminal Justice
Agencies

OMB Control # 1110-0055

The most recent version of this collection is dated May 31, 2014.

Part A. Justification

1. Necessity of Information:

In November 1993, the Brady Handgun Violence Prevention Act (Brady Act), Public Law 103-159, was signed into law and required Federal Firearms Licensees (FFL) to request background checks on individuals attempting to purchase a firearm. The permanent provisions of the Brady Act, which went into effect on November 30, 1998, required the U.S. Attorney General to establish the NICS that FFLs may contact by telephone or other electronic means for information to be supplied within three business days on whether the receipt of a firearm by a prospective transferee would violate Section 922 (g) or (n) of Title 18, United States Code, or state law. There are other authorized uses of the NICS found at Title 28, Code of Federal Regulations (C.F.R.), Section 25.6(j). The FBI authorized the CJAs to initiate a NICS check to assist their transfer of firearms to private individuals as a change to 28 C.F.R. § 25.6(j) in the Federal Register, Volume 78, Number 18. If the CJA is located within a Point-of-Contact (POC) state, the background checks for those states are conducted through the POC. If the FBI conducts firearm background checks for the CJA's state, the background checks are conducted through the FBI.

2. Needs and Uses:

The purpose of this collection is to enable CJAs to initiate NICS background checks of prospective firearms transferees to ensure those transferees are not prohibited from possessing firearms. If CJAs choose to conduct NICS background checks to dispose of firearms in their possession, then they are required to obtain and enter the identifying information described above. The CJAs must also verify the identity of a person applying for the return of a firearm by examining an identification document presented by the prospective transferee. Additionally, these checks must be conducted by the CJAs through the NICS Electronic Check (E-Check) or the National Criminal Information Center (NCIC) database. The data for the checks includes the above mandatory descriptive information and may also include optional information about the prospective transferee, such as the person's social security number (not mandatory) or alien registration number.

3. Use of Technology:

No disposition record is required by the FBI to document this use of the NICS by CJAs. No forms will be produced or mailed to the various local, state, tribal, or federal CJAs. The CJAs can request from prospective transferees, either orally or in writing, the minimal information needed to initiate background checks. The CJAs will then enter this information into the NICS E-Check or provide it through the FBI's NCIC communications system.

4. Efforts to Identify Duplication:

This collection does not duplicate other data collections. This is the only collection that enables CJAs to run NICS background checks of prospective firearms transferees.

5. Methods to Minimize Burden on Small Businesses:

The collection of information will not have any impact on small entities. Some CJAs are small government entities. However, the impact of this collection on small entities is likely to be minimal as the FBI requires only a small amount of information to run a background check, the collection is voluntary, and the small local government entities already have in place, or access to, the equipment necessary to conduct the checks.

6. Consequences of Less Frequent Collection:

If the CJA does not collect and submit the minimum required identifying information, then the NICS will be unable to conduct a background check.

7. Special Circumstances Influencing Collection:

There are no special circumstances.

8. Public Comments and Consultations:

The FBI contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to review the data collection and to provide feedback. No comments were received as a result of Federal Register notices.

9. Payment of Gift to Claimants:

There is no payment made or gift to an individual who provides the required information to the NICS.

10. Assurance of Confidentiality:

Confidentiality of this information is not guaranteed.

11. Justification for Sensitive Questions:

The identifying information collected regarding the proposed transferee is sensitive in that it is personally identifiable information. Providing the information is voluntary but necessary for CJAs to enter the information in the NICS and initiate a NICS check. Failure or refusal to provide the information will result in the inability to conduct a NICS check. In addition to the need for the information to initiate the NICS check, the personal information is necessary to more accurately identify and discriminate between potential matches returned from the check. For example, providing the transferee's social security number is voluntary but providing it will provide for more accurate determinations in the name-based searches (check) of the NICS.

12. Estimate of Hour Burden:

Number of respondents	18,000
Frequency of response	as needed
Total annual responses	18,000
Minutes per response	3 minutes
Annual hour burden	2,700 hours

13. Estimate of Cost Burden:

The FBI is unable to estimate the cost burden imposed on local, state, tribal, and federal CJAs by their use of the authority. This inability is caused by the uncertainty of how many CJAs utilize the NICS and the lack of numbers of the potential population of firearms in the possession of the CJAs. A range of expense potentially incurred by a CJA using this access authorization can be estimated if one utilizes the mean hourly wage for a clerical or administrative assistant level employee or a law enforcement officer (Police and Sheriff's Patrol Officer) conducting the checks. The following figures are derived from the Bureau of Labor Statistics as of 2015 for administrative employees and for law enforcement officers. As noted, the FBI estimates the process of conducting a NICS check should take no more than three minutes. The 2015 administrative assistant mean hourly wage is \$16.92. The 2015 mean hourly wage for a law enforcement officer is \$29.45. The cost for a secretarial NICS check is \$0.84 cents. If a law enforcement officer conducts the NICS check, then the cost would be \$1.47. The FBI was unable to guess how often and which one of the thousands of CJAs may choose to employ the access and which staff member will conduct the check is similarly unknown. The Federal Government assumes only those costs associated with the effort necessary to conduct the check by systems and personnel are already in place at the FBI.

14. Estimated Annualized Costs to Federal Government:

Negligible. Only those costs associated with the effort necessary to conduct the check by systems and personnel are already in place at the FBI. Publication of this new use of the NICS will be accomplished in the Federal Register and routine FBI communications to law enforcement nation-wide.

15. Reasons for Change in Burden:

The publication of this new non-Brady use of the NICS is in response to specific requests made for years by CJAs. It will enhance public safety by helping to prevent prohibited persons from receiving or possessing firearms. Use of the NICS will also enable CJAs to record the firearm transfer for their chain of custody purposes, provide the information necessary to initiate a NICS check, and permit audits of authorized uses of the NICS.

16. Plans for Publication:

The data collected will be used by the NICS Section solely in connection with firearm background checks conducted pursuant to the Brady Act and the regulations promulgated thereunder. The information will be maintained as permitted by law in a database for use by FBI employees or FBI contract employees. This information will not be published.

17. Expiration Date Approval:

No exceptions to the certification statement are requested.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement

Part B. Statistical Methods

The FBI does not employ statistical methods in this information collection.