

2019 FIST OMB Attachments

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Attachment 1. BJS Authority

34 USC Subtitle I, CHAPTER 101, SUBCHAPTER III: BUREAU OF JUSTICE STATISTICS

From Title 34—CRIME CONTROL AND LAW ENFORCEMENT

Subtitle I—Comprehensive Acts

CHAPTER 101—JUSTICE SYSTEM IMPROVEMENT

SUBCHAPTER III—BUREAU OF JUSTICE STATISTICS

§10131. Statement of purpose

It is the purpose of this subchapter to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this subchapter, the Bureau shall give primary emphasis to the problems of State and local justice systems.

(Pub. L. 90–351, title I, §301, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1176; amended Pub. L. 98–473, title II, §605(a), Oct. 12, 1984, 98 Stat. 2079.)

CODIFICATION

Section was formerly classified to section 3731 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 301 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 199; Pub. L. 91–644, title I, §4(1)–(4), Jan. 2, 1971, 84 Stat. 1882; Pub. L. 93–83, §2, Aug. 6, 1973, 87 Stat. 199; Pub. L. 94–503, title I, §§109, 128(b), Oct. 15, 1976, 90 Stat. 2411, 2424, related to purposes and categories of grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96–157.

AMENDMENTS

1984—Pub. L. 98–473 struck out "(including white-collar crime and public corruption)" after "information concerning crime" and "(including crimes against the elderly, white-collar crime, and public corruption)" after "levels of crime".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 10101 of this title.

§10132. Bureau of Justice Statistics

(a) Establishment

There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter as "Bureau").

(b) Appointment of Director; experience; authority; restrictions

The Bureau shall be headed by a Director appointed by the President. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau

The Bureau is authorized to—

- (1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;
- (2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;
- (3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, tribal, and local justice policy and decisionmaking;
- (4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, tribal, and local levels;
- (5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, tribal, and local levels;
- (6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, tribal, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, tribal, and local levels;
- (7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States and in Indian country;
- (8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter;
- (9) maintain liaison with the judicial branches of the Federal Government and State and tribal governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;
- (10) provide information to the President, the Congress, the judiciary, State, tribal, and local governments, and the general public on justice statistics;
- (11) establish or assist in the establishment of a system to provide State, tribal, and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;
- (12) conduct or support research relating to methods of gathering or analyzing justice statistics;
- (13) provide for the development of justice information systems programs and assistance to the States, Indian tribes, and units of local government relating to collection, analysis, or dissemination of justice statistics;
- (14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;
- (15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;
- (16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;
- (17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State, tribal, and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti-drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, tribal, and local criminal justice agencies on their drug enforcement activities;
- (18) provide for the development and enhancement of State, tribal, and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;
- (19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State and tribal criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State and tribal participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;
- (20) maintain liaison with State, tribal, and local governments and governments of other nations concerning justice statistics;
- (21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;
- (22) ensure conformance with security and privacy requirement of section 10231 of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal, tribal, and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VII.

(d) Justice statistical collection, analysis, and dissemination

(1) In general

To ensure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

- (A) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;
- (B) confer and cooperate with State, municipal, and other local agencies;
- (C) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter;
- (D) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records;
- (E) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data; and
- (F) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this subchapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

(2) Consultation with Indian tribes

The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.

(e) Furnishing of information, data, or reports by Federal agencies

Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(1)(C) shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State, tribal, and local government and judiciary

In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State, tribal, and local government, including, where appropriate, representatives of the judiciary.

(g) Reports

Not later than 1 year after July 29, 2010, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.

(Pub. L. 90–351, title I, §302, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1176; amended Pub. L. 98–473, title II, §605(b), Oct. 12, 1984, 98 Stat. 2079; Pub. L. 100–690, title VI, §6092(a), Nov. 18, 1988, 102 Stat. 4339; Pub. L. 103–322, title XXXIII, §330001(h)(2), Sept. 13, 1994, 108 Stat. 2139; Pub. L. 109–162, title XI, §1115(a), Jan. 5, 2006, 119 Stat. 3103; Pub. L. 111–211, title II, §251(b), July 29, 2010, 124 Stat. 2297; Pub. L. 112–166, §2(h)(1), Aug. 10, 2012, 126 Stat. 1285.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (c)(11), is Pub. L. 90–351, [June 19, 1968](#), 82 Stat. 197, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3732 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 302 of Pub. L. 90–351, [title I, June 19, 1968](#), 82 Stat. 200; Pub. L. 93–83, [§2, Aug. 6, 1973](#), 87 Stat. 201; Pub. L. 94–503, [title I, §110, Oct. 15, 1976](#), 90 Stat. 2412, related to establishment of State planning agencies to develop comprehensive State plans for grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96–157.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112–166 struck out ", by and with the advice and consent of the Senate" before period at end of first sentence.

2010—Subsec. (c)(3) to (6). Pub. L. 111–211, §251(b)(1)(A), inserted "tribal," after "State," wherever appearing.

Subsec. (c)(7). Pub. L. 111–211, §251(b)(1)(B), inserted "and in Indian country" after "States".

Subsec. (c)(9). Pub. L. 111–211, §251(b)(1)(C), substituted "Federal Government and State and tribal governments" for "Federal and State Governments".

Subsec. (c)(10), (11). Pub. L. 111–211, §251(b)(1)(D), inserted ", tribal," after "State".

Subsec. (c)(13). Pub. L. 111–211, §251(b)(1)(E), inserted ", Indian tribes," after "States".

Subsec. (c)(17). Pub. L. 111–211, §251(b)(1)(F), substituted "activities at the Federal, State, tribal, and local" for "activities at the Federal, State and local" and "generated by Federal, State, tribal, and local" for "generated by Federal, State, and local".

Subsec. (c)(18). Pub. L. 111–211, §251(b)(1)(G), substituted "State, tribal, and local" for "State and local".

Subsec. (c)(19). Pub. L. 111–211, §251(b)(1)(H), inserted "and tribal" after "State" in two places.

Subsec. (c)(20). Pub. L. 111–211, §251(b)(1)(I), inserted ", tribal," after "State".

Subsec. (c)(22). Pub. L. 111–211, §251(b)(1)(J), inserted ", tribal," after "Federal".

Subsec. (d). Pub. L. 111–211, §251(b)(2), designated existing provisions as par. (1), inserted par. (1) heading, substituted "To ensure" for "To insure", redesignated former pars. (1) to (6) as subpars. (A) to (F), respectively, of par. (1), realigned margins, and added par. (2).

Subsec. (e). Pub. L. 111–211, §251(b)(3), substituted "subsection (d)(1)(C)" for "subsection (d)(3)".

Subsec. (f). Pub. L. 111–211, §251(b)(4)(B), inserted ", tribal," after "State".

Pub. L. 111–211, §251(b)(4)(A), which directed insertion of ", tribal," after "State" in heading, was executed editorially but could not be executed in original because heading had been editorially supplied.

Subsec. (g). Pub. L. 111–211, §251(b)(5), added subsec. (g).

2006—Subsec. (b). Pub. L. 109–162, §1115(a)(1), inserted after third sentence "The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure."

Subsec. (c)(19). Pub. L. 109–162, §1115(a)(2), amended par. (19) generally. Prior to amendment, par. (19) read as follows: "provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;"

Subsec. (d)(6). Pub. L. 109–162, §1115(a)(3), added par. (6).

1994—Subsec. (c)(19). Pub. L. 103–322 substituted a semicolon for period at end.

1988—Subsec. (c)(16) to (23). Pub. L. 100–690 added pars. (16) to (19) and redesignated former pars. (16) to (19) as (20) to (23), respectively.

1984—Subsec. (b). Pub. L. 98–473, §605(b)(1), inserted provision requiring Director to report to Attorney General through Assistant Attorney General.

Subsec. (c)(13). Pub. L. 98–473, §605(b)(2)(A), (C), added par. (13) and struck out former par. (13) relating to provision of financial and technical assistance to States and units of local government relating to collection, analysis, or dissemination of justice statistics.

Subsec. (c)(14), (15). Pub. L. 98–473, §605(b)(2)(C), added pars. (14) and (15). Former pars. (14) and (15) redesignated (16) and (17), respectively.

Subsec. (c)(16). Pub. L. 98–473, §605(b)(2)(A), (B), redesignated par. (14) as (16) and struck out former par. (16) relating to insuring conformance with security and privacy regulations issued under section 10231 of this title.

Subsec. (c)(17). Pub. L. 98–473, §605(b)(2)(B), redesignated par. (15) as (17). Former par. (17) redesignated (19).

Subsec. (c)(18). Pub. L. 98–473, §605(b)(2)(D), added par. (18).

Subsec. (c)(19). Pub. L. 98–473, §605(b)(2)(B), redesignated former par. (17) as (19).

Subsec. (d)(1). Pub. L. 98–473, §605(b)(3)(A), inserted ", and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis".

Subsec. (d)(5). Pub. L. 98–473, §605(b)(3)(B)–(D), added par. (5).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112–166, set out as a note under section 113 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 10101 of this title.

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111–211, [title II, §251\(c\)](#), [July 29, 2010](#), 124 Stat. 2298, provided that: "Nothing in this section [amending this section and section 41507 of this title] or any amendment made by this section—

"(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

"(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program."

[For definition of "Indian tribe" as used in section 251(c) of Pub. L. 111–211, set out above, see section 203(a) of Pub. L. 111–211, set out as a note under section 2801 of Title 25, Indians.]

DATA COLLECTION

Pub. L. 115–391, [title VI, §610](#), [Dec. 21, 2018](#), 132 Stat. 5245, provided that:

"(a) NATIONAL PRISONER STATISTICS PROGRAM.—Beginning not later than 1 year after the date of enactment of this Act [Dec. 21, 2018], and annually thereafter, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) [now 34 U.S.C. 10132], the Director of the Bureau of Justice Statistics, with information that shall be provided by the Director of the Bureau of Prisons, shall include in the National Prisoner Statistics Program the following:

"(1) The number of prisoners (as such term is defined in section 3635 of title 18, United States Code, as added by section 101(a) of this Act) who are veterans of the Armed Forces of the United States.

"(2) The number of prisoners who have been placed in solitary confinement at any time during the previous year.

"(3) The number of female prisoners known by the Bureau of Prisons to be pregnant, as well as the outcomes of such pregnancies, including information on pregnancies that result in live birth, stillbirth, miscarriage, abortion, ectopic pregnancy, maternal death, neonatal death, and preterm birth.

"(4) The number of prisoners who volunteered to participate in a substance abuse treatment program, and the number of prisoners who have participated in such a program.

"(5) The number of prisoners provided medication-assisted treatment with medication approved by the Food and Drug Administration while in custody in order to treat substance use disorder.

"(6) The number of prisoners who were receiving medication-assisted treatment with medication approved by the Food and Drug Administration prior to the commencement of their term of imprisonment.

"(7) The number of prisoners who are the parent or guardian of a minor child.

"(8) The number of prisoners who are single, married, or otherwise in a committed relationship.

"(9) The number of prisoners who have not achieved a GED, high school diploma, or equivalent prior to entering prison.

"(10) The number of prisoners who, during the previous year, received their GED or other equivalent certificate while incarcerated.

"(11) The numbers of prisoners for whom English is a second language.

"(12) The number of incidents, during the previous year, in which restraints were used on a female prisoner during pregnancy, labor, or postpartum recovery, as well as information relating to the type of restraints used, and the circumstances under which each incident occurred.

"(13) The vacancy rate for medical and healthcare staff positions, and average length of such a vacancy.

"(14) The number of facilities that operated, at any time during the previous year, without at least 1 clinical nurse, certified paramedic, or licensed physician on site.

"(15) The number of facilities that during the previous year were accredited by the American Correctional Association.

"(16) The number and type of recidivism reduction partnerships described in section 3621(h)(5) of title 18, United States Code, as added by section 102(a) of this Act, entered into by each facility.

"(17) The number of facilities with remote learning capabilities.

"(18) The number of facilities that offer prisoners video conferencing.

"(19) Any changes in costs related to legal phone calls and visits following implementation of section 3632(d)(1) of title 18, United States Code, as added by section 101(a) of this Act.

"(20) The number of aliens in prison during the previous year.

"(21) For each Bureau of Prisons facility, the total number of violations that resulted in reductions in rewards, incentives, or time credits, the number of such violations for each category of violation, and the demographic breakdown of the prisoners who have received such reductions.

"(22) The number of assaults on Bureau of Prisons staff by prisoners and the number of criminal prosecutions of prisoners for assaulting Bureau of Prisons staff.

"(23) The capacity of each recidivism reduction program and productive activity to accommodate eligible inmates at each Bureau of Prisons facility.

"(24) The number of volunteers who were certified to volunteer in a Bureau of Prisons facility, broken down by level (level I and level II), and by each Bureau of Prisons facility.

"(25) The number of prisoners enrolled in recidivism reduction programs and productive activities at each Bureau of Prisons facility, broken down by risk level and by program, and the number of those enrolled prisoners who successfully completed each program.

"(26) The breakdown of prisoners classified at each risk level by demographic characteristics, including age, sex, race, and the length of the sentence imposed.

"(b) REPORT TO JUDICIARY COMMITTEES.—Beginning not later than 1 year after the date of enactment of this Act [Dec. 21, 2018], and annually thereafter for a period of 7 years, the Director of the Bureau of Justice Statistics shall submit a report containing the information described in paragraphs (1) through (26) of subsection (a) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives."

INCLUSION OF HONOR VIOLENCE IN NATIONAL CRIME VICTIMIZATION SURVEY

Pub. L. 113–235, div. B, title II, Dec. 16, 2014, 128 Stat. 2191, provided in part: "That beginning not later than 2 years after the date of enactment of this Act [div. B of Pub. L. 113–235, Dec. 16, 2014], as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to honor violence".

STUDY OF CRIMES AGAINST SENIORS

Pub. L. 106–534, §5, Nov. 22, 2000, 114 Stat. 2557, provided that:

"(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

"(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

"(1) the nature and type of crimes perpetrated against seniors, with special focus on—

"(A) the most common types of crimes that affect seniors;

"(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors;

and

"(C) the nature and extent of financial and material fraud targeted at seniors;

"(2) the risk factors associated with seniors who have been victimized;

"(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

"(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

"(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

"(6) other effective ways to prevent or reduce the occurrence of crimes against seniors."

INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY

Pub. L. 106–534, §6, Nov. 22, 2000, 114 Stat. 2557, provided that: "Beginning not later than 2 years after the date of enactment of this Act [Nov. 22, 2000], as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

"(1) crimes targeting or disproportionately affecting seniors;

"(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

"(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status."

CRIME VICTIMS WITH DISABILITIES AWARENESS

Pub. L. 105–301, Oct. 27, 1998, 112 Stat. 2838, as amended by Pub. L. 106–402, title IV, §401(b)(10), Oct. 30, 2000, 114 Stat. 1739, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Crime Victims With Disabilities Awareness Act'.

"SEC. 2. FINDINGS; PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) although research conducted abroad demonstrates that individuals with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities,

there have been no significant studies on this subject conducted in the United States;

"(2) in fact, the National Crime Victim's Survey, conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals with developmental disabilities;

"(3) studies in Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported, and even when they are, there is sometimes a reluctance by police, prosecutors, and judges to rely on the testimony of a disabled individual, making individuals with developmental disabilities a target for criminal predators;

"(4) research in the United States needs to be done to—

"(A) understand the nature and extent of crimes against individuals with developmental disabilities;

"(B) describe the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

"(C) identify programs, policies, or laws that hold promises for making the justice system more responsive to crimes against individuals with developmental disabilities; and

"(5) the National Academy of Science Committee on Law and Justice of the National Research Council is a premier research institution with unique experience in developing seminal, multidisciplinary studies to establish a strong research base from which to make public policy.

"(b) PURPOSES.—The purposes of this Act are—

"(1) to increase public awareness of the plight of victims of crime who are individuals with developmental disabilities;

"(2) to collect data to measure the extent of the problem of crimes against individuals with developmental disabilities; and

"(3) to develop a basis to find new strategies to address the safety and justice needs of victims of crime who are individuals with developmental disabilities.

"SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.

"In this Act, the term 'developmental disability' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C. 15002].

"SEC. 4. STUDY.

"(a) IN GENERAL.—The Attorney General shall conduct a study to increase knowledge and information about crimes against individuals with developmental disabilities that will be useful in developing new strategies to reduce the incidence of crimes against those individuals.

"(b) ISSUES ADDRESSED.—The study conducted under this section shall address such issues as—

"(1) the nature and extent of crimes against individuals with developmental disabilities;

"(2) the risk factors associated with victimization of individuals with developmental disabilities;

"(3) the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

"(4) the means by which States may establish and maintain a centralized computer database on the incidence of crimes against individuals with disabilities within a State.

"(c) NATIONAL ACADEMY OF SCIENCES.—In carrying out this section, the Attorney General shall consider contracting with the Committee on Law and Justice of the National Research Council of the National Academy of Sciences to provide research for the study conducted under this section.

"(d) REPORT.—Not later than 18 months after the date of enactment of this Act [Oct. 27, 1998], the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the results of the study conducted under this section.

"SEC. 5. NATIONAL CRIME VICTIM'S SURVEY.

"Not later than 2 years after the date of enactment of this Act, as part of each National Crime Victim's Survey, the Attorney General shall include statistics relating to—

"(1) the nature of crimes against individuals with developmental disabilities; and

"(2) the specific characteristics of the victims of those crimes."

§10133. Authority for 100 per centum grants

A grant authorized under this subchapter may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this subchapter, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

(Pub. L. 90–351, title I, §303, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1178.)

CODIFICATION

Section was formerly classified to section 3733 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 303 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 201; Pub. L. 91–644, title I, §4(5), (6), Jan. 2, 1971, 84 Stat. 1883; Pub. L. 93–83, §2, Aug. 6, 1973, 87 Stat. 201; Pub. L. 93–415, title V, §543, Sept. 7, 1974, 88 Stat. 1142; Pub. L. 94–503, title I, §111, Oct. 15, 1976, 90 Stat. 2413; Pub. L. 96–181, §15(b), Jan. 2, 1980, 93 Stat. 1316, set out requirements of State plans in order to qualify for grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96–157.

§10134. Use of data

Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a private person or public agency other than statistical or research purposes.

(Pub. L. 90–351, title I, §304, formerly §305, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1179; renumbered §304, Pub. L. 98–473, title II, §605(d), Oct. 12, 1984, 98 Stat. 2080; amended Pub. L. 109–162, title XI, §1115(b), Jan. 5, 2006, 119 Stat. 3104.)

CODIFICATION

Section was formerly classified to section 3735 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS


A prior section 304 of Pub. L. 90–351, as added by Pub. L. 96–157, was classified to section 3734 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 98–473, title II, §605(c), Oct. 12, 1984, 98 Stat. 2080.

AMENDMENTS

2006—Pub. L. 109–162 substituted "private person or public agency" for "particular individual".

Attachment 2. Proposed 2019 FIST survey form with new questions

OMB NO. 1121-0314: Approval Expires (_ / _ /20_)

FORM FIST-1	U.S DEPARTMENT OF JUSTICE BUREAU OF JUSTICE STATISTICS (BJS) (REJIS ACTING AS DATA COLLECTION AGENT)	
<b style="color: red;">2019 FIREARMS INQUIRY STATISTICS (FIST) Annual Survey of Background Checks for Firearm Transfers and Permits		

Please correct any errors in the name and address information that is printed below.

OFFICIAL AGENCY NAME <i>(If different from above)</i>	
9-DIGIT NCIC-ORI NUMBER	
PERSON COMPLETING THE FORM	
NAME	TITLE
TELEPHONE	FAX
E-MAIL ADDRESS	
RETURN INSTRUCTIONS	
<ul style="list-style-type: none"> Please submit your completed form by using the web reporting option at rejis.org/FIST, mailing it to the Regional Justice Information Service (REJIS) in the enclosed postage paid envelope, or faxing each page to 1-314-535-1729. If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org. Please retain a copy of your completed survey for 1 year. 	
Burden Statement	
<p>Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.</p>	
INSTRUCTIONS FOR COMPLETING THE FORM	
<ul style="list-style-type: none"> Please mark 'X' in the appropriate boxes. If possible, please answer all questions for the entire calendar year (January through December) 2019. If data are available for only part of the year, please supply any available information in the spaces provided. If the answer to a question is "not available" or "unknown," write "DK" in the space provided. If the answer to a question is "not applicable," write "NA" in the space provided. If the answer to a question is "none" or "zero," write "0" in the space provided. <u>Please respond with zero only when the actual total reported count is zero, as opposed to when the data are not known or unavailable.</u> When an exact numeric response is not available, provide an estimate and mark the estimate box next to the number field. Please provide a brief explanation in Section II to describe how the estimates were calculated. Please do not leave any items blank unless otherwise directed. 	

Section I –APPLICATIONS AND DENIALS

1. Between January 1, **2019** and December 31, **2019**, how many Point of Transfer firearm applications were **recorded or retained** by your agency? *(Please make an estimate if the exact counts of applications are not known.)*

Applications

Mark 'x' if estimate

- 1a. How many of the Applications were for:

Handguns

Long Guns

Both Handguns and Long Guns

2. Between January 1, **2019** and December 31, **2019**, how many Point of Transfer firearm applications were denied? A denial occurs when an applicant is prohibited from receiving a firearm or permit that can be used to obtain a firearm because a disqualifying factor was found during a background check. *(Please make an estimate if the exact counts of denials are not known.)*

Denials

Mark 'x' if estimate

- 2a. How many of the Denials were for:

Handguns

Long Guns

Both Handguns and Long Guns

3. Does your agency **record** the reason(s) why an application was denied? *(Please indicate "Yes" if your agency had zero denials in 2019, but you would record the reason(s) for a denial if one were processed. Please also indicate "Yes" if you can provide estimates for reasons for denial.)*

Yes

No *(skip to question number 6)*

4. What is recorded for the reason(s) why an application was denied?

All reasons for denial are **recorded**

Only the first reason found during the background check is **recorded**

Only the most serious charge listed on the criminal history is **recorded**

Other method of **recording** *(Please explain below or in Comments section.)*

Don't know

5. For denials recorded in 2019, why was the application denied? List total counts (including zeros, where applicable) for each reason for a denial. Please include all federal, state, and local law reasons for denial within the most appropriate category. Mark 'x' in the checkbox provided for any estimated counts.

	Transfers	Mark 'x' if estimate
a. Felony indictment or charge.....		<input type="checkbox"/>
b. Felony conviction.....		<input type="checkbox"/>
c. Felony arrest with no disposition.....		<input type="checkbox"/>
d. Fugitive or outstanding warrant.....		<input type="checkbox"/>
e. Domestic violence misdemeanor.....		<input type="checkbox"/>
f. Domestic violence, protective or restraining order.....		<input type="checkbox"/>
g. Addicted to or unlawful user of a controlled substance.....		<input type="checkbox"/>
h. Mental health commitment or adjudication.....		<input type="checkbox"/>
i. Illegal or unlawful alien.....		<input type="checkbox"/>
j. State law prohibitor (if not included in above categories).....		<input type="checkbox"/>
k. Local law prohibitor (if not included in above categories).....		<input type="checkbox"/>
l. Other reasons not included above (including juveniles and dishonorable discharge).....		<input type="checkbox"/>

(After answering this question, skip to question number 7)

6. If possible, please estimate what proportion (percentage) of your agency's denials are made up of the following reasons:

Felony arrests, charges, and convictions

Domestic violence convictions and protective (restraining) orders

State law prohibitor (if not included in above categories)

Other reasons not included above (including juveniles and dishonorable discharge)

7. Do any of the counts you provided for any of the items throughout the survey cover only part of the year?


Yes (please specify below or in Comments section):

- Which counts cover only part of the year
- The months that are covered

No

Attachment 3. Proposed 2019 FIST survey form with screener question

OMB NO. 1121-0314: Approval Expires (_ / _ /20_)

FORM FIST-1	U.S DEPARTMENT OF JUSTICE BUREAU OF JUSTICE STATISTICS (BJS) (REJIS ACTING AS DATA COLLECTION AGENT)	
2019 FIREARMS INQUIRY STATISTICS (FIST) Annual Survey of Background Checks for Firearm Transfers and Permits		

Please correct any errors in the name and address information that is printed below.

OFFICIAL AGENCY NAME <i>(If different from above)</i>	
9-DIGIT NCIC-ORI NUMBER	
PERSON COMPLETING THE FORM	
NAME	TITLE
TELEPHONE	FAX
E-MAIL ADDRESS	
<p>IMPORTANT – Please answer the following questions before proceeding with the questionnaire. Mark [X] in the appropriate box below.</p> <p>Did your agency record, process, or conduct background checks for firearm transfers or permits at any time between January 1, 2019, and December 31, 2019?</p> <p><input type="checkbox"/> Yes → If applicable, please list any other agencies for whom you conduct these activities:</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <p align="center"><small>(Agency Name(s))</small></p> <p><input type="checkbox"/> No → The authorized permit recording, processing, or checking agency for your jurisdiction is:</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <p align="center"><small>(Agency Name(s))</small></p> <p>If your response to the above question is “No” or if the following condition applies, you do not need to complete the questionnaire. Mark an [X] in the appropriate box below and return the survey using the instructions below.</p> <p><input type="checkbox"/> Agency no longer in existence</p> <p><input type="checkbox"/> Agency employed only part-time officers AND the total combined hours of work for these officers averaged less than 35 hours per week</p>	

RETURN INSTRUCTIONS
<ul style="list-style-type: none"> Please submit your completed form by using the web reporting option at rejis.org/FIST, mailing it to the Regional Justice Information Service (REJIS) in the enclosed postage paid envelope, or faxing each page to 1-314-535-1729. If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org. Please retain a copy of your completed survey for 1 year.

Burden Statement
<p>Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.</p>

INSTRUCTIONS FOR COMPLETING THE FORM

- Please mark 'X' in the appropriate boxes.
- If possible, please answer all questions for the entire calendar year (January through December) **2019**. If data are available for only part of the year, please supply any available information in the spaces provided.
- If the answer to a question is "not available" or "unknown," write "DK" in the space provided.
- If the answer to a question is "not applicable," write "NA" in the space provided.
- If the answer to a question is "none" or "zero," write "0" in the space provided. Please respond with zero only when the actual total reported count is zero, as opposed to when the data are not known or unavailable.
- When an exact numeric response is not available, provide an estimate and mark the estimate box next to the number field. Please provide a brief explanation in Section II to describe how the estimates were calculated.
- Please do not leave any items blank unless otherwise directed.

Section I –APPLICATIONS AND DENIALS

- 1. Between January 1, 2019 and December 31, 2019, how many applications for Purchase Permits (Transfer Permits) were recorded or retained by your agency?** *(Please make an estimate if the exact counts of applications are not known.)*

Mark 'x' if estimate

Applications

- 2. Between January 1, 2019 and December 31, 2019, how many applications for Purchase Permits (Transfer Permits) were denied?** A denial occurs when an applicant is prohibited from receiving a firearm or permit that can be used to obtain a firearm because a disqualifying factor was found during a background check. *(Please make an estimate if the exact counts of denials are not known.)*

Mark 'x' if estimate

Denials

- 3. Does your agency record the reason(s) why an application was denied?** *(Please indicate "Yes" if your agency had zero denials in 2019, but you would record the reason(s) for a denial if one were processed. Please also indicate "Yes" if you can provide estimates for reasons for denial.)*

 Yes No *(skip to question number 6)*

- 4. What is recorded for the reason(s) why an application was denied?**

 All reasons for denial are recorded Only the first reason found during the background check is recorded Only the most serious charge listed on the criminal history is recorded Other method of recording *(Please explain below or in Comments section.)* Don't know

5. For denials recorded in 2019, why was the application denied? List total counts (*including zeros, where applicable*) for each reason for a denial. **Please include all federal, state, and local law reasons for denial within the most appropriate category.** Mark 'x' in the checkbox provided for any estimated counts.

	Transfers	Mark 'x' if estimate
a. Felony indictment or charge.....		<input type="checkbox"/>
b. Felony conviction.....		<input type="checkbox"/>
c. Felony arrest with no disposition.....		<input type="checkbox"/>
d. Fugitive or outstanding warrant.....		<input type="checkbox"/>
e. Domestic violence misdemeanor.....		<input type="checkbox"/>
f. Domestic violence, protective or restraining order.....		<input type="checkbox"/>
g. Addicted to or unlawful user of a controlled substance.....		<input type="checkbox"/>
h. Mental health commitment or adjudication.....		<input type="checkbox"/>
i. Illegal or unlawful alien.....		<input type="checkbox"/>
j. State law prohibitor (<i>if not included in above categories</i>).....		<input type="checkbox"/>
k. Local law prohibitor (<i>if not included in above categories</i>).....		<input type="checkbox"/>
l. Other reasons not included above (<i>including juveniles and dishonorable discharge</i>).....		<input type="checkbox"/>

(After answering this question, skip to question number 7)

6. If possible, please estimate what proportion (percentage) of your agency's denials are made up of the following reasons:

Felony arrests, charges, and convictions _____

Domestic violence convictions and protective (restraining) orders _____

State law prohibitor (*if not included in above categories*) _____

Other reasons not included above (*including juveniles and dishonorable discharge*) _____

7. Do any of the counts you provided for any of the items throughout the survey cover only part of the year?

- Yes (*please specify below or in Comments section*):
 -Which counts cover only part of the year
 -The months that are covered

No

Attachment 4. Selected screen shots of proposed 2019 FIST web form

OMB NO. 1121-0314: Approval Expires 06/30/2020



US DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
(REJIS ACTING AS DATA COLLECTION AGENT)

2018 FIREARMS INQUIRY STATISTICS (FIST)

Annual Survey of Background Checks for Firearm Transfers and Permits

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3752), authorizes this information collection.

This Web site is funded through grants from the Bureau of Justice Statistics 2014-BJ-CX-K016, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided).

Welcome to the 2018 FIST Annual Survey. Please enter your User ID and Password below to enter the survey.

User ID

Password

Submit

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org.



OMB NO. 1121-0314: Approval Expires 06/30/2020



PERSON COMPLETING THE FORM

NAME

TELEPHONE

E-MAIL ADDRESS

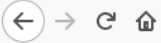
TITLE

FAX

[Previous Screen](#)

[Save and Continue](#)

If you have any questions, comments, or feedback about the survey please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejjs.org.

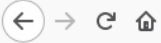


OMB NO. 1121-0314; Approval Expires 06/30/2020

**INSTRUCTIONS FOR COMPLETING THE FORM**

- If possible, please answer all questions for the entire calendar year (January through December) 2018. If data are available for only part of the year, please supply any available information in the spaces provided.
- If the answer to a question is "not available" or "unknown," write "DK" in the space provided. If the answer to a question is "not applicable," write "NA" in the space provided. If the answer to a question is "none" or "zero," enter "0" in the space provided. Please respond with zero only when the actual total reported count is zero, as opposed to when the data are not known or are unavailable. In cases where data are not known or are unavailable, please check applicable box.
- When an exact numeric response is not available, provide an estimate and mark the estimate box next to the number field. Please provide a brief explanation in Section II to describe how the estimates were calculated.
- Please do not use commas when entering numbers.
- Please do not leave any items blank unless otherwise directed.
- Please make sure you are connected to a printer when completing this survey as we recommend that you print a copy of your responses at the end of the survey and retain them for one year.
- Your responses will automatically be saved when you select the "Save and Continue" button.

Important: Do not click on the "Back" button on your web



Important: Do not click on the **Back** button on your web browser. Doing so will log you out and require you to re-enter the survey. Please use the **Previous Screen** and **Save and Continue** buttons at the bottom of your screen to go back to previous pages or advance the survey.

Burden Statement

Federal agencies may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB Control Number. Public reporting burden for this collection of information is estimated to average 25 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspects of this collection of information, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection.

Save and Continue

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to t1st@rejis.org.



OMB NO. 1121-0314: Approval Expires 06/30/2020



Section I - APPLICATIONS AND DENIALS

Between January 1, 2018, and December 31, 2018, how many applications for Carry Permits (Concealed Weapon Permits) were processed or tracked by your agency?

	Applications	Mark if estimate
Carry Permits (Concealed Weapon Permits)	<input type="text"/>	<input type="checkbox"/>

[Instructions for completing the web form](#)

[Previous Screen](#)

[Save and Continue](#)

If you have any questions, comments, or feedback about the survey please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to [frist@rejis.org](mailto:fist@rejis.org).



OMB NO. 1121-0314: Approval Expires 06/30/2020



Between January 1, 2018, and December 31, 2018, how many applications for Carry Permits (Concealed Weapon Permits) were denied? A denial occurs when an applicant is prohibited from receiving a firearm or permit that can be used to obtain a firearm because a disqualifying factor was found during a background check.

	Denials	Mark if estimate
Carry Permits (Concealed Weapon Permits)	<input type="text"/>	<input type="checkbox"/>

[Instructions for completing the web form](#)

[Previous Screen](#)

[Save and Continue](#)

If you have any questions, comments, or feedback about the survey please call the FIST project manager toll free at 1-800-331-2150, or send an e-mail to fist@rejis.org.



OMB NO. 1121-0314; Approval Expires 06/30/2020



For denials tracked in 2018, why was the application denied? List total counts (including zeros, where applicable) for each reason for a denial (please include all federal, state, and local law reasons for denial within the most appropriate category). Mark 'X' in the checkbox provided for any estimated counts.

	Count	Mark if estimate
a. Felony indictment or charge	<input type="text"/>	<input type="checkbox"/>
b. Felony conviction	<input type="text"/>	<input type="checkbox"/>
c. Felony arrest with no disposition	<input type="text"/>	<input type="checkbox"/>
d. Fugitive or outstanding warrant	<input type="text"/>	<input type="checkbox"/>
e. Domestic violence misdemeanor	<input type="text"/>	<input type="checkbox"/>
f. Domestic violence, protective or restraining order	<input type="text"/>	<input type="checkbox"/>
g. Addicted to or unlawful user of a controlled substance	<input type="text"/>	<input type="checkbox"/>
h. Mental health commitment or adjudication	<input type="text"/>	<input type="checkbox"/>
i. Illegal or unlawful alien	<input type="text"/>	<input type="checkbox"/>
j. State law prohibitor (if not included in above categories)	<input type="text"/>	<input type="checkbox"/>
k. Local law prohibitor (if not included in above categories)	<input type="text"/>	<input type="checkbox"/>
l. Other reasons not included above (including juveniles and dishonorable discharge)	<input type="text"/>	<input type="checkbox"/>

[Instructions for completing the web form](#)



OMB NO. 1121-0314: Approval Expires 06/30/2020



Thank you for your time and for completing the 2018 Firearms Inquiry Statistics (FIST) survey. Data provided by your agency and other background checking agencies from across the nation are essential to producing the 2018 national estimate of firearm applications and denials. The data obtained will be published in mid-2020 as part of the "Background Checks for Firearm Transfers" series on the BJS website (www.bjs.gov).

If you have any questions, comments, or feedback about the survey, please call the FIST project manager toll free at 1-800-531-2150, or send an e-mail to fist@rejis.org.

1. Conserve and restore wetlands, agricultural lands, grasslands, forests, and rangeland habitats;
2. Promote opportunities and expand access to hunting and shooting sports on public and private lands;
3. Encourage hunting and shooting safety by developing ranges on public lands;
4. Recruit and retain new shooters and hunters;
5. Increase public awareness of the importance of wildlife conservation and the social and economic benefits of hunting and shooting; and
6. Encourage coordination among the public; hunting and shooting sports community; wildlife conservation groups; and Federal, State, Tribal, and territorial governments.

To obtain more information on Council duties and to see a copy of the Council's charter, visit the Council website at <https://www.fws.gov/hsscc/>.

Member Terms and Vacancies To Fill

We are requesting nominations to fill vacancies to represent the following organizations/entities:

- U.S. hunters actively engaged in domestic and/or international hunting conservation;
- Archery, hunting, and/or shooting sports industry;
- Tourism, outfitter, and/or guide industries related to hunting and/or shooting sports;
- Tribal resource management organizations;
- Agriculture industry;
- Ranching industry; and
- Veterans' service organizations.

Nomination Method and Eligibility

Each nomination should include a resume providing an adequate description of the nominee's qualifications, including information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Council and allow the Department of the Interior to contact a potential member. Current members are eligible to be nominated for reappointment to the Council.

(Authority: 5 U.S.C. Appendix 2)

Douglas Hobbs,

Acting Assistant Director—External Affairs.

[FR Doc. 2020-04463 Filed 3-4-20; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF JUSTICE

[OMB Number 1121-0314]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Extension, With Change, of a Previously Approved Collection: Firearm Inquiry Statistics (FIST) Program

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 4, 2020.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Connor Brooks, Statistician, Law Enforcement Statistics Unit, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: Connor.Brooks@usdoj.gov; phone: 202-514-8633).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g.,

permitting electronic submission of responses.

Overview of This Information Collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* 2019–2021 Firearm Inquiry Statistics Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is FIST-1. The applicable component within the Department of Justice is the Bureau of Justice Statistics, Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Through the Firearm Inquiry Statistics (FIST) Program, the Bureau of Justice Statistics (BJS) obtains information from state and local checking agencies responsible for maintaining records on the number of background checks for firearm transfers or permits that were issued, processed, tracked, or conducted during the calendar year. Specifically, state and local checking agencies are asked to provide information on the number of applications and denials for firearm transfers received or tracked by the agency and reasons why applications were denied. BJS combines these data with the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS) transaction data to produce comprehensive national statistics on firearm applications and denials resulting from the Brady Handgun Violence Prevention Act of 1993 and similar state laws governing background checks and firearm transfers. BJS also plans to collect information from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) on denials screened and referred to ATF field offices for investigation and possible prosecution. BJS publishes FIST data on the BJS website in statistical tables and uses the information to respond to inquiries from Congress, federal, state, and local government officials, researchers, students, the media, and other members of the general public interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* A projected 1,394 respondents will take part in the FIST data collection with an average of 25 minutes for each to complete the FIST survey form.

(6) *An estimate of the total public burden (in hours) associated with the*

collection: The estimated public burden hours associated with this collection is 581 hours annually.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: March 2, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020-04500 Filed 3-4-20; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR

Guidance Documents

AGENCY: Office of the Assistant Secretary for Policy (OASP), Labor.

ACTION: Notice of availability.

SUMMARY: The Department of Labor (the Department) is publishing this notice pursuant to an Executive Order to announce and describe the public-facing guidance website that will contain the Department's Guidance Documents, as described under the Executive Order.

ADDRESSES: The Department's guidance website is available on its website at <https://www.dol.gov/guidance>.

FOR FURTHER INFORMATION CONTACT: Erin FitzGerald, U.S. Department of Labor, Office of the Assistant Secretary for Policy, 200 Constitution Avenue NW, Room S-2312, Washington, DC 20210, 202-693-5959 [This is not a toll-free number].

SUPPLEMENTARY INFORMATION: On October 9, 2019, President Trump issued Executive Order 13891, "Promoting the Rule of Law Through Improved Agency Guidance Documents," directing federal agencies to establish a single, searchable, website that contains all current guidance documents. The Department's guidance website is available at <https://www.dol.gov/guidance>.

As part of this process, the Department is undertaking a detailed and comprehensive review of guidance documents issued by Department agencies to determine whether such guidance aligns with the law and Administration policy and otherwise serves an appropriate and useful purpose. Guidance which is outdated, superseded, invalid, unhelpful, confusing, redundant, outside an agency's appropriate role, or contrary to law or policy is being rescinded or

modified. This process is ongoing and the Department's guidance website collects decisions to retain guidance to date. The website is intended to provide transparency to the regulated community by creating a "one-stop shop" for locating guidance documents, which will also continue to be available on agency websites in their usual locations. The E.O. gives agencies until June 27, 2020, to add to the website any guidance missed during their initial review. Any documents still under review after February 28, 2020 will be added to the website when those decisions have been finalized.

Guidance documents that are not currently searchable through the search tool will continue to be available on the individual DOL agency websites. DOL will continue to refine its website as needed to enhance user accessibility and usability.

Agencies will continue to publish guidance documents on their own websites and all new guidance documents will be searchable from <http://www.dol.gov/guidance>. DOL welcomes input from the public regarding guidance that should be retained, rescinded, or modified. Comments should be submitted to TalkAboutGuidance@dol.gov.

Jonathan Wolfson,

Regulatory Reform Officer, Deputy Assistance Secretary, Office of the Assistant Secretary for Policy.

[FR Doc. 2020-04469 Filed 3-4-20; 8:45 am]

BILLING CODE 4510-HX-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2006-0040]

SGS North America, Inc.: Applications for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the applications of SGS North America, Inc., for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the applications. Additionally, OSHA proposes to add four test standards to the NRTL Program's list of appropriate test standards.

DATES: Submit comments, information, and documents in response to this

notice, or requests for an extension of time to make a submission, on or before March 20, 2020.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: <https://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2006-0040, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries, (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA-2006-0040). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at <http://www.regulations.gov>. Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

Docket: To read or download comments or other material in the docket, go to <https://www.regulations.gov> or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the <https://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office.

Extension of comment period: Submit requests for an extension of the comment period on or before March 20, 2020 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational

Attachment 6. Comment received from 60-day notice



Russell Vought
Acting Director
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

The Honorable Katharine Sullivan
Assistant Attorney General
U.S. Department of Justice, OJP
810 Seventh Street, NW
Washington, DC 20531

Jeffrey Anderson
Director
Bureau of Justice Statistics
810 Seventh Street, NW
Washington, DC 20531

May 1, 2020

Re: Comments in Response to Notice Regarding “Agency Information Collection Activities: Proposed Collection; Comments Requested; Extension, With Change, of a Previously Approved Collection: Firearm Inquiry Statistics (FIST) Program,” 85 Fed. Reg. 12941 (March 5, 2020)

Dear Director Vought, Assistant Attorney General Sullivan and Director Anderson,

Brady writes to support the requested extension and changes to the 2019-2021 data collection process of the Firearm Inquiry Statistics Program (FIST), and to encourage greater transparency of data reflecting firearm transfer denials at the point of transfer.

Under 42 U.S.C. § 3731, the Bureau of Justice Statistics (BJS) is authorized to collect and publish “statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system” for research and statistical purposes, giving “primary emphasis to the problems of State and local justice systems.”

BJS began the FIST Program in 1995 as a means to produce comprehensive annual national statistics on firearm application and denial activities pursuant to the Brady Handgun Violence Prevention Act of 1993 (the Brady Act) (Pub. L. No. 103-159, 107 Stat. 1536 (1993), codified as amended at 18 U.S.C. § 921 et seq.) and similar state laws. The FIST program collects counts of background checks for firearm transfers and carry permits conducted by state and local agencies and combines this information with the Federal

Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS) transaction data to produce national estimates of background check activity.

BJS also obtains information on reasons why firearm applications are denied and receives information from Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) Denial Enforcement and NICS Intelligence (DENI) Branch on FBI denials screened and referred to ATF field offices for investigation and possible prosecution. Further, the FIST survey includes questions about how agencies track reasons for denial and on agency needs related to improved data tracking capabilities.

The FIST Program data collection is authorized in order to implement the Brady Act and the National Criminal History Improvement Program (NCHIP) and NICS Act Record Improvement Program (NARIP). The NARIP implements the grant provisions of the NICS Improvement Amendments Act (NIAA) of 2007 (Pub. L. No. 110-180) (18 U.S.C. § 922 note).

I. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility

The FIST Program creates a unique data set that reflects applications for firearms transfers and permits to *both* federal and state background check systems, producing a national estimate of the number of firearm applications received and denied annually. In addition, the FIST program collects the reasons for the transfer or permit denial.

Application and denial data allow researchers and policymakers to better understand how U.S. gun policies work to prevent prohibited purchasers from obtaining and carrying firearms. In addition to understanding how many people have been blocked from buying a gun after failing background checks, and how those rates have shifted over time, information about the reasons for denials is valuable for policymakers, especially as it relates to state-level prohibitors.

Understanding whether the denials stem from state or federal prohibitors—and what that prohibitor is—is imperative in determining whether new state laws are effective in preventing someone who could pose a danger to his or herself or others from obtaining a firearm. It is useful for policymakers to understand the reasons for NICS denials, especially because various state laws have created additional categories of prohibited firearm purchasers. Further, this information can provide evidence of the need for increased reporting from state and local agencies to ensure that information is adequately and efficiently entered into the NICS. For example, when Connecticut began reporting individuals with gun-disqualifying mental health records to the NICS system (mental health adjudications), the number of crimes committed by these individuals decreased by 50%.¹ Cross-checking that information with increased rates of state denials in Connecticut due to mental illness can provide substantial evidence that the increased reporting as a result of the new law is preventing at-risk individuals from obtaining weapons. This information can be crucial to lawmakers attempting to ensure public safety.

For this reason, we support the requested extension of the FIST Program to include data collection from all local checking agencies in Georgia, Minnesota, and Washington. While the weighted sampling of local

¹ Jeffrey W. Swanson et al., *Preventing Gun Violence Involving People with Serious Mental Illness*, in REDUCING GUN VIOLENCE IN AMERICA: INFORMING POLICY WITH EVIDENCE AND ANALYSIS 33, 33–51 (Daniel W. Webster & Jon S. Vernick, eds., 2013).

agencies in those three states has produced helpful information, the requested census of local checking agencies will produce more accurate national estimates, as well as more accurate and actionable information for state policymakers in those three jurisdictions.

Similarly, the requested change to differentiate between applications/denials for handguns, long guns, or both will improve researchers' and policymakers' understanding of the background check process and the interplay of state and federal law. Thus, the proposed collection of information will further the proper performance of the BJS's functions by providing more accurate data, and have practical utility in making our communities safer.

II. Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced

The FIST Program started collecting information on the reasons for denials at points of transfer with the 2016 administration of the survey. The FIST Program also collects information from the FBI and ATF as to the denials referred to ATF field offices for investigation and possible prosecution. While accurate data about prosecutions of people who lie to acquire guns is important, Brady recommends the FIST Program should *also* acquire and report data on the gun dealers who knowingly or willfully facilitate such sales, and whether these dealers have been referred for investigation and possible prosecution.

According to the most recently available national data, the retail gun dealers responsible for selling the majority of crime guns are a fraction of the total gun industry: about 90% of guns recovered by law enforcement are traced back to just 5% of federally licensed firearms dealers.² However, the federal government's regulatory oversight of these dealers is severely limited. In Fiscal Year 2018, federal agents inspected only 10,323 of the more than 135,000 federal firearms licensees (FFLs) in the United States. Over half of the inspected FFLs were cited for violating the law, yet ATF revoked the licenses of less than 0.5% of dealers that were actually inspected (and less than .05% of all FFLs).³ Because of the availability of ATF inspection data, researchers and policymakers at least have an understanding of the scope and effectiveness of federal regulatory actions with regard to problematic dealers.

Unfortunately, there is not a similar nationwide data set to analyze with regard to federal criminal prosecutions of dealers. With greater data transparency on dealer referrals and prosecutions, researchers and policymakers would be able to analyze patterns of dealer misconduct across states and measure the impact of dealer referrals and prosecutions on gun trafficking and other practices that divert firearms into the illegal market. The FIST Program is uniquely situated to collect data on dealer referrals and prosecutions as part of the existing process of data collection of purchaser denials referred by ATF and/or the FBI to prosecutors. As ATF transitions from using the obsolete ATF National Field Office Case Information System (NFOCIS) in favor of the new Spartan Case Management System, it is an ideal time for the FIST Program to request more data on law enforcement actions.

In light of all of this, Brady encourages BJS to consider enhancing the FIST Program to include data concerning gun dealers referrals and prosecution.

² ATF, *Commerce in Firearms in the United States* (Feb. 2000).

³ See, e.g., ATF, *Fact Sheet - Facts and Figures for Fiscal Year 2018* (2019), available at <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2018>.

Finally, the overall utility of the FIST Program data would be greatly strengthened with more timely reporting of findings. As of May 1, 2020, the most current FIST data available are 2015 survey results. Although the survey was enhanced in significant ways with the 2016 administration, those results have not yet been made available to the public. Brady asks that BJS prioritize the timely release of data, so that state and federal policymakers can make informed decisions with current information.

Please contact Joshua Scharff, Counsel, Brady at jscharff@bradyunited.org or 202-370-8105 with any questions about this comment.

Sincerely,

Kris Brown
President
Brady

cc: Connor Brooks, Statistician, Bureau of Justice Statistics

DEPARTMENT OF JUSTICE

[OMB Number 1121-0314]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Extension, With Change, of a Previously Approved Collection: Firearm Inquiry Statistics (FIST) Program**AGENCY:** Bureau of Justice Statistics, Department of Justice.**ACTION:** 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** allowing a 60-day comment period. BJS received one comment in response. The comment supported expanding the collection to a census of all agencies rather than a sample, changes to the questions from previous versions of the survey, and requested expansion of the data collection to include information on prosecutions of firearm dealers and timelier reporting. BJS retained the changes to the questions. In reviewing the methodology, BJS decided to continue using a sample rather than a census of checking agencies to keep a lower total burden. The FIST program is not able to capture the information required to report on prosecutions of firearm dealers.

DATES: Comments are encouraged and will be accepted for 30 days until August 3, 2020.

FOR FURTHER INFORMATION CONTACT: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice

Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* 2019–2021 Firearm Inquiry Statistics Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is FIST–1. The applicable component within the Department of Justice is the Bureau of Justice Statistics, Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Through the Firearm Inquiry Statistics (FIST) Program, the Bureau of Justice Statistics (BJS) obtains information from state and local checking agencies responsible for maintaining records on the number of background checks for firearm transfers or permits that were issued, processed, tracked, or conducted during the calendar year. Specifically, state and local checking agencies are asked to provide information on the number of applications and denials for firearm transfers received or tracked by the agency and reasons why applications were denied. BJS combines these data with the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS) transaction data to produce comprehensive national statistics on firearm applications and denials resulting from the Brady Handgun Violence Prevention Act of 1993 and similar state laws governing background checks and firearm transfers. BJS also plans to collect information from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) on denials screened and referred to ATF field

offices for investigation and possible prosecution. BJS publishes FIST data on the BJS website in statistical tables and uses the information to respond to inquiries from Congress, federal, state, and local government officials, researchers, students, the media, and other members of the general public interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* A projected 1,105 respondents will take part in the FIST data collection with an average of 25 minutes for each to complete the FIST survey form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden hours associated with this collection is 460 hours annually.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 26, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020-14245 Filed 7-1-20; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR**Employee Benefits Security Administration****200th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Teleconference Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 200th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held via a teleconference on Thursday, July 30, 2020.

The meeting will occur from 1:00 p.m. to approximately 5:00 p.m. (ET). The purpose of the open meeting is to set the topics to be addressed by the Council in 2020. Also, the ERISA Advisory Council members will receive an update from leadership of the Employee Benefits Security Administration (EBSA).

Instructions for the public to attend the teleconference will be posted on the ERISA Advisory Council's web page at <https://www.dol.gov/agencies/ebsa/>

Attachment 8. Proposed 2019 FIST program schedule

Task #	Task	Start Date	End Date
1	Project Management		
1.1	Attend kickoff call with BJS; submit final timetable for 14-month project period	DEC (19)	DEC (19)
1.2	Maintain regular communication with BJS through meetings and status reports	DEC (19)	MAR (21)
1.2.1	Submit monthly progress reports, following BJS template	DEC (19)	MAR (21)
1.2.2	Bi-weekly status update calls during data collection; bi-weekly email updates outside collection phase	DEC (19)	MAR (21)
1.2.3	Overall supervision to keep the project on time and on budget including making adjustments for unforeseen obstacles in data collection	DEC (19)	MAR (21)
2	Assess and Revise Survey Instrument		
2.1	Review new federal, state, and D.C. legislation and any ATF decisions for possible impact on current survey instrument (See also 3.1.1) and tailor forms accordingly	DEC (19)	APR (20)
2.1.1	Obtain feedback about instrument from BJS; make necessary adjustments before final approval	FEB (20)	MAR (20)
2.1.2	Paper form printing following BJS final approval	APR (20)	APR (20)
2.2	Maintain Web survey portal. Update web-based form to match, as closely as possible, the paper form. Test instrument and make necessary revisions.	MAR (20)	APR (20)
2.2.1	Obtain feedback from BJS and make necessary adjustments prior to final approval of Web form	MAR (20)	APR (20)
3	Universe and Frame Development		
3.1	Review, update, and maintain FIST Universe	DEC (19)	OCT (20)
3.1.1	Review new legislation and ATF decisions (see 2.1) for any changes that affect the universe of checking agencies	DEC (19)	JAN (20)
3.1.2	Review FBI & ATF websites for updates to NICS system	DEC (19)	JAN (20)
3.1.3	Review most recent survey frame and other possible DOJ sources for frame validation	JAN (20)	FEB (20)
3.1.4	Maintenance of FIST Universe using updates to frame and info gathered from current data collection	ONGOING	
3.2	Strategy for data collection and sample redraw	JAN (20)	APR (20)
3.2.1	Review strategy for data collection and sample redraw with BJS, check for publicly available state data, include state agencies without publicly available data in survey	JAN (20)	FEB (20)

3.2.2	Redraw local agency sample to achieve state level estimates (according to current research design)	MAR (20)	APR (20)
3.2.3	Collect publicly available POC data and internal reports while performing task 3.2.1 and translate into FIST categories	MAR (19)	MAY (19)
3.3	Estimation and weighting	MAR (20)	APR (20)
3.3.1	Design weights construction based on sample draw	MAR (20)	APR (20)
4	OMB Clearance		
4.1	Provide materials as needed by BJS for OMB clearance for FIST data collection	DEC (19)	JUN (20)
5	Survey Administration and Data Collection Procedures		
5.1	Provide survey protocols, data processing, quality control procedures and administration (protocols established in project schedule, will account for any changes experienced in prior year's collection)	MAY (20)	JAN (21)
5.2	Respondent outreach and communication program	AUG (20)	JAN (21)
5.2.1	Follow-up strategy to maximize response rates; use tailored design method with multimode follow-up where contact with	AUG (20)	JAN (21)
5.2.2	Preparation and mailing of survey pre-notice	AUG (20)	AUG (20)
5.2.3	Preparation and mailing of survey packet. Includes email and faxes to state agencies where appropriate	AUG (20)	AUG (20)
5.2.4	Thank you/reminder post card preparation and mailing	SEP (20)	SEP (20)
5.2.5	Preparation and mailing of second survey to nonrespondents	SEP (20)	SEP (20)
5.2.6	Final contact: phone follow-up with nonrespondents	OCT (20)	NOV (20)
5.2.7	Update state and local agencies' contact information	AUG (20)	JAN (21)
5.2.8	Continue any outstanding follow up until collection closeout	NOV (20)	JAN (21)
5.3	Obtain FBI NICS federal data and ATF DENI Branch data	JAN (20)	JUN (20)
6	Final Verification and Dataset		
6.1	Final verification procedures	NOV (20)	APR (21)
6.1.1	Verification of POC publicly available and internal report data	NOV (20)	DEC (20)
6.1.2	Double data entry for paper surveys; clean data and arrange for analysis	DEC (20)	JAN (21)

6.1.3	Analyze & interpret state and local data; create national estimate from all levels of data	FEB (21)	APR (21)
6.1.4	Non-response adjustments to account for out of scope agencies and non-response among agencies	APR (21)	APR (21)
6.1.5	Mean value imputation for item missing data	APR (21)	APR (21)
6.1.6	Generation of standard errors and confidence intervals around estimates	APR (21)	ARP (21)
6.2	Nonresponse bias study of unit and item nonresponse	MAY (21)	JUN (21)
6.2.1	Comparison of respondents to non-respondents using auxiliary data, within state and category size	MAY (21)	JUN (21)
6.2.2	Comparison of states with 80% response (or greater) to those with less than 80% response	MAY (21)	JUN (21)
6.2.3	Compilation of analyses for nonresponse bias assessment (will inform technical report)	MAY (21)	JUN (21)
6.3	Final dataset and codebook	MAY (21)	JUN (21)
6.3.1	Provide BJS with SPSS files, codebook, and syntax for cleaning and processing data	MAY (21)	JUN (21)
6.3.2	Incorporate any BJS changes into final dataset	MAY (21)	MAY (21)
6.3.3	Submit final dataset and codebook for archiving according to BJS criteria	JUN (21)	JUN (21)
7	Reports and Dissemination of Findings		
7.1	Submit end of study technical report to BJS	JUN (21)	JUN (21)
7.2	Report of main data findings for publication	MAR (21)	MAY (21)
7.2.1	Complete statistical tables & notes to accompany tables	MAR (21)	APR (21)
7.2.2	Write summary findings, background information & methodology sections for publication	APR (21)	APR (21)
7.2.3	Send first draft to BJS for review	APR (21)	APR (21)
7.2.4	Respond to BJS requests for changes (Iterative), brief senior BJS staff as needed	APR (21)	MAY (21)
7.2.5	Submit final report to BJS	MAY (21)	MAY (21)
7.3	Assist BJS with inquiries from media and other external entities	Continuous	

Attachment 9. Proposed 2019 Survey Correspondence
Firearm Inquiry Statistics (FIST) Program

Examples included:

- Pre-notification letter template
- First cover letter template
- First follow-up postcard text
- Second cover letter template
- Phone script for follow-up calls

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, DC 20531

____ __, 2020

«AddressBlock» [Send by email or by regular mail if no email address is on file]

«GreetingLine»

I am writing to inform you that within the next few weeks you will receive a request to complete a brief survey from the Bureau of Justice Statistics (BJS) for the Firearm Inquiry Statistics (FIST) Program.

BJS began the FIST survey in 1995 to provide national estimates of the total number of firearm transfer applications received and denied pursuant to the Brady Act and similar state laws. The survey collects counts of firearm transfer and permit checks conducted by state and local agencies and combines this information with the Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) transaction data to produce national estimates of background check activity. The Regional Justice Information Service (REJIS) is the data collection agent for the FIST Program and is authorized to collect data on behalf of BJS.

Additional information on reasons for denials and law enforcement actions the FBI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) take against denied persons is also collected. BJS presents all of this information in the Background Checks for Firearms Transfers statistical series, found at: (<https://www.bjs.gov/index.cfm?ty=dcdetail&iid=246>).

Our records indicate that your agency currently collects information on «PERMIT/CHECK_TYPE» applications for the state of «STATE_NAME». The survey takes approximately 25 minutes to complete, and REJIS will be available to answer any questions you may have about the survey or FIST data.

Your participation in this data collection is critical to ensuring the reliability of national estimates produced for firearm background check activities. On behalf of BJS and REJIS, I thank you in advance for your support of the FIST Program and participation in the 2019 data collection. Should you have any immediate questions please feel free to contact Connor Brooks, FIST Program Manager, at 202-514-8633, or Connor.Brooks@usdoj.gov.

Sincerely,

Jeffrey H. Anderson
Director

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, DC 20531

_____, 2020

«AddressBlock» [Send by email or by regular mail if no email address is on file]

«GreetingLine»

I am writing to request your participation in the 2019 Firearm Inquiry Statistics (FIST) survey. You should have received a letter from Bureau of Justice Statistics (BJS) Director Jeffrey H. Anderson introducing this effort. BJS has conducted this survey since 1995 with assistance from the Regional Justice Information Service (REJIS). Data provided by your agency and other agencies from across the nation will be combined to produce a national estimate of firearm applications and denials, along with reasons for denials. The data obtained will be published in the “Background Checks for Firearm Transfers” series on the BJS website (<https://www.bjs.gov/index.cfm?ty=dcdetail&iid=246>).

[Email recipients] You may complete the survey on our secure web site by going to [rejis.org/FIST](https://www.bjs.gov/index.cfm?ty=dcdetail&iid=246); then click the survey link and enter your **User ID** («UserID») and **Password** «WebPswd». If you prefer a paper survey, please inform REJIS (contact information is below) and they will mail you a survey promptly.

[Regular mail recipients] The enclosed survey is designed to capture your agency’s data for the 2019 calendar year. Instructions for completing and returning the survey are included on the form. You may return the form by mail using the enclosed postage-paid envelope, by fax to 314-535-1729, or by email to fist@rejis.org. There is also the option for you to complete the survey on our secure web site by going to [rejis.org/FIST](https://www.bjs.gov/index.cfm?ty=dcdetail&iid=246); then click the survey link and enter your **User ID** («UserID») and **Password** «WebPswd».

We would greatly appreciate your return of a completed survey by _____, 20__.

Participation by your agency in this voluntary effort will continue to allow BJS to provide a wealth of data for policymakers, researchers, administrators, and others who use the data to study background check trends and activities nationwide and to understand the impact of the Brady Act and its enforcement. All data collected are summary statistics of an administrative nature and do not support identification of any individual. Data collected will be archived at the National Archive of Criminal Justice Data.

Thank you for your support of the FIST program and contributions to the FIST data collection. BJS and REJIS greatly appreciate your efforts. Please feel free to contact me if you have any questions or concerns about this request at Connor.Brooks@usdoj.gov or 202-514-8633. You may direct general comments, feedback, or questions about the FIST program to the FIST Project Manager, Ron Frandsen, at 1-800-531-2150 or 314-633-0320, or send an e-mail to fist@rejis.org.

Sincerely,



Connor Brooks
BJS Program Manager

Text of Thank You / First Follow-up Postcard:

_____, 2020

On _____, 2020, the Firearm Inquiry Statistics (FIST) survey was [emailed] [mailed] to you as part of a data collection effort on behalf of the Bureau of Justice Statistics.

If you have already completed and returned the survey, please accept our sincere thanks. If not, we request that you do so as soon as possible so that we can complete our efforts to produce national estimates of the total number of firearm transfer and permit applications and denials resulting from the Brady Act and similar state laws. Your efforts are critical to ensure the reliability of these estimates.

If you did not receive the survey or if it was misplaced, please call us toll-free at 1-800-531-2150 and we will send you another one right away.

Thank you again for your efforts.

Ron Frandsen, FIST Project Manager

_____, 20__

Board of Directors

Open
ChairmanChief Jon Belmar
Vice ChairmanMs. Cindy Riordan
Secretary–Treasurer

Chief John Hayden

Chief Michael Wiegand

Mr. Richard M. Torack

Mr. Dennis Gannon

Daniel Isom, PhD.
Executive Director
Retired Police Chief,
City of St. Louis

On _____, 20__ we [emailed a survey link] [mailed a survey packet] to your office, on behalf of the Bureau of Justice Statistics (BJS), and asked for data from your agency on firearm transfers or permits, including counts for applications, denials, and reasons for denials. According to our records, the tallies for your agency have not been returned as of this date.

We are writing again because of the importance of your agency’s totals in helping us obtain accurate data for “Background Checks for Firearm Transfers,” a series published on the BJS website (<https://www.bjs.gov/index.cfm?ty=dcdetail&iid=246>). In order to accurately paint a portrait of firearms background check activity pursuant to the Brady Act and similar state laws, we need your input.

If you have already submitted your agency’s data for 2019 and we have not yet received it, we sincerely thank you for your participation. If you still need to submit your data, a survey is enclosed with this letter to collect background check data recorded by your agency for 2019. The materials can be returned by fax to 314-535-1729, by email (fist@rejjs.org), or by mail in the enclosed, postage-paid envelope. We encourage you to avail yourself of the secure Web reporting option as well. To complete the survey online, please go to rejjs.org/FIST and enter your **User ID** (__) and **Password** (__). **In order for us to complete our analyses of the 2019 data, please return the completed survey by _____, 2020.**

Thank you for your assistance and continued participation in this important effort. If you have any questions, comments, or concerns about this request, or if there is any way we may be of assistance to you, please contact us by phone at 1-800-531-2150 or by email at fist@rejjs.org.

Sincerely,

Ron Frandsen
FIST Project Manager

FIST Phone Script – 2019 Data Collection

Hello, my name is _____ and I'm calling from the Regional Justice Information Service. May I please speak with [CONTACT 1 (or 2 if needed)]? (If contact no longer there, ask for person in charge of [relevant transfer/permit type]. Leave your contact information if leaving a message).

We recently mailed the Firearm Inquiry Statistics Program survey – also known as FIST -- to you on behalf of the Bureau of Justice Statistics. We are asking for summary data from 2019 on applications and denials for _____. (Agency-appropriate terminology is included on call sheet.)

We have previously mailed two FIST surveys to your agency but have not received a response, so I am calling to see if you received the survey.

- **If no** → offer to send another copy by mail, fax or URL for FIST survey. **VERIFY CONTACT INFO**

To access web version of the survey, supply the URL over the phone, or email: rejis.org/FIST the respondent UserID, and WebPsswrđ (provided on call sheet).

- **If yes** → *would you be able to fill out the survey or complete the online version?* Offer to mail or fax survey, or offer the Web survey. **Can also offer take data over the phone.** This may be a good option if respondent indicates they'll do it "later" or hesitates to participate because it will take too much time.

If respondent wants to know more about the FIST survey, provide a brief explanation of the survey's purpose and data collected:

The FIST survey is a very brief survey, run by BJS, that collects counts of firearm transfer and permit applications and denials from state and local agencies. This information is combined with data collected from the FBI to produce the only national estimates of background checks conducted throughout the country. We've been doing this for BJS since 1996.

We anticipate the survey will take no longer than 25 minutes (likely less) to complete and we are more than happy to walk you through it and discuss any questions you may have.

(If respondent promises to return data at a later time, **ASK FOR TIMEFRAME IN WHICH WE CAN EXPECT A RESPONSE!**)

On behalf of BJS and REJIS, thank you for your time!

**NOTE: If you get a refusal because the respondent doesn't want to share info with the federal government (as sometimes happens), you can let them know that the FBI already publishes data on every state on their website, of all inquiries to the system. So that data is already publicly available, but the FBI lacks certain data that state and local agencies can provide. What FIST tries to do is get a picture of background check activity as accurately as possible.*

Attachment 10. Data sources for 2019 FIST program, by jurisdiction

Jurisdiction	FBI reports NICS			
	handgun & long gun data ¹	FBI reports only NICS long gun data	State agency reports data for entire state ²	Local agencies report data ²
Total	31	7	34	13
Alabama	X			X
Alaska	X		X	
Arizona	X		X	
Arkansas	X		X	
California			X	
Colorado			X	
Connecticut			X	
Delaware	X			
District of Columbia	X		X	
Florida			X	
Georgia	X			X
Hawaii			X	
Idaho	X			X
Illinois			X	
Indiana	X			
Iowa		X		X
Kansas	X		X	
Kentucky	X		X	
Louisiana	X		X	
Maine	X			
Maryland		X	X	
Massachusetts	X		X	
Michigan	X		X	
Minnesota	X		X	X
Mississippi	X		X	
Missouri	X			
Montana	X			X
Nebraska		X	X	X
Nevada			X	X
New Hampshire		X	X	
New Jersey			X	
New Mexico	X			
New York	X			X
North Carolina		X		X
North Dakota	X		X	
Ohio	X		X	
Oklahoma	X			
Oregon			X	
Pennsylvania			X	
Rhode Island	X		X	
South Carolina	X		X	
South Dakota	X			X
Tennessee			X	
Texas	X		X	
Utah			X	
Vermont	X			
Virginia			X	
Washington		X		X
West Virginia	X			X
Wisconsin		X	X	
Wyoming	X		X	

Note: States in more than one category have division of NICS checks and/or more than one type of check or permit.

¹In addition to the jurisdictions shown above, the FBI conducts all NICS transfer checks for five other U.S. jurisdictions: American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands. These jurisdictions are not surveyed by the FIST program.

²State and local agencies may conduct NICS checks (as a full or partial point of contact) or conduct transfer or permit checks required by state law. A state agency may compile data from local agencies.

Attachment 11. Proposed 2019 FIST sampling plan

Reporting Agency Type													<u>n</u>
State agency reporter		AK, AZ, AR, CA, CO, CT, DC, FL, HI, IL, KS, KY, LA, MD, MA, MI, MN, MS, NE, NV, NH, NJ, ND, OH, OR, PA, RI, SC, TN, TX, UT, VA, WI, WY											34
	Sampled states	Population Category	GA	MN	WA	<i>Total</i>							
		1) 1-9,999	12	70	22	104							
		2) 10- 99,999	71	87	61	219							
		3) 100,000-199,999	14	2	6	22							
		4) 200,000+	11	2	6	19							
		Totals	108	161	95	364							364
Local agencies	Census states	Population Category	AL	IA	ID	MT	NC	NE	NV	NY	SD	WV	<i>Total</i>
		1) 1-9,999	3	25	15	35	4	101	8	2	47	12	252
		2) 10,000-99,999	52	68	25	17	69	25	7	33	17	40	353
		3) 100,000-199,999	5	4	2	4	15	1	0	11	2	3	47
		4) 200,000+	7	2	2	0	12	2	2	14	0	0	41
		Totals	67	99	44	56	100	129	17	60	66	55	693
Total Agencies for Potential FIST Collection													1091