

Supporting Statement for Paperwork Reduction Act Submissions  
Revision of a currently approved collection  
Fix NICS Act State Implementation Plan Survey  
**OMB Control # 1110-0077**

Part A. Justification

**1. Necessity of Information:**

Congress passed the Fix NICS Act, Pub. L. 115-141, tit. VI, which aims to improve the National Instant Criminal Background Check System (NICS) in a number of ways, including by requiring the Attorney General, in coordination with each State, to establish an implementation plan for each State by March 2019. States used the Fix NICS Act State Implementation Plan Survey to establish those plans.

The plans are intended to “ensure maximum coordination and automation of the reporting or making available appropriate records to the [NICS]... and the verification of the accuracy of those records during a 4-year period specified in the plan.” In addition, the Act requires that each plan establish annual benchmarks to enable the Attorney General to assess the implementation compliance of each plan. These benchmarks include qualitative goals, quantitative measures, and a needs assessment with estimated compliance costs. At the end of each fiscal year, the Department of Justice (the Department) must determine whether each State is in substantial compliance with those annual benchmarks. make those determinations, the Department has asked In order to States to use the same form to provide annual updates on their progress toward meeting those benchmarks.

**2. Needs and Uses:**

This form is intended to collect information to aid in the identification and development of these key areas, and to satisfy the requirements of the implementation plan.

**2. Use of Technology:**

This form is being made electronically available to the submitter for their convenience.

**4. Efforts to Identify Duplication:**

The D epartmentis the only federal agency tasked with implementing the Fix NICS Act, relying in part of the data from this collection..

**5. Methods to Minimize Burden on Small Businesses:**

This information will have no significant impact on small entities. Small businesses will not be affected by this collection.

## **6. Consequences of Less Frequent Collection:**

The Department needs this information in order to comply with its responsibilities under the Fix NICS Act.

## **7. Special Circumstances Influencing Collection:**

On March 23, 2018, President Trump signed into law the Consolidated Appropriations Act, 2018. See H.R. Res. 1625, 115th Cong. (2018) (enacted). Division S, Title VI of this appropriations law is known as the Fix NICS Act. The Act strives to strengthen the National Instant Criminal Background Check System (NICS), which is a program operated at the FBI CJIS Division in West Virginia. Section 107 of the Act required the Attorney General, in collaboration with the States, to establish an implementation plan for each State by March 23, 2019. Each plan was designed to ensure maximum coordination and automation of the reporting or making available of appropriate records to the NICS and the verification of the accuracy of those records during a 4-year period specified in the plan. The State Implementation Plan Survey is essential to the mission of the FBI CJIS NICS because States have used the collection to provide annual updates on their implementation plans, which is necessary in order for the Department of Justice to determine whether each State is in substantial compliance with its annual benchmarks, as required by the Fix NICS Act. In addition, the data collection is necessary identify state records establishing NICS prohibitions that are not available to NICS and develop a plan to submit such records to one of the three systems NICS searches. in order to

## **8. Public Comments and Consultations:**

The FBI sponsors and participates in training seminars, meetings, and conferences with the user community. These meetings are held regularly and provide an open forum to discuss matters of mutual concern, including the state implementation plans. The FBI consults with users on an individual basis as needed. Additionally, the 30 and 60-day Notices of Information Collection will be published in the Federal Register.

## **9. Payment of Gift to Claimants:**

The FBI does not provide any payment or gift to respondents.

## **10. Assurance of Confidentiality:**

Information requested in this collection may be considered confidential business information. Its release is governed by law, regulations, and agency procedures.

## **11. Justification for Sensitive Questions:**

This collection does not include questions of a sensitive nature.

## **12. Estimate of Hour Burden:**

Number of respondents	56
Frequency of response	Annually
Total annual responses	56
Hours per response	40 hours (this includes collecting the information not just responding to the questions).
Annual hour burden	2,240 hours

The Number of Respondents is based on:

The total annual responses is based on the number of states and U.S. territories (to include the District of Columbia) required to have an implementation plan. The hours per response was an estimate based upon the information required within the response. The annual hour burden was determined by multiplying the number of respondents that will be contacted by the estimated time to read the form, then identifying the information requested and answer the questionnaire.

**13. Estimate of Cost Burden:**

Respondents will not incur any costs other than their time to respond. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

**14. Estimated Annualized Costs to Federal Government:**

Personnel Salaries:	\$ 138,283.00
Analysis of incoming information:	\$ 138,283.00
Conversion to electronic format:	\$ 0
Total Cost:	\$ 138,283.00

**Conversion to electronic format: \$ 0**

**Total Cost: \$ 138,283.00**

Because NICS accesses records in three FBI-maintained databases, staff from three areas within the FBI’s CJIS Division will be involved in the on-going collaboration with state agencies as it relates to the Fix NICS Action. This includes the NICS Section, the NCIC Program and the Biometrics Services Section. Staff from these three areas played a key role in helping to determine the information needed on the required state implementation plan and have been active members of a Fix NICS Act multi-agency working group. To calculate an estimated expense for the federal government, the staff needed and the approximate time each would spend on Fix NICS tasks, as a result of information gleaned from state implementation plans, were considered. Another factor considered was that most of the identified staff already work in a

liaison capacity within their respective areas, so the on-going liaison with state contacts as part of the Fix NICS Act could be merged with their existing and normal job duties. It was estimated that approximately 10 percent of each staff member's time would be dedicated to items solely related to the Fix NICS Act. In addition, designated staff within the Bureau of Justice Statistics (BJS) and the Department of Justice will likewise be supporting the review of the state implementation plans and on-going collaboration and evaluation. Therefore, 10 percent of each person's annual salary was calculated and then added together to produce the total estimated cost to the federal government.

**NICS** – 5 staff x 10% annual salary (used GS scale, step 5, to establish RUS general salary)

GS 15 \$14,866.90 (annual salary \$148,669)  
GS14 \$12,639.00 (\$126,390)  
GS13 \$10,695.50 (\$106,955)  
GS13 \$10,695.50 (\$106,955)  
GS13 \$10,695.50 (\$106,955)

**NCIC** – 1 staff x 10% (used GS scale, step 5, to establish RUS general salary)  
GS13 \$10,695.50 (\$106,955)

**BSS** – 2 staff x 10% (used GS scale, step 5, to establish RUS general salary)  
GS13 \$10,695.50 (\$106,955)  
GS12 \$8,994.70 (\$89,947)

**DOJ** – 2 staff x 10% (used GS scale, step 5, to establish DCB general salary)  
GS15 16,828.20 (\$168,282)  
GS15 16,828.20 (\$168,282)

**BJS** – 1 staff x 10% (used GS scale, step 5, to establish DCB general salary)  
GS15 16,828.20 (\$168,282)

**15. Reasons for Change in Burden:**

Adjusted 2022 salary for RUS and DCB localities

**16. Plans for Publication:**

There are no plans to publish the information collected.

**17. Expiration Date Approval:**

As an emergency approval is being requested, the form will not contain an expiration date as this would likely be approved only after completion of the collection.

**18. Exceptions to the Certification Statement:**

There are no exceptions to the certification statement.