

**PAPERWORK REDUCTION ACT SUBMISSION**

**Supporting Statement**

Agency: Federal Bureau of Investigation (FBI)  
Criminal Justice Information Services (CJIS) Division

Title: OMB No: 1110-0026

Forms: Federal Bureau of Investigation National Instant Criminal Background  
Check System (NICS) Federal Firearms Licensee (FFL) Enrollment/NICS  
E-Check Enrollment Form  
OMB No: 1110-0026

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NICS Section

The FBI CJIS Division's NICS Section is requesting the Office of Management and Budget (OMB) approve the Paperwork Reduction Act submission for an extension of the "FBI NICS FFL Enrollment/NICS E-Check Enrollment Form" (hereafter referred to as the Enrollment Form), the "Responsibilities of an FFL under the NICS Form" (hereafter referred to as the Responsibilities Form), and the "FFL Officer/Employee Acknowledgment of Responsibilities Under the NICS Form" (hereafter referred to as the Acknowledgment Form). No revisions were made to the forms.

## **A. JUSTIFICATION**

### **1. Circumstances of the Collection**

In November 1993, the Brady Handgun Violence Prevention Act (Brady Act), Public Law 103-159, requiring FFLs to request background checks on individuals attempting to purchase a firearm, was signed into law. The permanent provisions of the Brady Act, which went into effect on November 30, 1998, required the U.S. Attorney General (AG) to establish NICS that the FFLs may contact by telephone or other electronic means in addition to the telephone for information to be supplied within three business days on whether the receipt of a firearm by a prospective transferee would violate section Title 18, United States Code (U.S.C.), section 922(g) or (n) or state law.

The FFLs serviced by the FBI can contact the NICS Section by using a toll-free number and providing the requisite information to a customer service representative who initiates the check on their behalf. Furthermore, Title 28, Code of Federal Regulations (C.F.R.), section 25, subpart A (The NICS), allows for other electronic means of contact as alternatives in addition to the telephone. Therefore, the NICS Section provides the FFLs with an alternative electronic means, commonly referred to as "NICS E-Check" to initiate NICS background checks.

An enrollment form for a prospective FFL to enroll with NICS to initiate firearm-related background checks either by phone, by NICS E-Check, or by both means is available to the FFLs as a downloadable document at <https://www.fbi.gov/services/cjis/nics/resources-for-federal-firearms-licensees>.

These forms are necessary to register new FFLs with NICS so that the FFLs may be able to access NICS via telephone and/or the internet via the NICS E-Check to initiate NICS background checks. It will be necessary for FFLs who have already enrolled with NICS to register for NICS E-Check only if they wish to conduct NICS background checks via the internet. Once completed, the FFL will electronically send the Enrollment Form to the NICS Section along with the Acknowledgment Form electronically signed by the FFL themselves, for completion of the enrollment process.

Enrollment is a one-time requirement for an FFL, unless the FFL transfers their operation to a new ownership. If that were to occur, a new form would need completed and processed before the FFL would be able to conduct NICS background checks under the business's new ownership.

The NICS Section requests to continue the assigned OMB number 1110-0026 on the three forms as they are distributed together and two must be signed to legally gain and maintain access to initiate NICS background checks.

## **2. Purpose and Use of the Information**

The information collected on the Enrollment Form is necessary for enrollment of the FFLs so the FFL may legally access NICS to initiate NICS background checks. Without enrollment as an authorized user, the FFL cannot request a NICS background check. Congress required the U.S. AG to ensure the privacy and security of the system as they recognized the possibility of the system being used improperly; therefore, NICS must be able to verify an FFL is authorized to

access NICS. Approved NICS Section employees will enter the FFL's information from the enrollment form into NICS; this information is only viewable by NICS Section employees.

Verification of the FFL's information when conducting a NICS background check will protect the integrity and security of NICS and protect the privacy and security of the FFL's information provided to NICS.

In addition, the Acknowledgment Form is a legal document which must be read and signed electronically by all FFLs and their employees serviced by the NICS Section as an acknowledgment of their rights, responsibilities, and obligations as authorized users of NICS.

Under the authority of the Brady Act, 18, U.S.C., § 44, as implemented by 28, C.F.R., § 25, the FBI requires completion of the acknowledgment statement on the form by all FFLs as a condition of being granted NICS inquiry privileges. NICS has been established within the CJIS Division for the purpose of performing instant background checks on prospective firearm transferees. The primary purpose of this acknowledgment is to ensure FFLs accessing and using NICS understand and accept the obligations and responsibilities.

This acknowledgment will be used to identify and validate those FFLs who may be granted NICS inquiry privileges to legally obligate the FFL to comply with these obligations and responsibilities and as evidence of an FFL's knowledge and acceptance of these obligations and responsibilities whenever such matters may be in issue. Completion of this acknowledgment on the enrollment form by an FFL is voluntary, but an FFL who does not complete this acknowledgment will not be granted access to NICS. All users violating 28, C.F.R., § 25, (A), shall be subject to a fine not to exceed \$10,000 and subject to cancellation of NICS inquiry

privilege for misuse or unauthorized access as outlined in 28, C.F.R., § 25, (A), Section 25.11.

This form may be duplicated as required and completed copies of this form by the employees of the FFL must be retained by the FFL in their place of business for each employee accessing NICS. Only the FFL will return an electronically signed copy with his own signature to the NICS Section.

**3. Use of Automated, Electronic, Mechanical, or Technological Collection of Techniques**

The Enrollment Form, the Responsibilities Form, and the Acknowledgment Form are available to the FFL by downloading a copy at <https://www.fbi.gov/services/cjis/nics/resources-for-federal-firearms-licensees>.

The FFLs electronically sign the Enrollment Form and the Acknowledgment Form which is retained electronically by the NICS Section. Once the Acknowledgment Form is completed by the FFL's employees, those completed forms will remain with the FFL and kept on file at the FFL's place of business to indicate that all employees have read and understood the responsibilities of being a NICS user.

**4. Efforts to Identify Duplication**

In 2021, the NICS Section served 4,560 FFLs conducting business in 30 states, 5 U.S. Territories, and the District of Columbia. These FFLs contact the NICS Section to initiate the required background checks using the NICS E-Check via the internet or telephone. As of December 31, 2021, a subset of the FFLs (36,713) was enrolled to submit background checks to

NICS via the NICS E-Check.

The FFLs who have already completed the forms will not be required to do so again unless the business goes under new ownership, or they want to sign up for NICS E-Check if they did not do so previously.

Only new FFLs who request these forms for enrollment will be sent virtual enrollment packets in the future; therefore, there will be no duplication.

**5. Impact on Small Business**

The collection of information will not have a significant impact on small businesses.

**6. Consequences of Not Collecting Data**

Without using this form, an FFL could not be enrolled as an authorized user; thus, the FFL would not be able to access NICS to request a NICS background check either via telephone or NICS E-Check. The FBI will be unable to verify that the FFL has been apprised of their legal rights and responsibilities as authorized users of NICS. Accessing or using NICS, or permitting access or use of NICS by another, for any unauthorized purpose is a violation of federal law, sanctions for which may include criminal prosecution; a civil fine not to exceed \$10,000, and/or cancellation of NICS inquiry privileges. In the event of misuse of the system, the FBI would be unable to prosecute the misuser if there were no legally binding evidence that the FFL understood which uses are authorized and which are not.

**7. Special Circumstances**

The Enrollment Form will be filled out only once, unless the business goes under new ownership. The Acknowledgment Form can be reproduced and is to be completed by all employees of each FFL that will be initiating NICS background checks. The completed forms are to be kept on file at the FFL's place of business indefinitely.

**8. Outside Consultation**

The FBI contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to review the data collection instrument and to provide feedback.

**9. Payment to Respondents**

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

**10. Assurance of Confidentiality**

All information will be held confidentially in accordance with 42, U.S.C., § 3789(g). Information will be utilized by the NICS Section solely in connection with firearm-related background checks conducted through the Brady Act and the regulations promulgated thereunder.

**11. Justification for Sensitive Questions**

The only question on either form that would be of a sensitive nature would be mother's maiden name. The maiden name is requested as a security feature of the NICS E-Check enrollment.

This will be used to verify the identity of the NICS E-Check user. This protects the integrity of NICS and protects the FFL's information.

## 12. Estimates of Hour Burden

It is estimated that enrollment occurs at a rate of approximately 380 FFLs per month. The average response time for reading the directions for the Enrollment Form is estimated to be two minutes; time to complete the form is estimated to be three minutes; and the time it takes to assemble and e-mail the form to the FBI is estimated to be three minutes, for a total of eight minutes per FFL. Estimating an enrollment of 380 FFLs per month for a total of  $380 \times 12 = 4,560$  enrollments per year. The average hour burden for this specific form is  $(4,560 \text{ enrollments} \times 8 \text{ minutes}) / 60 \text{ minutes} = 608 \text{ hours}$ .

The Acknowledgment Form takes approximately three minutes to read the responsibilities and two minutes to complete the form for a total of five minutes. The average hour burden for this specific form is  $4,560 \times 5 \text{ minutes} / 60 \text{ minutes} = 380 \text{ hours}$ . The Responsibilities Form takes an additional two minutes to read which would be  $(4,560 \text{ enrollments} \times 2 \text{ minutes}) / 60 \text{ minutes} = 152 \text{ hours}$ .

The entire process of reading the materials and completing both forms would take 15 minutes per respondent. The average hour burden for completing both forms and reading the Responsibilities Form, would be  $(4,560 \text{ enrollments} \times 15 \text{ minutes}) / 60 \text{ minutes} = 1,140 \text{ hours}$ .



**13. Estimates of Cost Burden**

Forms are available online and can be signed digitally. Copies and postage costs are no longer applicable.

**14. Estimates of Annualized Cost to the Federal Government**

Item A.14

Form Preparation Cost	Total Form Preparation Cost
Staff/Equipment—This figure is absorbed proportionally among the CJIS Division. Cost prorated among all the areas of service.	Total Staffing/Equipment Cost— Cost prorated among all areas of service.
Mailing/Postage	Total Mailing/Postage Cost
Total Cost Burden to Government	0

**15. Reasons for Program Changes**

Packets are no longer mailed as obtaining online copies has become the current method of distribution amongst the respondents. Printing and mailing by the government or respondent is no longer necessary.

If on the rare occasion a hard copy would be requested, the staff and equipment costs are now prorated among all areas of service and the figure is absorbed proportionally among the CJIS Division as the CJIS Division is continuously manned with multiple copy machines.

**16. Plans for Tabulation and Publication**

The data collected will be utilized by the NICS Section solely in connection with firearm-related background checks conducted through the Brady Act and the regulations promulgated thereunder. The information will be maintained in a database for use by FBI employees or FBI contract employees. This information will not be published.

**17. Requests for Approval Not to Display OMB Expiration Date**

The NICS Section is requesting the OMB not display an expiration date on any of the forms. Administratively, it would be extremely difficult to remove all the old forms from all of those businesses that may still retain hard copies of the form.

**18. Exceptions to the Certification Statement**

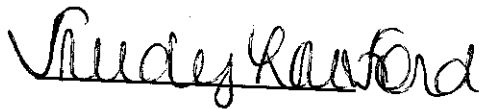
No exceptions to the certification statement are requested.

**B. Collection of Information Employing Statistical Methods**

This collection of information does not employ statistical methods.

**Paperwork Reduction Act Certification Statement**

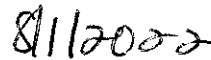
**In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and the OMB directives have been complied with, including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under Section 5, CFR 1320.**



**Trudy L. Ford**

**Section Chief**

**NICS Section**



**Date**