

GAO Highlights

Highlights of [GAO-20-528](#), a report to congressional requesters

Why GAO Did This Study

Federal agencies are required to submit relevant records for use by the NICS. The FBI and designated state and local criminal justice agencies use the NICS to conduct background checks on persons seeking to purchase firearms from federally licensed firearms dealers.

The Fix NICS Act of 2018 requires the head of each federal department or agency to submit a semiannual written certification to the Attorney General indicating whether it is in compliance with record submission requirements and report related data.

GAO was asked to review federal agencies compliance with these requirements. This report examines (1) the number of records federal agencies submitted to databases checked by the NICS from 2010 through 2019, (2) the extent to which DOJ has provided guidance to support federal agency compliance with record submission and reporting requirements, and (3) federal agency plans to address any challenges in submitting records.

GAO reviewed relevant laws and DOJ guidance, analyzed NICS data from calendar years 2010 through 2019, and interviewed officials from the five selected federal agencies that submitted the most prohibiting records to NICS as of 2019.

What GAO Recommends

GAO recommends that the Attorney General ensure that additional guidance is provided to federal agencies on Fix NICS Act certification requirements for record submissions and reporting. DOJ concurred with the recommendation.

View [GAO-20-528](#). For more information, contact Triana McNeil at 202-512-8777 or mcnelt@gao.gov.

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GUN CONTROL

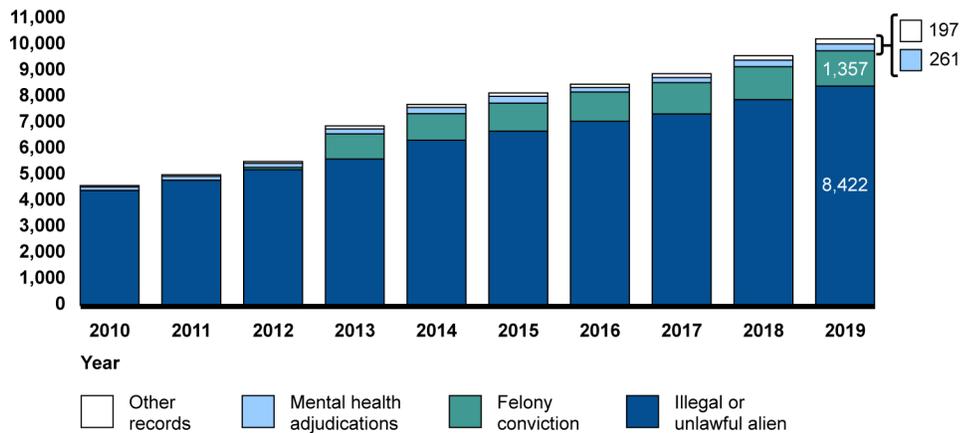
DOJ Can Further Improve Guidance on Federal Firearm Background Check Records

What GAO Found

From 2010 through 2019, federal agencies submitted an increasing number of criminal history records to databases used to conduct firearm background checks under the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS). For example, the number of records in the NICS Indices—the database that contains information that automatically prohibits a person from purchasing firearms—more than doubled from 2010 to 2019 (see fig.). Federal agencies also submitted millions of records to two other databases that contain information relevant to prohibitions on firearm purchases, but are not automatic prohibitors. These records included persons convicted of felonies and misdemeanor crimes of domestic violence.

Federal Records in the National Instant Criminal Background Check System Indices by Prohibiting Category, 2010-2019

Number of records (in thousands)



Source: GAO analysis of Federal Bureau of Investigation data. | GAO-20-528

The Department of Justice (DOJ) has provided guidance to support federal agency compliance with NICS record submission and reporting requirements. The guidance requires agencies to certify they are submitting all relevant records of persons prohibited from purchasing firearms to the databases checked by the NICS and report related data. However, the five selected agencies GAO reviewed differed in how they interpreted some aspects of the guidance. For example, the Department of Veterans Affairs interpreted the guidance as only requiring it to certify the number of records it created or possessed that automatically prohibit an individual from purchasing firearms. The other four agencies—the Departments of Defense, Homeland Security, Justice, and State—interpreted the guidance as requiring them to also include those records that could result in firearms denials, but are not automatic prohibitors. Providing additional guidance would help DOJ ensure that federal agencies consistently report required information in their certifications that is accurate and complete.

The five selected agencies reported plans to address challenges in submitting records to the databases checked by the NICS, including plans to automate the reporting of arrest and disposition records.