

United States Senate

June 19, 2020

The Honorable Jerry Moran
Chairman
Commerce, Justice, Science and
Related Agencies Subcommittee
Senate Appropriations Committee
Washington, DC 20510

The Honorable Jeanne Shaheen
Ranking Member
Commerce, Justice, Science and
Related Agencies Subcommittee
Senate Appropriations Committee
Washington, DC 20510

Dear Chair Moran and Ranking Member Shaheen:

As you consider further appropriations to respond to the unprecedented COVID-19 pandemic, we respectfully request that your Subcommittee include at least an additional \$25 million for the Department of Justice to hire additional National Instant Criminal Background Checks (NICS) staff.

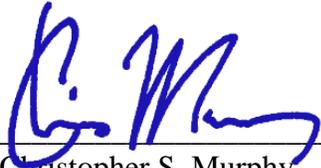
The NICS system is the cornerstone of our legal transfer firearms process in the United States, helps to protect the Second Amendment rights of law-abiding citizens, and helps to ensure that prohibited individuals cannot purchase a firearm from a licensed dealer. The system, which is housed within the Federal Bureau of Investigation (FBI), contains federal, state, tribal, and local records identifying people who are prohibited from purchasing or possessing firearms because of felony convictions, domestic violence, or otherwise. NICS Section staff are responsible for ensuring that information provided from federal, state, and tribal agencies is updated into the system in a timely manner and that technical assistance is available to these partners to identify the required records and transfer them to FBI. In 2018, Congress came together to pass the Fix NICS Act, which reauthorized critical programs and encouraged government agencies to provide complete, accurate, and timely information to the NICS system.

Most NICS background checks are done in minutes, ensuring that the firearms transfer process happens safely and efficiently. However, roughly 10% of NICS checks require additional time. During these delays, NICS examiners investigate whether prospective purchasers are eligible to purchase firearms. Sometimes these investigations involve an evaluation of state or local records and coordination with state and local law enforcement agencies or court staff. Under current law, if a background check is not completed within three business days, the seller may legally transfer the weapon at his or her discretion, although a firearms dealer may never transfer a firearm if the dealer has reason to believe that the transferee is a prohibited person.

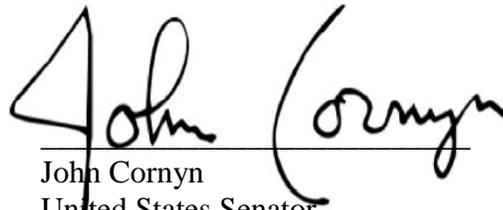
Even before COVID-19, the number of background checks run through the NICS system was increasing, resulting in backlogs. Then, as Americans began to grapple with COVID-19 at the beginning of this year, gun and ammunition sales skyrocketed throughout the country. In March, FBI conducted over 3.7 million background checks, a new record. Five of its 10 busiest weeks ever have occurred in early 2020 during this pandemic.

Given that sales have increased substantially compared to March, April, and May 2019, additional NICS examiners are critical in ensuring the timely and accurate completion of background checks. I therefore request that any future COVID-19 package include at least an additional \$25 million to hire additional NICS staff.

Sincerely,



Christopher S. Murphy
United States Senator



John Cornyn
United States Senator



Richard Blumenthal
United States Senator



Martha McSally
United States Senator